Ordinary Meeting of Council
to be held remotely and live-streamed via Council’s website

Tuesday 28 July 2020 at 7pm

Agenda
Chairperson: Cr Clarke Martin (Mayor)

Councillors: Cr Sonia Castelli
Cr Alex del Porto
Cr Laurence Evans OAM
Cr Rob Grinter (Deputy Mayor)
Cr Michael Heffernan
Cr James Long BM JP

Important Notice

Council is closely monitoring the State Government's directives in response to the ongoing COVID-19 pandemic. Temporary meeting procedures are in effect whereby Council and Committee meetings will be held without members of the public present; however, meetings will be live-streamed via Council's website: http://stream.bayside.vic.gov.au/

Alternative arrangements are in place for members of the community to be heard in relation to eligible items listed on the agenda, or to submit a public question, via the following links:

Requests to be heard (Provide a Written Statement)

Ask a question at an Ordinary Meeting of Council

For further queries, please contact the Governance office on 9599 4444
Order of Business

1. Prayer
2. Acknowledgement of Original Inhabitants
3. Apologies
4. Disclosure of any Conflict of Interest of any Councillor
5. Adoption and Confirmation of the minutes of previous meeting
6. Public Question Time
7. Petitions to Council
   7.1 Petition to implement a new Cheltenham-Southland (Bayside) Structure Plan
   7.2 Petition to review, expand and upgrade the existing BMX track at the corner of Tulip Street and Reserve Road, Cheltenham
8. Minutes of Advisory Committees
   8.1 Assembly of Councillors Record
9. Reports by Special Committees
   9.1 Minutes of the Bayside Arts Board meeting held on 15 July 2020
10. Reports by the Organisation
    10.1 Public participation at Council and Committee meetings
    10.2 Transition from Governance Local Law No: 1 to Proposed Governance Rules 2020
    10.3 Governance Policies: Public Transparency Policy; Councillor Expenses, Reimbursement, Support and Accountability Policy; and Election Period Policy
    10.4 Revised Instrument of Delegations - Planning and Amenity Delegated Committee and the Chief Executive Officer and to Members of Council Staff
    10.5 Bayside Arts and Gallery Advisory Committee Charter
    10.6 Audit and Risk Committee - Appointment and Charter
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1. **Prayer**

O God  
Bless this City, Bayside,  
Give us courage, strength and wisdom,  
So that our deliberations,  
May be for the good of all,  
Amen

2. **Acknowledgement of Original Inhabitants**

We acknowledge that the original inhabitants of this land that we call Bayside were the Boon wurrung people of the Kulin nation.

They loved this land, they cared for it and considered themselves to be part of it.

We acknowledge that we have a responsibility to nurture the land, and sustain it for future generations.

3. **Apologies**

4. **Disclosure of any Conflict of Interest of any Councillor**

5. **Adoption and Confirmation of the minutes of previous meeting**

5.1 Confirmation of the Minutes of the Ordinary meeting of Bayside City Council held on 23 June 2020.

5.2 Confirmation of the Minutes of the Special meeting of Bayside City Council held on 30 June 2020.

6. **Public Question Time**
7. **Petitions to Council**

### 7.1 PETITION TO IMPLEMENT A NEW CHELtenham-Southland (BAYSIDE) STRUCTURE PLAN

Corporate Services - Governance  
File No: PSF/20/12 – Doc No: DOC/20/207082

Petition from residents requesting Council to implement a new Cheltenham-Southland (Bayside) Structure Plan (25 petitioners – all Bayside residents).

“We the undersigned hereby petition Bayside City Council to implement a new Cheltenham-Southland (Bayside) Structure Plan in conformity with Plan Melbourne 2017-2050, the Bayside Housing Strategy and the Bayside Planning Scheme objectives, and community requirements for safe, convenient and sustainable access to Activity Centres and public transport. The CSBSP would replace the Pennydale plan rejected by Department of Environment, Land, Water and Planning (DELWP) 30 April 2020. Petitioners request Councillors commit to the following points so that CSBSP planning and work can commence now for completion in the next Council term:

1. Develop a comprehensive, integrated plan reflecting the majority views of the community and promoting a well-planned increase in residential density required under Plan Melbourne 2017-2050 in conformity with Bayside Housing Strategy 2019 so that any amendment to implement the plan complies with DELWP requirements.

2. Commence work on a Shared User Path (SUP), Cheltenham to Sandringham with shared zones and bicycle paths along the SUP connecting to shopping, sporting, schools, reserves and residential areas enabling pedestrians, bicycles, scooters and people with disabilities to have safe, convenient mobility through the suburb, and request the Minister for Transport to instruct Cheltenham Level Crossing Removal Project (LXRP) to build the first section along Park Road in 2020.

3. Request the Minister for Transport to instruct LXRP to construct a safe SUP standard level crossing, and extend the SUP form Heather Grove to Southland with a bridge over Bay Road to enable safe and convenient connection of Cheltenham, Southland and Highett with work to commence now and be completed with current LXRP works.

4. Request the Minister for Transport to instruct LXRP to extend the path adjacent to Heather Grove north with a ramp to the southern end of the western Platform 1 with a drop off for seniors, people with disabilities, families, etc. to get safely and conveniently to, and from Southland station.”

Dear Councillors,

We Bayside residents and other interested parties, hereby petition the Bayside City Council as follows:

1. To commit to the proposed CSBSP encompassing the area bounded by Southland Station and the rail line, Bay Road, Reserve Road, Weatherall Road and Charman Road. The CSBSP will be an integrated approach to urban planning, including residential, business, community facilities, parks and golf courses in the area, facilitated by an open, transparent and consultative process in accordance with the Bayside Housing strategy, Integrated Transport plan, the Environmental Strategy and Biodiversity, Water for Bayside, Wellbeing for All Ages Strategy and other action plans.

The CSBSP would be the first plan complying with the Council’s Climate Emergency Action Plan, in particular these five initiatives;

i. Mobilise our community
ii. Move to zero carbon transport
iii. Transform to a climate responsive built environment
iv. Protect and enhance our natural environment
v. Switch to zero carbon energy

Community mobility with zero carbon transport will require safe and convenient movement through the area and access to public transport, activity zones and facilities via Shared User Paths (SUP’s), shared zones and connecting paths. Shared paths and connections are central to the CSBSP, and will reduce emissions, traffic congestion and pollution when the specific initiatives noted in points 2, 3 and 4 of our petition and described below are implemented. These can be commenced forthwith, setting the framework for the Access and Movement section of the plan.

The Built Form section of the plan can promote high efficiency ratings, solar electricity with storage, wiring for electric vehicles, waste minimisation and discourage gas connections and water consumption.

2. The CSBSP includes a Shared User Path (SUP) from Cheltenham along Park Road to Reserve Road and eventually connecting to Sandringham with shared zones and connecting paths to shopping, sporting facilities, schools, reserves and residential areas enabling pedestrians, bicycles, scooters and people with disabilities to have safe, convenient mobility through the suburb. It would provide access for residents of apartments, units and houses as well as business staff with a safe, non-polluting alternative to the congested Bay Road, Charman Road, Reserve Road, Bluff Road area. The first part of the SUP at Cheltenham was advocated and shown in the (rejected) Pennydale plan, and is within the Level Crossing Removal Project (now the Major Transport Infrastructure Authority) designated areas for the Cheltenham project and therefore work can commence as soon as Councillors make a request to the Minister for Transport.

3. Extending the Shared User Path (SUP) from Heather Grove with a new safe design level crossing (as is being built at Cremona and Patty Streets) with a SUP on the east side direct to
the Southland Station forecourt. From there the SUP would cross Bay Road via a pedestrian bridge to the Highton Activity Centre. Connecting the Activity Centres at Cheltenham to Southland and over Bay Road to Highton is essential for safe and convenient access for pedestrians, cyclists, mobility scooters and people with disabilities to and from these Activity Centres and their stations. It would greatly improve viability of Southland Station, meet the (DELP) requirements in Plan Melbourne 2017 to 2050, and comply with the Transport Integration Act which governs the Major Transport Integration Authority (MTIA) and the Level Crossing Removal Project (LXRP). The SUP is consistent with the Bayside Integrated Transport Strategy 2018-2028 and is extensively advocated in the (rejected) Pennydale Structure Plan (PSP).

4. Extending the path along the rail corridor with a ramp and MYKI gate for safe and convenient access straight onto Platform 1 is a relatively low-cost way of providing access in accordance with the Disabilities Discrimination Act (DDA). Heather Grove is a wide street with a turning circle and a long section parallel to the rail, suitable for drop offs and pickups for families, seniors, mobility scooters, shuttles busses, etc. This access would relieve residents’ concerns about traffic, allowing the 60 Tulip Grove station entrance to be assessed in a consultative manner and Council to reconsider its opposition to Southland Station access.

To have the SUP from Parkdale to Mentone and Cheltenham come to a dead end with no safe pathway to Southland or to the higher density activity centres would be a setback for residents, businesses and commuters for decades. Once Councillors express their clear requirements to upgrade the Heather Grove crossing and construct the SUP on the east side of the rail corridor, straight into Southland Station forecourt, residents and commuters will see a future for the area and the CSBSP can proceed with confidence that DELWP and MTIA are fully co-operating, to achieve the best outcome for residents of the three activity centres and commuters. There will never be another LXRP with powers under the Major Projects Act, hence Councillors must act urgently to ensure this vital infrastructure is delivered along with the Cheltenham Level Crossing Removal Project.

As the CSBSP is a major issue for residential development and safe convenient access to stations and Activity Centres, and the rejected Pennydale Structure Plan leaves residents exposed to random, uncontrolled development, petitioners request Council announce commencement of the CSBSP well before Council elections. As the Pennydale name is not registered with Geographic Names Victoria, it should not be used in any future reports or documents. Iand.

Yours faithfully,

Lead Petitioner CSBSP

Fraser Gibson CPEng
Cheltenham-Southland (Bayside) Structure Plan proposal sketch

Cheltenham Golf Club

Cheltenham-Southland (Bayside) Structure Plan Boundary
Shared User Path
Existing
Shared zone or path
Bicycle path

SLP to Sandringham
SLP to Reserve Rd.
SLP to Reserve Rd.
Petition Requirements
The submitted petition containing 25 valid signatures meets the required format of a petition in accordance with Council’s Governance Local Law No: 1 Clause 65.

Officer Comments
Following adoption of the Structure Plan, Council wrote to the Department of Environment, Land, Water and Planning (DELWP) in November 2018 requesting authorisation to exhibit Amendment C163bays.

On 30 April 2020, DELWP wrote to Council advising that it had refused authorisation of Amendment C163bays.

Following refusal of authorisation to exhibit Council officers are considering options to be presented to Council at the August Ordinary Meeting of Council. Each option will provide its own opportunities and risks for Council consideration.

Recommendation
That the petition be dealt with in conjunction with a report to be presented to the 18 August 2020 Ordinary Meeting of Council concerning Amendment C163bays - Pennydale Structure Plan.

Support Attachments
Nil
7.2 PETITION TO REVIEW, EXPAND AND UPGRADE THE EXISTING BMX TRACK AT THE CORNER OF TULIP STREET AND RESERVE ROAD, CHELTENHAM

Petition from residents requesting Council to review, expand and upgrade the existing BMX track at the corner of Tulip Street and Reserve Road, Cheltenham Structure Plan (33 petitioners – all Bayside residents).

“We the undersigned hereby petition Bayside City Council to review, expand and upgrade the existing BMX track at the corner of Tulip Street and Reserve Road, Cheltenham”

Preamble

<table>
<thead>
<tr>
<th>SUBMISSION TO CREATE A BMX PUMP TRACK WITHIN THE BAYSIDE LOCAL GOVERNMENT AREA (LGA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUTHOR’S DETAILS</td>
</tr>
<tr>
<td>Jeannie Lowe</td>
</tr>
<tr>
<td>BACKGROUND</td>
</tr>
<tr>
<td>I am a long-time resident of the Bayside LGA and a mother of two active children. I have a strong connection to our local school and community and am keen to see local growth through enhanced facilities that local families are proud to use for years to come.</td>
</tr>
<tr>
<td>KEY ISSUES</td>
</tr>
<tr>
<td>The popularity of BMX riding has only continued to increase in recent years and is appealing to all demographics and age groups. Unfortunately, the existing BMX facilities within the Bayside LGA fall behind those in other LGAs. There is a clear demand for BMX pump tracks demonstrated via multiple similar pump tracks within the Melbourne metropolitan area, however these are all over 30 - 45 minutes travel time from the Bayside area. As these needs are not currently being met for Bayside residents, users have attempted to develop and create BMX tracks in inappropriate or inadequate locations.</td>
</tr>
</tbody>
</table>
The current BMX facilities at Tulip Street, Cheltenham are in dire need of expansion and upgrade. Issues identified with the Tulip Street facilities include:

- The overall size of the track is very small.
- The layout of the track is dangerous as it is sectioned off into two short runs rather than a one-way circuit similar to other tracks.
- The track does not cater for the majority of user’s skill levels. One side of the track has very small rollers ending in a small berm, whereas the other short side has been designed for BMX tricks levelled for use by the seriously advanced/extreme rider.
- As a result of the configuration of the two sides, overcrowding is common on the down ramp and similarly on the small rollers side causing safety concern.

PROPOSAL

To expand and upgrade the current BMX pump track at Tulip Street during the development of the Sandringham Family Leisure Centre:

- To include obstacles such as step down/up, berms, tabletops, rollers in sets and jumps to name a few, all generally found within a standard pump track.
- To increase the width of the riding area to enable more than one person to use the track at the same time.
- To improve the flow of traffic on the track so it has a natural starting and end point (one way) to increase rider safety.

Bayside would be providing facilities that cater for all levels which encourage and enable skills progression. If the BMX pump track is setup correctly, it is anticipated local schools may utilise the area by running excursion or sport curriculums at the facility. The addition of a new BMX track within the immediate area of the current planned Tulip Street upgrade will provide additional value to the overall development.

PROPOSED LOCATION

It is proposed to redevelop the existing BMX facilities on the corner of Tulip Street and Reserve Road Cheltenham.

DEMOGRAPHICS WHO WILL UTILISE THE BMX PUMP TRACK

This project would reach out to diverse demographics and backgrounds within the local community whilst also promoting social connections. The age range would be targeted at, but not limited to children in their pre-teens, teenagers, and those young at heart adults/parents seeking to enjoy time with their children.
Petition Requirements
The submitted petition containing 33 valid signatures meets the required format of a petition in accordance with Council's Governance Local Law No: 1 Clause 65.

Officer Comments
Officers support a safety and usability assessment of the current BMX track facility at Tulip Street Sandringham that may propose renewal and/or upgrade and expansion of the track.

The Tulip Street BMX facility is located in a highly valued and sensitive natural environment, located within the Vegetation Protection Overlay (VPO3) in Council's Planning Scheme. Any proposed upgrade or expansion works will need to fully consider the implications of any subsequent vegetation removal.

Recommendation
That the petition be received and a report be submitted to the 15 December 2020 Ordinary meeting of Council for consideration.

Support Attachments
Nil
8. Minutes of Advisory Committees

8.1 ASSEMBLY OF COUNCILLORS RECORD

Executive summary

Purpose and background
To formally report to Council on the Assembly of Councillors records in accordance with the Local Government Act 1989.

Key issues
This report fulfils the requirements of reporting an Assembly of Councillors to the next practical Ordinary Meeting of Council in accordance with the Local Government Act 1989.

Recommendation
That Council notes the Assembly of Councillors records submitted as required by the Local Government Act 1989:

- 7 July 2020 Strategic Issues Discussion; and
- 14 July 2020 Councillor Briefing.

Support Attachments
1. Record of Assembly of Councillors - 7 July 2020 Strategic Issues Discussion
2. Record of Assembly of Councillors - 14 July 2020 Councillor Briefing
## Record of Assembly of Councillors

Record in accordance with section 80A(1) of the *Local Government Act 1989*

### Meeting Information

<table>
<thead>
<tr>
<th>Meeting Name/Type</th>
<th>Strategic Issues Discussion</th>
</tr>
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<tbody>
<tr>
<td>Meeting Date</td>
<td>7 July 2020</td>
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<tr>
<td>Start Time</td>
<td>4pm</td>
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<tr>
<td>Matters discussed</td>
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<tr>
<td></td>
<td>• Suburban Rail Loop Update</td>
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<td></td>
<td>• Presentation from Paul Cammack, Director Strategy and Special Projects, Tennis Australia - Dendy Tennis Park Proposal</td>
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<td></td>
<td>• Bayside 2050 Draft Community Panel Report Discussion</td>
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<td>• Transition of Local Law No:1 - 2013 (Governance Local Law) to Governance Rules 2020</td>
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### Attendees

**Councillors**
- Mayor, Cr Clarke Martin
- Cr Sonia Castelli
- Cr Alex del Porto
- Cr Laurence Evans
- Cr Rob Grinter
- Cr Michael Heffernan
- Cr James Long

**Staff**
- Mick Cummins – Chief Executive Officer
- Jill Colson – Director Corporate Services
- Bryce Craggs – Director Community & Customer Experience
- Adam McSwain – Director Environment, Recreation & Infrastructure
- Hamish Reid – Director City Planning & Amenity
- Terry Callant – Manager Governance & Corporate Reporting
- Keryn Fisher – Manager Communication & Engagement
- Kristy Green – Manager Transport & Sustainability
- Damien Van Trier – Manager Open Space, Recreation & Wellbeing

### Apologies

**Councillors**
- Nil

### Conflict of Interest disclosures

<table>
<thead>
<tr>
<th>Matter No</th>
<th>Councillor making disclosure</th>
<th>Councillor left meeting</th>
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<tbody>
<tr>
<td>Nil</td>
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## Record of Assembly of Councillors

Record in accordance with section 80A(1) of the Local Government Act 1989

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<tr>
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<th>Councillor Briefing</th>
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<tr>
<td><strong>Meeting Date</strong></td>
<td>14 July 2020</td>
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<tr>
<td><strong>Start Time</strong></td>
<td>4pm</td>
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<tr>
<td><strong>Matters discussed</strong></td>
<td>• Draft Hampton Master Plan - Community Engagement</td>
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<td></td>
<td>• Draft Street and Park Tree Management Policy 2020</td>
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<td></td>
<td>• Request to ban parking during afternoon peak periods on east side of Beach Road between Orlando Street and Linacre Road Hampton</td>
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<td>• Regional Local Government Charter Homelessness &amp; Social Housing</td>
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<td>• Sandringham Hospital Strategic Agreement</td>
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<td>• Advocacy Strategy and Framework</td>
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<td></td>
<td>• Discontinuance Process and approaches to Section 223 - Special Committee of Council meetings</td>
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<td></td>
<td>• Proposal for Bayside Business Stimulus - New Mobile Vendor Sites</td>
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<td>• Governance Policies - Public Transparency Policy and Councillor Expenses, Reimbursement, Support and Accountability Policy and Election Period Policy</td>
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<td>• Bayside Arts and Gallery Advisory Committee Charter</td>
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<td>Joan Andrews – Manager Community Services</td>
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<td>Juliana Aya – Manager Urban Strategy</td>
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<tr>
<td>Terry Callant – Manager Governance &amp; Corporate Reporting</td>
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<td>Matthew Cripps – Manager Development Services</td>
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<td>Keryn Fisher – Manager Communication &amp; Engagement</td>
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<td>Kristy Green – Manager Transport &amp; Sustainability</td>
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<td>Jason Stubbs – Manager Commercial Services</td>
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<td>Damien Van Trier – Manager Open Space, Recreation &amp; Wellbeing</td>
</tr>
<tr>
<td>Tom Vercoe - Strategic Planning Coordinator</td>
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</tbody>
</table>
### Apologies

| Councillors | Nil |

#### Conflict of Interest disclosures

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</tr>
</thead>
<tbody>
<tr>
<td>4.5 - Sandringham Hospital Strategic Agreement</td>
<td>Cr Laurence Evans</td>
<td>Yes</td>
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</table>
Executive summary

Purpose and background
To present the minutes of the Bayside Arts Board meeting held on 15 July 2020 to Council for noting.

In accordance with Section 86 of the Local Government Act 1989, Council at its meeting in July 2016, established a Special Committee of Council known as the Bayside Arts Board.

Council, through an instrument of delegation, also delegated some powers and function to the gallery which are listed below:

The following functions, powers, and discretions are delegated to the Bayside Arts Board:

1. To recommend a four year Strategic Plan for The Gallery@BACC, to be presented to Council for adoption, including adjustments and alterations as determined by Council. The Strategic Plan will be in accordance with the Council-adopted purpose that has been established for The Gallery@BACC.
2. Approve acquisitions, de-accessions, and the ongoing management of Council’s art & heritage collection on recommendation from the Council executive team member with management responsibility for the Arts & Culture programs in accordance with Council’s Art & Heritage Collection Policy, the approved Four Year Strategic Plan and Council’s annual budget.
3. Approve The Gallery@BACC exhibition and public program schedule with regard to the Four Year Strategic Plan.
4. Monitor performance against the Four Year Strategic Plan and provide strategic advice to Council as necessary.
5. Support staff in building of relationships and partnerships with artists, arts sector organisations, business and government agencies.
6. Approve marketing and promotion strategies as outlined in the Strategic Plan, The Gallery@BACC’s exhibition program, public programs, and its positive artistic, social, and economic impacts.
7. Provide advice and guidance on the pursuit of sponsorship, fundraising, and philanthropic opportunities, and investigation of the feasibility of establishing a Gallery@BACC Foundation to facilitate the receipt of donations, bequests, and proceeds of fundraising activities.

The Gallery Board membership comprises three Councillors appointed by Council and six ordinary members appointed through a public expression of interest process.
Key issues
A meeting of the Bayside Arts Board was held on 15 July 2020 to consider the following matters:

- Business Outstanding Report
- Quarterly Report from April to June 2020
- Collection management report – missing items
- Bayside Arts and Gallery Advisory Committee Charter.

A copy of the 15 July 2020 minutes of the Bayside Arts Board meeting is attached for Council’s information.

Recommendation
That Council notes the minutes of the Bayside Arts Board meeting held on 15 July 2020.

Support Attachments
1. Minutes Bayside Arts Gallery July 2020
Considerations and implications of recommendation

Liveable community

Social
The Bayside Arts Board provides a social impact by providing community members with an opportunity to be engaged and provide advice on Council policies and strategies, and to consider issues and opportunities relating to the various forms of art including Bayside’s art collection.

Natural Environment
There are no natural environment impacts associated with this report.

Built Environment
There are no built environment impacts associated with this report.

Customer Service and Community Engagement
There are no customer service or community engagement implications associated with this report.

Human Rights
The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
There are no legal or statutory requirements associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The Bayside Arts Board has a direct link to the Council Plan with regards to connecting with the community and supporting arts and culture.
Minutes of the
The Bayside Arts Board (Section 86 Committee) Meeting

held remotely via Zoom
on
Wednesday 15 July 2020 at 6.00pm

1. Welcome and opening of the meeting

The Chairman Cr Long declared the meeting opened at 6.02pm and welcomed members of the Board to the meeting.

2. Present

Councillors: Cr James Long (Chairman)
Cr Sonia Castelli
Cr Alex del Port

External Members Ms Tiziana Borghese
Ms Angelina Beninati
Mr Brian Hewitt
Ms Sarah Morris
Mr Arvind Vasan

Officers in attendance Bryce Craggs – Director Community and Customer Experience
Terry Callant – Manager Governance and Reporting
Emil Kiesman – Manager Customer and Cultural Services
Giacomina Pradolin – Arts and Culture Program Coordinator

3. Apologies

There were no apologies submitted to the meeting.

It was noted that Ms Bo Rutecki was present at the meeting.

4. Disclosure of any Conflict of Interest

There were no conflicts of interest submitted to the meeting.
5. Adoption and Confirmation of the minutes of previous meeting

Meeting held on 3 June 2020.

Moved: Ms Borghese  Seconded: Ms Beninati
That the minutes of the Bayside Arts Board (Section 86 Committee) Meeting held on 3 June 2020, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

6. Reports

6.1 BUSINESS OUTSTANDING REPORT

Community and Customer Experience - Customer & Cultural Services
File No: FOL/20/433 – Doc No: DOC/20/188137

Moved: Ms Morris  Seconded: Cr del Porto
1. That the Bayside Arts Board notes the Business Outstanding Report.
2. That the location adjacent to the 7/11 store in Bay Street Brighton be explored as a preferred site for a potential wall art project.
3. That Bayside Arts Board members be encouraged to submit further suggested sites for exploration and future consideration.

CARRIED

6.2 QUARTERLY REPORT APRIL - JUNE 2020

Community and Customer Experience - Customer & Cultural Services
File No: FOL/20/433 – Doc No: DOC/20/188392

Moved: Mr Hewitt  Seconded: Ms Beninati
That the Bayside Arts Board notes the Quarterly Report from April to June 2020. this report.

CARRIED
6.3 COLLECTION MANAGEMENT REPORT - MISSING ITEMS

Community and Customer Experience - Customer & Cultural Services
File No: FOL/20/433 – Doc No: DOC/20/190203

The Curator presented a Collection Management report highlighting a number items to be de-accessed given those items did not meet the criteria for the collection.

The Curator indicated that some of the collection items over a twenty year journey had been destroyed or missing, and accordingly this is an opportunity to update the collection register to truly reflect the existing collection.

Moved: Mr Hewitt           Seconded: Ms Beninati

The Bayside Arts Board recommends to Council to formally deaccession the 100 items currently recorded and listed as missing in the Collection Database as outlined in attachment 1 to the report.

CARRIED

6.4 BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE CHARTER

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/189880

Moved: Ms Beninati           Seconded: Ms Morris

That the Bayside Arts Board recommends to Council to endorse the draft Bayside Arts and Gallery Advisory Committee Charter subject to item 2.4 to be revised to read:

"The public art and wall/mural art program across the municipality"

CARRIED

7. General Business

Nil

8. Confirmation of date of future meetings

The next scheduled meeting is to be held on Wednesday 14 October 2020 at 6.00pm.

The Chairperson declared the meeting closed at 7.19pm.
10. Reports by the Organisation

10.1 PUBLIC PARTICIPATION AT COUNCIL AND COMMITTEE MEETINGS

This report provides an update regarding the temporary meeting procedures relating to public participation at Council and Committee meetings, adopted at the March 2020 Ordinary Meeting of Council.

Recommendation

That Council:

1. acknowledges the ongoing restrictions as a result of COVID-19, and the increase in community transmissions and will conduct Council and Committee meetings remotely via a teleconferencing tool until further notice, on the basis that all meetings are live-streamed online; and

2. continues to follow the temporary meeting procedures concerning public participation at Council and Committee meetings adopted at the March 2020 Ordinary Meeting of Council.

Support Attachments

Nil
10.2 TRANSITION FROM GOVERNANCE LOCAL LAW NO: 1 TO PROPOSED GOVERNANCE RULES 2020

Executive summary

Purpose and background
The purpose of this report is to introduce the transition from Council’s Local Law No:1 – 2013 (Governance Local Law) to the format of ‘Governance Rules’ as required by the Local Government Act 2020 (The Act).

Council, at its Ordinary meeting on 29 October 2013, adopted Local Law No:1 – 2013 (Governance Local Law).

Section 60 (1) of the Act, proclaimed on 1 May 2020, requires that a Council must develop, adopt and keep in force Governance Rules, for or with respect to, the conduct of Council meetings and delegated committees; the form and availability of meeting records; the election of the Mayor and Deputy Mayor, or appointment of an Acting Mayor; an election period policy; procedures for disclosure of a conflict of interest by a Councillor, member of a delegated committee or member of Council staff; and any other matters prescribed by the regulations.

Section 60 (7) and (8) of the Act directs that a Council must adopt its Governance Rules on or before 1 September 2020. Until a Council adopts Governance Rules, 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.

Key issues

Development
The review of the existing Governance Local Law encompasses an assessment against the Draft Model Governance Rules developed by Local Government Victoria (LGV) and is based on Maddocks Lawyers’ Governance Rules template.

Key considerations / changes proposed

Notice of Motion (Section 26)
Section 26 has been enhanced to clarify the type of motions that may be rejected by the Chief Executive Officer.

Section 26.3 has been included to provide that a Councillor submitting a notice of motion must submit a written rationale for the proposed Notice of Motion.
Procedural motions (Section 45)
Section 45 relating to procedural motions has been made clearer, particularly to the impact as a result of a procedural motion.

Valid Points of Order (Section 56)
Section 56 has been expanded to include 3 additional points of order. These include:

- a question of procedure;
- a motion which has not been accepted by the Chairperson; and
- a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct.

Petitions and Joint Letters (Section 58)
Section 58 relates to petitions and joint letters. It is suggested the number of signatories to a petition be increased from 5 to 15 signatories. It is considered that obtaining 15 signatories for a petition is not an unreasonable requirement. A large number of signatories indicates the issue petitioned is far wider than just one household with 5 people present (for example).

In recent years electronic and online petitions have increased and Council has not had the ability to deal with these. Section 58 sub-rule 12, 13 and 14 provides for Council to consider online and electronic petitions.

The draft Governance Rules proposes that the number of signatories to an online or electronic petition must be a minimum of 50 electronic signatories, and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.

Individual presentation to Section 223 of the Local Government Act 1989 (Delegated committee – Heating of Submissions) (Section 64)
Section 64 of the current Governance Local Law references Council’s requirements pursuant to section 223 of the Local Government Act (1989). Section 223 of the 1989 Act is still a current provision. For statutory matters, section 223 affords submitters the right to be heard in support of their submission though does not set out a time limit – this is determined by Council and under the Governance Local Law is presently fifteen (15) minutes. The proposed Governance Rules proposes that this time limit be reduced to ten (10) minutes.

A further consideration is the format and makeup of the ‘section 223’ Special Committee meetings. It is proposed that when Council establishes the Hearing Committee they give due consideration to the following principles:

a) Where an issue affects a large proportion of the Bayside community all councillors will be appointed to the Hearing Committee.

b) Where an issue affects a ward-related matter, only Ward Councillors and the Mayor or Deputy Mayor will be appointed to the Hearing Committee.

Of course, the establishment of the Hearing Committee and the make-up of members of the Committee is determined by Council on each occasion.

This provision also includes that the Hearing Committee may be held electronically via a video conferencing tool.
Limitations upon Speakers (members of the public) (Section 62)

Time limits
Section 69 of the existing Governance Local Law provides that members of the public, where permitted, be afforded up to 3 minutes (with no extension to be granted) to speak in response to reports by the organisation on the Agenda. Consideration has been given to various options for hearing from speakers. The various options are detailed below:

Council Meeting options

Option 1 – Limit of 10 speakers per item. (first 5 speakers in favour of recommendation and first 5 against the recommendation)
Council to consider requests from up to 5 individuals in favour of the recommendation and five against the recommendation.
Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.
After reaching the ceiling of 5 speakers for both positions, the electronic form to be disabled.
Those individuals that may have missed the opportunity to register to speak would have the opportunity to make a written submission as per the same process instigated through COVID-19 processes.

Option 2 – Limit of 10 speakers per item (first 10 speakers registered.)
Council to consider requests from the first 10 registered speakers.
Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.
After reaching the ceiling of 10 speakers, the electronic form to be disabled.
Those individuals that may have missed the opportunity to register to speak would have the opportunity to make a submission as per the same process instigated through COVID-19 processes.

Option 3 – Status quo (prior to COVID-19 provisions) but limit speaking time to 2 minutes
This option proposes a change the time allocation per speaker from 3 minutes to 2 minutes per speaker.
Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.

Option 4 – Status quo (prior to COVID-19 provisions) – No limitation on number of speakers and retain 3 minutes speaking time
This option proposes to retain no limitation on the number of speakers and that speaking times should remain at 3 minutes.
Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.

Item 10.2 – Reports by the Organisation
Planning and Amenity Committee

Option 1 – Limit of 10 speakers per item. (up to 7 objectors and 3 supporters)

Given there are usually more objectors than supporters for Planning applications, it is suggested that the numbers be limited to 10 speakers (up to 7 objectors and 3 supporters, including the applicant and/or their representative).

Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.

After reaching the ceiling of speakers for both positions, the electronic form to be disabled.

Those individuals that may have missed the opportunity to register to speak, would have the opportunity to make a submission as per the same process instigated through COVID-19 processes.

Option 2 – Limit of 10 speakers per item. (5 objectors and 5 supporters)

This option provides for more of a balance of speakers. However, history indicates that very rarely does an application have more than 3 individuals speaking in support of the application.

Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.

After reaching the ceiling of speakers for both positions, the electronic form to be disabled.

Those individuals that may have missed the opportunity to register to speak, would have the opportunity to make a submission as per the same process instigated through COVID-19 processes.

Option 3 – Status quo (prior to COVID-19 provisions) but limit speaking time to 2 minutes

This option proposes a change to the time allocation per speaker from 3 minutes to 2 minutes per speaker.

Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.

Option 4 – Status quo (prior to COVID-19 provisions) – No limitation on number of speakers and retain 3 minutes speaking time

This option proposes to retain no limitation on the number of speakers and that speaking times should remain at 3 minutes.

Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”. 
The proposed Governance Rules puts forward the following proposition:

**Planning and Amenity Committee**

**Combined Option 1 and Option 3 – Limit of 10 speakers per item. (7 objectors and 3 supporters) and reduction in speaking time to 2 minutes**

Given there are usually more objectors than supporters for Planning applications, it is suggested that the numbers be limited to 10 speakers (7 objectors and 3 supporters, including the applicant and/or their representative).

Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.

After reaching the ceiling of speakers for both positions, the electronic form to be disabled.

Those individuals that may have missed the opportunity to register to speak, would have the opportunity to make a submission as per the same process instigated through COVID-19 processes.

The draft Governance Rules also proposes a change to the time allocation per speaker from 3 minutes to 2 minutes per speaker.

**Council Meeting**

**Option 3 – Status quo but limit speaking time to 2 minutes**

Insert an additional sub-rule within the Governance Rules to indicate “That It is preferable for any group or association that wishes to be heard, to nominate a spokesperson for an issue upon which the group or association may wish to be heard”.

**Recording of Meetings (Section 77)**

Section 77(1) has been amended to refer to webcasting of meeting proceedings.

Section 77(4) has been relaxed so members of the public can record or take pictures on their personal devices as it is difficult to control. However, no use of photographic and video recording is allowed where it may disrupt the meeting proceeding, such as film crews and television crews.

**Meetings conducted Remotely (Section 85)**

Section 85 has been included to referencing meetings being conducted remotely.

**Criticism of members of Council Staff (Section 86)**

Section 86 has been included which has been suggested by the LGV model and Maddocks Lawyers.

**Chapter 4 – Meeting procedure for Community Asset Committee**

This Chapter provides the opportunity for Council to establish a Community Asset Committee.
Chapter 5 – Meeting procedure for Advisory Committees
This Chapter provides the opportunity for Council to establish Advisory Committees and some administrative procedures.

Chapter 6 – Joint Council Meetings
This Chapter includes procedures relating for Joint Council Meetings which has been established within the Local Government Act 2020.

Chapter 7 – Disclosure of Conflicts of Interest
This Chapter clearly articulates the process for disclosing conflicts of interest in a range of meetings and includes members of staff.

Chapter 8 – Miscellaneous
This Chapter encapsulates informal meetings of Councillors, and Confidential Information, and also includes reference to the review of these rules (Section 3) and the inclusion of reference to COVID-19 or a similar emergency which may require some parts of the Rules to be suspended or limited (Section 4).

Chapter 9 – Use of Council’s Common Seal
This is the same section as the existing Local Law.

Chapter 10 – Council Records
This Chapter specifically relates to keeping notes of matters discussed (Assemblies of Councillors). It also provides that a register of Councillor attendance be maintained for all meetings and published on the website.

Chapter 11 Election period policy.
This Chapter provides for the compliance of Section 69 of the Act and directs that the Governance Rules must incorporate an election period policy. A draft election period policy has not been included in the Draft Governance Rules 2020 as this has been presented separately to the July Council Meeting. No changes are made to the content of the Election Period Policy other than referencing the new 2020 Act.

Community Consultation
Community consultation commenced on 9 July 2020 via ‘Have Your Say’ campaign page on Council’s website and will continue until 11am on 10 August 2020 to assess community interest / concerns regarding the proposed changes.

Feedback to date indicates the desire from some community members to retain the allocated 3 minutes per individual speaking time.

A summary of the feedback will be presented to Council at a Special Council Meeting on 25 August 2020.
Recommendation

That Council:

1. acknowledges and notes that community consultation on the draft Governance Rules as required under section 60 of the Local Government Act 2020 commenced on 9 July 2020 via Council’s ‘Have your Say’ webpage;

2. continues to receive community feedback on the draft Governance Rules up until 11:00am on Monday 10 August; and

3. receives a further report at a Special Meeting of Council on 25 August at 6:00pm which considers the community feedback received, prior to the adoption of the Governance Rules 2020.

Support Attachments

1. Proposed Governance Rules 2020 - (Community Consultation July 2020) ↓
Considerations and implications of recommendation

Liveable community

Social

The proposed Governance Rules 2020 will provide positive benefits to the Council decision-making process through clear and concise enhancements to the Governance Local Law No: 1 – 2013.

Natural Environment

There are no Natural Environmental implications associated with this report

Built Environment

There are no Built Environmental implications associated with this report

Customer Service and Community Engagement

Community consultation commenced on 9 July 2020 via ‘Have Your Say’ campaign page on Council’s website and will continue until 11 am on 10 August 2020 to assess community interest / concerns regarding the proposed Governance Rules 2020.

Human Rights

The proposed Governance Rules 2020 have been assessed against the principles of the Victorian Charter of Human Rights and Responsibilities Act 2006 and are considered to be compatible with the Charter, given the limitations are reasonable. The limitations strike the correct balance by providing a person with the right to take part in civic life and serving the interests of the local community.

Legal

The transition from Council’s Local Law No:1 – 2013 (Governance Local Law) to the format of ‘Governance Rules’ is required under section 60 (1) of the Local Government Act 2020.

Section 60 (7) and (8) of the Act directs that a Council must adopt its Governance Rules on or before 1 September 2020. Until a Council adopts Governance Rules, 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.

Finance

There are no financial implications associated with this report.

Links to Council policy and strategy

This report has a direct link to Goal 8 of the Council Plan – providing good governance and transparency of the Council’s decision making processes.
Proposed
Governance Rules 2020
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Bayside City Council has established Governance Rules in accordance with section 60 of the Local Government Act 2020

Commitment

Good governance, integrity and accountability are central to the Local Government Act 2020 (the Act), to underpin local government democracy, accountability, conduct and enable our community to hold the Council to account. Council is committed to embedding the principles of good governance throughout its decision making, corporate governance and democratic governance by establishing and adhering to the Governance Rules established. The principles of good governance incorporate the principles outlined in the Act, including overarching principles as well as the public transparency, community engagement, strategic planning, service performance and financial management principles.

Council decision making will be founded on good governance and conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Governance Rules for the scrutiny of our community and accountability of Councillors and Council officers. Council recognises that accountability, integrity and transparency are of fundamental importance to our community and are critical for enhancing good governance.

Council seeks to apply good governance in order to:

- engage our community in decision making;
- achieve the best outcomes for the Bayside community, including future generations;
- ensure transparency of Council decisions, actions and information;
- ensure the ongoing financial viability of Council;
- increase our performance, and
- spend public monies wisely.
INTRODUCTION

1. Purpose

These Governance Rules determine the way in which Council will:

- make decisions:
  - in the best interest of the Bayside community;
  - fairly and on the merits of the matter before Council; and
  - in a way that ensures any person whose rights will be directly affected by a decision will be entitled to communicate their views and have their interests considered;
- elect its Mayor and Deputy Mayor;
- conduct meetings of Council and Delegated Committees;
- give notice of meetings and record and make available meeting records (minutes and live streamed meetings);
- be informed in its decisions making through community engagement advisory committees and Council officer reports; and
- require the disclosure and management of conflict of interest.

The Governance Rules also include:

- rules for the conduct of Council and Councillors during election periods through the Election Period Policy; and
- provision for the use of Council’s common seal.

Section 60(2) Local Government Act 2020

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.
2. **Principles**

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the *Local Government Act 2020*. These principles are:

(a) council decisions are to be made and actions taken in accordance with the relevant law;
(b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
(c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
(d) the municipal community is to be engaged in strategic planning and strategic decisions making;
(e) innovation and continuous improvement is to be pursued;
(f) collaboration with other councils and governments and statutory bodies is to be sought;
(g) the ongoing financial viability of the Council is to be ensured;
(h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
(i) the transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, Council must take into account the following supporting principles —

(a) community engagement principles;
(b) public transparency principles;
(c) strategic planning principles;
(d) financial management principles; and
(e) service performance principles.

3. **Nature of Rules**

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

4. **Date of Commencement**

These Governance Rules commence on 1 September 2020.
5. Contents

These Governance rules are divided into the following Chapters for ease of reading:

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6. Definitions

Act means Local Government Act 2020 (the Act).

Advisory Committee means a committee established by the Council, that provides advice to:

(a) the Council; or

(b) a member of Council staff who has been delegated a power, duty or function of the Council;

that is not a Delegated Committee.

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting.

Agreement of Council means an indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote.

Audit and Risk Committee means the Audit and Risk Committee established by a Council under section 53.

Authorised Officer has the same meaning as in the 1989 Act or any other Act.

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson.

Chamber means any room where the Council holds a Council Meeting.

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office.

Committee Meeting means a meeting of a Delegated Committee.

Common Seal means the common seal of Council.
Council means Bayside City Council.

Councillor means a Councillor of Council.

Code of Conduct has the same meaning as in the Act.

Council Meeting means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting.

Delegate has the same meaning as in the Act.

Delegated Committee has the same meaning as in the Act.

Delegated Committee Meeting means a Meeting of a Delegated Committee.

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.

Director means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer.

Disorder means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order,
- making comments that are defamatory, malicious, abusive or offensive,
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting.

Foreshadowed motion means a matter raised in the relevant section of the Council Meeting that a Councillor intends to put forward a motion.

Majority of Votes means a majority of Councillors present at the time of a vote voting in favour of a matter.

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor.

Meeting means a Council Meeting or a Delegated Committee Meeting.

Member means a member of any committee to which these governance rules apply.

Minister means the Minister for Local Government.

Minutes means the official record of the proceedings and decisions of a Meeting.

Motion means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted.

Notice of Motion means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting.

Notice of Rescission means a Notice of Motion to rescind a resolution made by Council.

On Notice means held or deferred to enable preparation of a response.
**Point of Order** means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting.

**Procedural Motion** means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure.

**Rule or Sub-rule** means a rule or sub-rule included in these Governance Rules.

**Urgent Business** means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting.

**Unscheduled Meeting** means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council.
CHAPTER 1 – GOVERNANCE FRAMEWORK

1. Context

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

(a) the overarching governance principles specified in section 9(2) of the Act; and

(b) the following documents adopted or approved by Council:

- Community Engagement Policy;
- Public Transparency Policy;
- Conflict of Interest Guide for Councillors and Staff;
- Good Governance Framework;
- Councillor Code of Conduct;
- Staff Code of Conduct; and
- Other relevant policies.

Guidance and overview notes within these rules are intended to be explanatory and included for guidance and do not form part of these Governance Rules. These Rules will be monitored and updated to reflect changes to legislation or to assist interpretation and understanding.

2. Decision Making

(a) In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:

(i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and

(ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations;

(b) Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered); and

(c) Without limiting anything in paragraph (b) of this sub-Rule:

(i) before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

(ii) if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
(iii) if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and

(iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.
CHAPTER 2 – MEETINGS PROCEDURE FOR COUNCIL MEETINGS

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Part A – Introduction

1. Title

This Chapter will be known as the ‘Meeting Procedure Chapter’.

2. Purpose of this Chapter

The purpose of this Chapter is to:

(1) provide for the election of the Mayor and any Deputy Mayor;
(2) provide for the appointment of any Acting Mayor; and
(3) provide for the procedures governing the conduct of Council meetings.

3. Definitions and Notes

(1) In this Chapter:

‘agenda’ means the notice of a meeting setting out the business to be transacted at the meeting;

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

‘minute book’ means the collective record of proceedings of Council;

‘municipal district’ means the municipal district of Council;

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

‘notice of rescission’ means a notice of motion to rescind a resolution made by Council; and

‘written’ includes duplicated, lithographed, photocopies, printed and typed, and extends to both hard copy and soft copy form, and writing has a corresponding meaning.

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

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

4. Election of the Mayor

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

5. Method of Voting

The election of the Mayor must be carried out by a show of hands.

6. Determining the Election of the Mayor

(1) The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

(2) Any nominations for the office of Mayor must be:

   (a) in writing and in a form prescribed by the Chief Executive Officer; and
   (b) seconded by another Councillor.

(3) Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

   (a) if there is only one nomination, the candidate nominated must be declared to be duly elected;
   (b) if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;
   (c) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
   (d) in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
   (e) if one of the remaining candidates receives an absolute majority of votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of votes. That candidate must then be declared to have been duly elected;
(f) in the event of two or more candidates having an equality of votes and one of them having to be declared:

(i) a defeated candidate; and

(ii) duly elected

the declaration will be determined by lot.

(g) if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

(i) each candidate will draw one lot;

(ii) the order of drawing lots will be determined by the alphabetical order of surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by alphabetical order of the Councillors' first names; and

(iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word 'Defeated' shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

(1) any office of Deputy Mayor; or

(2) Chair of a Delegated Committee

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

(3) Chief Executive Officer is a reference to the Mayor; and

(4) Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

8. Appointment of Acting Mayor

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

(1) resolving that a specified Councillor be so appointed; or

(2) following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.
Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by Council

Subject to Rule 11, Council must from time to time fix the date, time and place of all Council meetings.

10. Council May Alter Meeting Dates

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

11. Meetings Not Fixed by Council (Special Council Meetings)

(1) The Mayor or at least 3 Councillors may by a written notice call a Special Council meeting.

(2) The notice must specify the date and time of the Special Council meeting and the business to be transacted.

(3) The notice to be delivered or sent electronically to the Chief Executive Officer in sufficient time to enable reasonable notice of the Special Council Meeting to be given to all Councillors.

(4) The Chief Executive Officer must convene the Special Council meeting as specified in the notice.

(5) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the written notice can be transacted at the Council meeting.

Explanatory note:

Council is also able to call a Special Council meeting. This must be done by resolution. The Chief Executive Officer can call a Special Council meeting to be held within 14 days of the result of the Council election being declared.
12. Council / Committee Meeting Location

12.1 Council Meetings, and Delegated Committee meetings will be held in the Council Chambers, or any building within the Civic Centre Precinct as determined by the Mayor, or another location outside the Civic Centre Precinct by resolution of the Council.

12.2 Special Council meetings may be held at the Council Chambers or the Corporate Centre as determined by the Mayor or by the formal notice calling the Special Meeting of Council.

13. Notice of Meeting

(1) A notice of meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be delivered or sent electronically to every Councillor for all Council meetings no fewer than 48 hours before the meeting.

(2) Notwithstanding sub-Rule (1), a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting during the period of his or her absence.

(3) Reasonable notice of each Council meeting must be provided to the public. Council may do this:

(a) for meetings which it has fixed by preparing a schedule of meetings annually, twice yearly or from time-to-time, and arranging publication of such schedule in a newspaper generally circulating in the municipal district either at various times throughout the year, or prior to each such Council meeting; and

(b) for any meeting by giving notice

(i) on its website;

(ii) the Corporate Centre/or

(iii) in at least one daily newspaper generally circulating in the municipal district; and

(iv) or unless time does not allow this to occur in a newspaper, in which case the posting of a notice setting out the details must be displayed on Council’s website and the entrance of the Council Chambers and Corporate Centre.
Division 2 – Quorums

14. Quorums

The quorum for Council meetings or Special Council meetings is the presence of a majority of the Councillors.

15. Inability to Obtain a Quorum

If after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:

(1) the meeting will be deemed to have lapsed;

(2) the Mayor must convene another Council meeting, the Agenda for which will be identical to the Agenda for the lapsed meeting; and

(3) the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

16. Inability to Maintain a Quorum

(1) If during any Council meeting, a quorum cannot be maintained then Rule 14 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.

(2) Sub-Rule (1) does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

17. Inability to Achieve or Maintain a Quorum due to Conflicts of Interest of Councillors

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by one or more Councillors, the Chair must:

(a) defer the item of business in respect of which there is or is likely to be a disclosure of a conflict of interest by one or more Councillors, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting; or

(b) adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.
18. **Adjourned Meetings**

(1) Council may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.

(2) The Chief Executive Officer must give written notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

(3) If it is impracticable for the notice given under sub-Rule (2) to be in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.

19. **Time limits for Meetings**

(1) A Council meeting or a Special Council meeting or Delegated Committee meeting must not continue after 11:00pm unless a majority of Councillors present vote in favour of it continuing.

(2) A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).

(3) If a matter before the meeting has not concluded by the time the 30 minute time extension has expired, the matter before the meeting may continue until such time as the matter has been resolved. No further matters may be considered after the conclusion of the matter before the meeting.

(4) In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the Chair immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 18(2) and 18(3) apply.

20. **Cancellation or Postponement of a Meeting**

(1) The Chief Executive Officer may, in the case of an administrative matter or an emergency necessitating the cancellation or postponement of a Council meeting or Special Council meeting, cancel or postpone a Council meeting or Special Council meeting.

(2) The Chief Executive Officer must present to the immediately following Council meeting a written report on any exercise of the power conferred by sub-Rule (1).
Division 3 – Business of Meetings

21. Agenda and the Order of Business

The agenda for and the order of business for a Council meeting is to be determined by the Chief Executive Officer so as to facilitate and maintain open, efficient and effective processes of government.

22. Change to Order of Business

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

23. Urgent Business

If the agenda for an Council meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

(1) relates to or arises out of a matter which has arisen since distribution of the agenda; and

(2) cannot safely or conveniently be deferred until the next Council meeting.

24. Reports of Delegates

(1) A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

(2) In presenting, the Councillor may for up to 3 minutes:

(a) address Council on the contents of any written report which the Councillor has submitted for inclusion in the Agenda; or

(b) provide a verbal report on any matters otherwise arising out of the deliberations of the external body, association, group or working party.
Division 4 – Motions and Debate

25. Councillors May Propose Notices of Motion

Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion.

26. Notice of Motion

(1) A Councillor can submit to the Chief Executive Officer a Notice of Motion for inclusion in the Agenda for a meeting.

(2) A notice of motion must be in writing signed by a Councillor, (including by electronic means) and be lodged with or sent to the Chief Executive Officer no later than 12 noon 8 days before the day of the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.

Explanatory note:
For avoidance of confusion, if a meeting is to be held on a Tuesday, a notice of motion must be signed and lodged no later than 12 noon on the previous Wednesday.

(3) The notice of motion submitted to the Chief Executive Officer must include the words for the proposed motion, and include a written rationale for the proposed motion to be submitted.

(4) The Chief Executive Officer may reject any notice of motion which:

(a) is vague or unclear in intention;

(b) relates to a matter that can be addressed through the operational service request process;

(c) relates to a matter that has been previously resolved by Council within the previous 6 months, or is acted upon;

(d) is beyond Council’s power to pass; or

(e) if passed would result in Council otherwise acting invalidly;

but must:

(f) give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

(g) notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

(5) The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.
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(6) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the Agenda for the relevant Council Meeting.

(7) The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

(8) Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

(9) If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

(10) If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.

27. Chair’s Duty

Any motion which is determined by the Chair to be:

(1) defamatory;

(2) objectionable in language or nature;

(3) vague or unclear in intention;

(4) outside the powers of Council; or

(5) irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the Chair.

The Chair of the Council Meeting or Special Council Meeting or Delegated Committee Meeting must acknowledge and recognise the first Councillor to rise to his/her feet as the first speaker to address the Chair in order to move a motion, unless for reasons of sickness or disability where a raised hand will be accepted by the Chair.

For the purpose of Special Committee Meetings, the Chair of the meeting must acknowledge and recognise the first Councillor to raise his/her hand as the first speaker to address the Chair in order to move a motion.
28. **Introducing a Motion or an Amendment**

The procedure for moving any motion or amendment is:

1. the mover must state the motion without speaking to it;

2. the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;

3. if a motion or an amendment is moved and seconded the Chair must ask:
   
   “Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?”

4. if no Councillor indicates opposition or a desire to speak to it, the Chair may declare the motion or amendment carried without discussion;

5. if a Councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting;

6. after the mover has addressed the meeting, the seconder may address the meeting;

7. after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

8. if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote;

9. no discussion on the item being considered may take place until such time as a motion is before the Chair. Questions of clarification may be asked of the Chairperson or members of Council staff present at the meeting;

10. the chair is unable to move or second a motion, and may only if necessary debate a motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the motion; and

11. if the chair wishes to move, or second a motion then the Mayor or Deputy Mayor must take the Chair or, if there is no Mayor or Deputy Mayor, the meeting must elect a temporary Chair where upon the Chair must vacate the Chair and not return to it until the motion has been resolved upon.
29. Right of Reply

(1) The mover of a motion has a right of reply to matters raised during debate.

(2) After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

(3) Except for the mover of a motion who has the right of reply, all other Councillors can only speak once to the motion before the Chair.

30. Moving an Amendment

(1) Subject to sub-Rule (2) a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.

(2) A motion to confirm a previous resolution of Council cannot be amended.

(3) An amendment must not be directly opposite to the motion.

(4) The mover of an amendment cannot exercise any right of reply.

31. Who May Propose an Amendment

(1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.

(2) Any one Councillor cannot, without the leave of the Chair, move more than two amendments in succession.

(3) Any Councillor can debate an amendment irrespective of whether the Councillor has spoken or proposes to speak to the original motion.

(4) Debate on an amendment must be restricted to the terms of the amendment.

32. How Many Amendments May be Proposed

(1) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.

(2) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.
33. An Amendment Once Carried

(1) If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.

(2) The mover of the original motion retains the right of reply to that motion.

34. Foreshadowing Motions

(1) At any time during debate, a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

(2) A motion foreshadowed may be preaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative or additional motion.

(3) The Chief Executive Officer or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.

(4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a meeting. The Chair is not obliged to accept foreshadowed motions.

35. Withdrawal of Motions

(1) Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of Council, in which case, the Chair must call for a substitute mover and seconder and, if no such substitute is forthcoming, the motion will lapse.

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

36. Separation of Motions

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

37. Chair May Separate Motions or Allow Motions to be Moved in Block

(1) The Chair may decide to put any motion to the vote in several parts.

(2) The Chair may allow or request a Councillor to move ‘items’ in block.
38. Priority of Address

In the case of competition for the right of speak, the Chair must decide the order in which the Councillors concerned will be heard.

39. Motions in Writing

(1) The Chair may require that a complex or detailed motion be in writing.

(2) Council may adjourn the meeting while the motion is being written or Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

40. Repeating Motion and/or Amendment

The Chair may request the person taking the minutes of the Council meeting to read the motion or amendment to the meeting before the vote is taken.

41. Debate Must be Relevant to the Motion

(1) Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.

(2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.

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

42. Speaking Times

(1) A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:
   a) the mover of a motion or an amendment which has been opposed: 4 minutes;
   b) the seconder of a motion or an amendment: 4 minutes;
   c) any other Councillor: 4 minutes;
   d) the mover of a motion exercising a right of reply: 2 minutes;
   e) a Councillor’s answer to a question by another Councillor: 1 minute; and
   f) a Councillor when clarifying a matter or giving a personal explanation: 1 minute.
Bayside City Council - Governance Rules

(2) Only one extension is permitted for each speaker.

(3) A motion to extend the speaking time cannot be moved:
   (a) until the original speaking time has expired; and
   (b) if another speaker has already commenced his or her contribution to the debate;
      and must be seconded.

(4) Any extended speaking time must not exceed 1 minute.

(5) All speakers must be timed, and a warning signal sound when 30 seconds of the allocated time is remaining.

43. Addressing the Meeting

If the Chair so determines:

(1) any person addressing the Chair must refer to the Chair as:
   (a) Madam Mayor; or
   (b) Mr Mayor; or
   (c) Madam Chair; or
   (d) Mr Chair
      as the case may be;

(2) all Councillors, other than the Mayor, must be addressed as

Cr .........................(name):

(3) all members of Council staff, must be addressed as Mr or Ms

 .........................(name) as appropriate or by their official title;

(4) except for the Chair, any Councillor who addresses the meeting at a Council meeting or Special Council meeting must stand and direct all remarks through the Chair;

(5) it will not be necessary for Councillors to rise when speaking to the Chair at a Delegated Committee meeting or matters considered in a closed meeting of Council (Confidential Business) in accordance with section 66(2)(a) of the Local Government Act 2020; and

(6) despite sub-clause (4), the Chair may permit any Councillor or person to remain seated while addressing the Chair at a Council or Special Council meeting for reasons of sickness, infirmity, disability or otherwise at his or her discretion.
44. Right to Ask Questions

(1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

(2) The Chair has the right to limit questions and direct that debate be commenced or resumed.

Division 5 – Procedural Motions

45. Procedural Motions

(1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.

(2) Procedural motions require a seconder.

(3) The mover of a procedural motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.

(4) The mover of a procedural motion does not have a right of reply.

(5) Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:
<table>
<thead>
<tr>
<th>Procedural Motion</th>
<th>Mover &amp; Seconder</th>
<th>When Motion Prohibited</th>
<th>Effect if Carried</th>
<th>Effect if Lost</th>
<th>Debate Permitted on Motion</th>
</tr>
</thead>
</table>
| Adjournment of debate to later hour and/or date | Any Councillor who has not moved or seco... | *(a) During the election of a Chair;  
(b) When another Councillor is speaking* | Motion and amendment is postponed to the stated time and/or date          | Debate continues unaffected                           | Yes                                |
| Adjournment of debate indefinitely        | Any Councillor who has not moved or seco... | *(a) During the election of a Chair;  
(b) When another Councillor is speaking;  
(c) When the motion would have the effect of causing Council to be in breach of a legislative requirement* | Motion and any amendment postponed but may be resumed at any later meeting if on the agenda | Debate continues unaffected                           | Yes                                |
| Closure of Debate                        | Any Councillor who has not moved or seco... | During nominations for Chair                                                | Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion | Debate continues unaffected                           | No                                 |
### Bayside City Council - Governance Rules

<table>
<thead>
<tr>
<th>Procedural Motion</th>
<th>Form</th>
<th>Mover &amp; Seconder</th>
<th>When Motion Prohibited</th>
<th>Effect if Carried</th>
<th>Effect if Lost</th>
<th>Debate Permitted on Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alter the order of business</td>
<td>That Item xx list on the agenda be brought forward and dealt with at this point of the meeting.</td>
<td>/any Councillors</td>
<td>At a meeting to elect the Mayor or During any debate</td>
<td>Alters the order of business for the meeting</td>
<td>Items continue to be considered in the order as listed.</td>
<td>No</td>
</tr>
<tr>
<td>Suspension of Standing Orders</td>
<td>That Standing Orders be suspended... [reason to be provided]</td>
<td>Any Councillor</td>
<td></td>
<td>The rules of the meeting are temporarily suspended for the specific reason given in the motion. No debate or decision other than a motion to resume Standing Orders is permitted</td>
<td>The meeting continues unaffected.</td>
<td>No</td>
</tr>
<tr>
<td>Resumption of Standing Orders</td>
<td>That Standing Orders be resumed</td>
<td>Any Councillor</td>
<td>When Standing Orders have not been suspended</td>
<td>The temporary suspension of the rules of the meeting is removed.</td>
<td>The meeting cannot continue</td>
<td>No</td>
</tr>
<tr>
<td>Consideration of confidential matters(s) (Close the meeting to members of the public)</td>
<td>That in accordance with Section 66(2)(a) of the LGA 2020 the meeting be closed to members of the public for the consideration of Item xx is confidential as it relates to (insert reason)</td>
<td>Any Councillor</td>
<td>During the election of the Mayor / Deputy Mayor</td>
<td>The meeting is closed to members of the public</td>
<td>The meeting continues to be open to the public</td>
<td>Yes</td>
</tr>
<tr>
<td>Reopen the meeting</td>
<td>That the meeting be reopened to members of the public</td>
<td>Any Councillor</td>
<td></td>
<td>The meeting is reopened to the public</td>
<td>The meeting remains closed to the public.</td>
<td>No</td>
</tr>
</tbody>
</table>
Division 6 – Rescission Motions

46. Notice of Rescission

(1) A Councillor may propose a notice of rescission provided:

(a) it has been signed and dated by at least three Councillors;

(b) the resolution proposed to be rescinded has not been acted on; and

(c) the notice of rescission is delivered to the Chief Executive Officer within 48 hours of the resolution having been made setting out:

(i) the resolution to be rescinded; and

(ii) the meeting and date when the resolution was carried.

Explanatory note:

It should be remembered that a notice of rescission is a form of notice of motion. Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

(2) A resolution will be deemed to have been acted on if:

(a) its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or

(b) a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.

Explanatory note:

If Council resolves to give Notice of a Decision to Grant a Planning Permit and the Notice is physically issued to the planning permit applicant (or the applicant’s agent) or a letter or email is sent to the planning permit applicant (or the applicant’s agent) advising of Council’s decision, the resolution will have been “acted on”. Its contents will have been formally communicated to a person whose interests are materially affected so as to vest enforceable rights in the applicant and any objectors wishing to appeal, as well as obligations on Council to comply with its duties under the Planning and Environment Act 1987.

(3) The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

(a) has not been acted on; and

(b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule (1)(c), unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
47. If Lost

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

48. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before Council for at least 90 days from the date on which it lapsed.

49. May be Moved by Any Councillor

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

50. When Not Required

(1) Unless sub-Rule (2) applies, a motion for rescission is not required where Council wishes to change policy.

(2) The following standards apply if Council wishes to change policy:

(a) if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and

(b) any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.
Division 7 – Points of Order

51. Chair to Decide

The Chair must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

52. Chair May Adjourn to Consider

(1) The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

(2) All other questions before the meeting are suspended until the point of order is decided.

53. Dissent From Chair’s Ruling

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

“That the Chair’s ruling [setting out that ruling or part of that ruling] be dissented from.”

(2) When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary Chair elected by the meeting) must take his or her place.

(3) The Deputy Mayor or temporary Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.

(4) The Deputy Mayor or temporary Chair must put the motion in the following form:

“That the Chair’s ruling be dissented from.”

(5) If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.

(6) If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.

(7) The defeat of the Chair’s ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.
54. **Effect of Ruling**

If the Chair:

(a) rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or

(b) rules against the point of order the speaker may continue.

55. **Procedure for Point of Order**

A Councillor raising a point of order must:

1. state the point of order; and

2. state any section, Rule, paragraph or provision relevant to the point of order before resuming his or her seat.

56. **Valid Points of Order**

A point of order may be raised in relation to anything which:

1. a motion, which, under Rule 27, or a question which, under Rule 57, should not be accepted by the Chair;

2. a question of procedure;

3. a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;

4. debate that is irrelevant to the matter under consideration;

5. constitutes a tedious repetition of something already said;

6. a matter that is outside the powers of Council;

7. is offensive; or

8. any act of disorder.

*Explanatory note:*

Rising to express a difference of opinion or to contradict a speaker is not a point of order.
Division 8 – Public Question Time

57. Question Time

(1) There must be a public question time at every Council meeting fixed under Rule 9 to enable members of the public to submit questions to Council.

(2) Sub-Rule (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 85(2) of the Act.

(3) Public question time will not exceed 15 minutes in duration.

(4) Questions submitted to Council must be:

(a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and

(b) lodged at the Council offices by 11:00 am on the day immediately preceding the day of the Council meeting, or be lodged electronically at the email address prescribed by Council prior to 11:00 am on the day immediately preceding the day of the Council meeting.

(5) No person may submit more than 2 questions at any 1 meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered. All parts of the question must be relevant to the same subject of enquiry.

(6) The Chair must read to those present at the meeting a question which has been submitted in accordance with this clause.

(7) The Chair or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this Rule.

(8) Notwithstanding sub-Rule (6), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.

(9) A question may be disallowed by the Chair if the Chair determines that it:

(a) relates to a matter outside the duties, functions or powers of Council;

(b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

(c) deals with a subject matter already answered;

(d) is aimed at embarrassing a Councillor or a member of Council staff;

(e) relates to personnel matters;

(f) relates to the personal hardship of any resident or ratepayer;
(g) relates to industrial matters;
(h) relates to contractual matters;
(i) relates to proposed developments;
(j) relates to legal advice;
(k) relates to matters affecting the security of Council property; or
(l) relates to any other matter which Council considers would prejudice Council or any person.

(10) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.

(11) All questions and answers must be as brief as possible, and no further questions arising out of anything said will be allow, and no discussion may be allowed other than by Councillors for the purposes of clarification.

(12) Like questions may be grouped together and a single answer provided.

(13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.

(14) The Chair or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent to the person who asked the question.

(15) The name of the questioner, the question and the response must be recorded in the minutes, as an official record of the questions submitted to the meeting.

(16) Where a questioner is not present in the Chamber at the time of Public Question Time the question and response will not be read at the meeting and will not be recorded in the minutes of the meeting. A written response will be forwarded to the questioner with the response.
Division 9 – Petitions and Joint Letters

58. Petitions and Joint Letters

(1) Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next Council meeting after that at which it has been presented.

(2) It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council.

(3) Every Councillor presenting a petition or joint letter to Council must confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request:

(4) Every petition or joint letter presented to Council must be in writing (other than pencil), typing or printing, contain the request of the petitioner or signatories and be signed by at least 15 people.

(5) A petition must include a prayer on every page of a petition, consisting of the following words: “We the undersigned hereby petition Bayside City Council....”

(6) Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

(7) Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.

(8) Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

(9) The only motions that may be moved in relation to petitions set out in the agenda are:

(a) That the petition be received;

(b) That the petition be received and a report be submitted to a specific meeting cycle for consideration;

(c) That the petition be considered at a specific time or in conjunction with a specific item;

(d) That the petition be dealt with in conjunction with another item on this agenda or any other Council or Special Committee agenda; and

(e) That the petition be referred to the Chief Executive Officer for consideration and response.
(10) If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer or relevant Director for consideration and response.

(11) No member of the public is permitted to speak to the petition when presented at a Council meeting. Individuals may request to speak to the petition when any report on the item is considered by at Council meeting at a later meeting.

(12) The Chief Executive Officer or delegate may determine that an electronic or online petition will be submitted to a Council Meeting. An online or electronic petition may be submitted to a Council meeting.

(13) The online or electronic petition must contain a petition prayer, consisting of the following words: "We the undersigned hereby petition Bayside City Council..." The electronic or online petition must include the name, residential address and email address of the petitioner.

(14) The number of signatories to an online or electronic petition (must be a minimum of 50 electronic signatories), and will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.

(15) An online or electronic petition will not be presented to a Council meeting if it contains content that appears to be false or misleading.
Division 10 – Individual Presentations

59. Individual Presentations to Delegated Committee Meetings, Council and Special Council Meetings

An individual wishing to present to a designated meeting of a Delegated Committee or at a Council meeting or Special Council Meeting may make a written request to the Chief Executive Officer or his or her delegate.

60. Time of Request

(1) A written request must be delivered or sent electronically to the Chief Executive Officer or any member of Council staff nominated by him or her before 11.00 am on the day of the designated Delegated Committee or Council meeting.

(2) The request to be heard must specify the name, address and contact telephone number of the person requesting to be heard and the item to which he or she wishes to speak.

(3) Requests received after 11:00 am on the day of the meeting will not be considered by the Delegated Committee or Council (as the case may be).

61. When a Presentation Can Be Made

A person may only present to:

(a) a Council meeting in relation to an item listed in the agenda under 'Reports by the Organisation', and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract;

(b) a Special Council Meeting in relation to an item in the agenda under 'Reports by the organisation' and even then, not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract; or

(c) a Delegated Committee in relation to an item listed on the agenda for the meeting of the Delegated Committee.
62. Limitations Upon Speakers

If at a Delegated Committee or Council meeting determines to hear from an individual:

(1) the person addressing the Delegated Committee or Council meeting cannot speak for more than 2 minutes and no further extension of time can be granted:

Request to be heard provisions for Delegated Committee (Planning and Amenity Committee) meetings

- Limit of 10 speakers per item listed on the agenda under the category of Report by the Organisation - consisting of up to seven (7) objectors to the application, and up to three (3) supporters (including the applicant/s) to the application

- Those individuals not afforded the opportunity to speak in person, may make an written statement to be received no later than 11:00am on the day of the meeting. The preferred method for submitting a written statement is online via Council’s dedicated webform. Written statements will be provided to Councillors prior to the meeting for reading and consideration and will be placed on Council’s website prior to the meeting.

Request to be heard provisions for Council meetings or Special Council meetings

- No limit of speakers on each item listed on the agenda under the category of Reports by the Organisation.

(2) where an individual has requested that another individual speak on his or her behalf, the spokesperson must not have spoken or be listed to speak in relation to that item;

(3) where a member of the public has requested to be heard in relation to an item on the agenda, and he or she is not present at the time of calling his or her name to the microphone, and subsequently arrives in the gallery after his or her name has been called or once the debate on the item has commenced, the person previously called will not be afforded the opportunity to speak to the item;

(4) where a group or association wishes to be heard at a meeting, they must nominate only one spokesperson for the group or association to speak for an issue upon which the group or association may wish to be heard; and

(5) a Councillor must not ask the speaker to continue the speaking opportunity after the two (2) minutes has expired. Only questions to the speaker relating to clarification of points raised by the speaker may be asked of the speaker.

63. Questions But No Discussion Permitted

Following a speaker’s presentation, members of the Delegated Committee or Councillors at a Council meeting or Special Council Meeting or members of Council staff at either meeting may only ask the speaker questions or seek clarification of issues raised by the speaker in his/her presentation which may assist in the deliberations prior to the elected body making a decision, but no discussion will be allowed.
64. Individual Presentations Pursuant to Section 223 of the Local Government Act 1989 (Delegated Committee – Hearing of Submissions)

(1) Council from time-to-time will establish a Delegated Committee pursuant to Section 223 of the Local Government Act 1989 to provide an opportunity to hear from community members in a formal setting on key issues.

(2) A Hearing Committee will be comprised only of Councillors.

(3) Where an issue affects a large proportion of the Bayside community, all Councillors will be appointed to the Hearing Committee.

(4) Where an issue affects a ward related matter, up to three Councillors to be appointed to the Hearing Committee, one of which must be the ward councillor.

(5) Community members will be provided with reasonable notice of the date and time that they will be invited to address a Hearing Committee.

(6) Council may resolve that the Hearing Committee meetings will be held electronically and make provisions for community members to address the committee by a video conferencing tool.

(7) Council may resolve a Hearing Committee will be livestreamed.

(8) A summary of proceedings of all Hearing Committee meetings held will be reported to Council.

(9) Where a request to be heard has been received in accordance with section 223 of the Local Government Act 1989, the speaker must be afforded a reasonable opportunity to speak in support of their submission for up to a maximum period of 10 minutes, with no further extension of time to be granted. Councillors may through the Chair, question or seek clarification of any submitter in relation to his or her submission.

(10) Where a submitter has been heard in accordance with section 223 of the Local Government Act 1989 at a Delegated Committee established for that purpose, or where there are no submitters at a section 223 hearing, no further opportunity will be afforded to speak again on the subject matters when it is considered at the Council meeting or Special Council meeting.

65. Relaxation of Requirement

Nothing in this Division prevents:

(a) the Chief Executive Officer determining which Delegated Committee meeting will consider the request for the individual to be heard;

(b) arranging for a deputation or individual to meet with a group of Councillors;

(c) Council from resolving to hear from a deputation or individual at any time; or
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(d) Council from:

(i) terminating the appointment of or not appointing any Delegated Committee; or

(ii) resolving that a Delegated Committee empowered to hear an individual wishing to be heard, to no longer hear from the individuals wishing to be heard.

In which case any reference in clauses 60-64 (inclusive) and sub-clause (1) to a Delegated Committee will be read as a reference to Council.

Division 11 – Voting

66. How Motion Determined

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

67. Silence

Voting must take place in silence.

68. Recount

The Chair may direct that a vote be recounted to satisfy himself or herself of the result.

69. Casting Vote

In the event of a tied vote, the Chair must exercise a casting vote.

**Explanatory note:**

In accordance with Section 61(6) of the Local Government Act 2020, the Chairperson does not have a casting vote in the election of Mayor or Deputy Mayor as these positions must be elected by an absolute Majority of Councillors. In the event of a tied vote on these circumstances, the matter is to be determined by lot.

70. By Show of Hands

Voting on any matter is by show of hands.
71. Procedure for a Division

(1) Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

(2) When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

(3) When a division is called for, the Chair must:

(a) first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

(b) then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the negative.

72. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

(1) a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or

(2) foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

Explanatory note:

For example, Rule 73 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 73 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule (2), to discussion about a positive motion where a resolution has just been rescinded.
Division 12 – Minutes

73. Confirmation of Minutes

(1) At every Council meeting the minutes of the preceding meeting(s) must be dealt with as follows:

(a) a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;

(b) if no Councillor indicates opposition, the minutes must be declared to be confirmed;

(c) if a Councillor indicates opposition to the minutes:

(i) he or she must specify the item(s) to which he or she objects;

(ii) the objected item(s) must be considered separately and in the order in which they appear in the minutes;

(iii) the Councillor objecting must move accordingly without speaking to the motion;

(iv) the motion must be seconded;

(v) the Chair must ask:

"Is the motion opposed?"

(vi) if no Councillor indicates opposition, then the Chair must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule (c)(x);

(vii) if a Councillor indicates opposition, then the Chair must call on the mover to address the meeting;

(viii) after the mover has addressed the meeting, the seconder may address the meeting;

(ix) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;

(x) if, after the mover has addressed the meeting, the Chair invites debate and no Councillor speaks to the motion, the Chair must put the motion; and
(xi) the Chair must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",
and he or she must put the question to the vote accordingly;

(d) a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed;

(e) the minutes must be entered in the minute book and each item in the minute book must be entered consecutively; and

(f) unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

74. No Debate on Confirmation of Minutes

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

75. Deferral of Confirmation of Minutes

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

76. Form and Availability of Minutes

(1) 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, place, time and nature of the meeting;

(b) the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

(c) the names of the members of Council staff present;

(d) any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;

(e) arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
Bayside City Council - Governance Rules

(f) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

(g) the vote cast by each Councillor upon a division;

(h) the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;

(i) questions upon notice;

(j) the failure of a quorum;

(k) any adjournment of the meeting and the reasons for that adjournment; and

(l) the time at which standing orders were suspended and resumed.

(2) The Chief Executive Officer must ensure that the minutes of any Council meeting are:

(a) published on Council’s website; and

(b) available for inspection at Council’s office during normal business hours.

(3) Nothing in sub-Rule (2) requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

77. Recording of Meetings

(1) The Chief Executive Officer, or his/her delegate may record the meetings via webcast camera and audio all proceedings of a Council meeting, Special Council meeting or a Delegated Committee meeting except where the meeting is closed to the public in accordance with Section 66(2)(e) of the Local Government Act 2020.

(2) Recordings of proceedings will be retained and available to the public for viewing or listening for a period of 12 months from the date of the meeting.

(3) Members of the public are to be advised that the meeting is being recorded or filmed and may be streamed live and as an archive on Council’s website. Members of the public are to be advised by appropriate signage that while care is taken through filming to maintain a person’s privacy as an attendee in the gallery, they may be recorded on camera and audio.

(4) Subject to part 1 above, members of the public must not operate photographic, audio or video recording equipment or any other recording device that may disrupt the meeting proceedings.
Division 13 – Behaviour

78. Display of Placards and Posters

(1) A person must not display any placards or posters in the Council Chamber or in any building where a Council meeting or a Delegated Committee meeting is being or about to be held, other than outside the entrance to the building and even then only if it does not obstruct the entrance of the building.

(2) A person must not:

(a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or

(b) obstruct the entrance to the Council Chamber or a building where a Council meeting or a Delegated Committee meeting is being or about to be held.

79. Public Addressing the Meeting

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

(2) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.

(3) A member of the public present at any meeting of Council must not disrupt the meeting.

80. Chair May Remove

The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 79(2).

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

81. Chair May Adjourn Disorderly Meeting

If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 18(2) and 18(3) apply.
82. Removal from Chamber

The Chair, or Council in the case of a suspension, may ask the Chief Executive Officer or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the Chair has ordered to be removed from the gallery under Rule 81.

Division 14 – Additional Duties of Chair

83. The Chair’s Duties and Discretions

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

1. must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community;

2. may demand retraction of any inappropriate statement or unsubstantiated allegation;

3. must ensure silence is preserved in the public gallery during any meeting;

4. must call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chair to do so; and

5. must call to order any person who is disruptive or unruly during any meeting.
Division 15 – Suspension of Standing Orders

84. Suspension of Standing Orders

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

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

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

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

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

(3) No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders.

(4) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."
Division 16 – Miscellaneous

85. Meetings Conducted Remotely

If:

(1) by law a meeting may be conducted electronically; and

(2) Council decides that a meeting is to be conducted electronically,

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

86. Procedure Not Provided in this Chapter

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

87. Criticism of Members of Council Staff

(1) The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising him or her or any member of Council staff.

(2) A statement under sub-Rule (1) must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.
CHAPTER 3 – MEETING PROCEDURE FOR DELEGATED COMMITTEES

1. Meeting Procedure Generally

If Council establishes a Delegated Committee:

1.1 all of the provisions of Chapter 2 apply to meetings of the Delegated Committee; and

1.2 any reference in Chapter 2 to:

1.2.1 a Council meeting is to be read as a reference to a Delegated Committee meeting;

1.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and

1.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if Council establishes a Delegated Committee that is not composed solely of Councillors:

2.1 Council may; or

2.2 the Delegated Committee may, with the approval of Council

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.
CHAPTER 4 – MEETING PROCEDURE FOR COMMUNITY ASSET COMMITTEES

Explanatory note:

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

Section 65 of the Local Government Act provides: Community Asset Committee

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

Delegation of Powers, Duties or Functions to a Community Asset committee is provided for in Section 47 of the Act which provides:

(1) The Chief Executive Officer may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer by the Council to:

(a) a member of Council staff, or

(b) the members of a Community Asset Committee.

This means Council may not delegate directly to a Community Asset committee.

1. Introduction

In this Chapter, 'Instrument of Delegation' means an instrument of delegation made by the Chief Executive Officer under section 47(1)(b) of the Act.

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.
CHAPTER 5 – MEETING PROCEDURE FOR ADVISORY COMMITTEES

Explanatory note:

Advisory Committees play a key role in connecting community views and expert with the decision-making processes of Council. These committee provide advice to Council and to Council officers exercising delegation to make decisions or implement policy.

These committee, usually comprises of community members and Councillors, and may sometimes include representative of community organisations. These committee are essential forums to provide input to the development of Council policy and decision making in their area of focus.

Reporting of these committee to Council is a transparency mechanism.

1. Meeting Procedure Generally

If Council establishes an Advisory Committee:

1.1 all of the provisions of Chapter 2 apply to meetings of an Advisory Committee; and

1.2 any reference in Chapter 2 to:

1.2.1 a Council meeting is to be read as a reference to an Advisory Committee meeting;

1.2.2 a Councillor is to be read as a reference to a member of an Advisory Committee; and

1.2.3 the Mayor is to be read as a reference to the Chair of the Advisory Committee.

2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if Council establishes an Advisory Committee that is not composed solely of Councillors:

2.1 Council may; or

2.2 the Advisory Committee may, with the approval of Council resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Advisory Committee, in which case the provision or those provisions will not apply until Council resolves, or the Advisory Committee with the approval of Council resolves, otherwise.

3. Adoption Of Recommendation

3.1. If a recommendation of a Delegated Committee or Advisory Committee is adopted by Council, what has been recommended becomes a resolution of Council.

3.2. Minutes of Advisory Committees will be presented to Council for adoption. Recommendations or decisions contained in such minutes will not become resolutions of Council unless the matter is the subject of a separate resolution of Council.
CHAPTER 6 – MEETING PROCEDURE FOR JOINT COUNCIL MEETINGS

Explanatory note:
Local and regional collaboration provides benefits to the Bayside community through collection procurement opportunities, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it is possible for the participating Councils to hold their own decisions and determination, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for the Act.

(1) Council may resolve to participate in a Joint Council meeting.

(2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or delegate) will agree on governance rules with the participating Councils.

(3) Where the participating Councils agree that Bayside will chair a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council Meeting.

Section 62 Local Government Act 2020 – Joint meetings of Council

(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 Council 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 of 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.
CHAPTER 7 – DISCLOSURE OF CONFLICT OF INTEREST

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the Local Government Act 1989 being repealed.¹

2. Definition

In this Chapter:

2.1 ‘meeting conducted under the auspices of Council’ means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 and 8 (whether such a meeting is known as an ‘Advisory Committee’ or ‘Councillor Briefing’ or by some other name); and

2.2 a member of a Delegated Committee includes a Councillor.

3. Disclosure of a Conflict of Interest at a Council Meeting

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

3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

3.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

3.2.1 advising of the conflict of interest;

3.2.2 explaining the nature of the conflict of interest; and

3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person’s interest in the matter,

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

¹At the time of making these Rules the date on which Division 1A of Part 4 of the Local Government Act 1989 is expected to be repealed is 24 October 2020.
The Councilor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

4. Disclosure of Conflict of Interest at a Delegated Committee Meeting

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

4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Delegated Committee meeting immediately before the matter is considered; or

4.2 intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Delegated Committee meeting commences a written notice:

4.2.1 advising of the conflict of interest;

4.2.2 explaining the nature of the conflict of interest; and

4.2.3 detailing, if the nature of the conflict of interest involves a member of a Delegated Committee’s relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

4.2.4 nature of that other person’s interest in the matter;

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

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

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

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

5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Community Asset Committee meeting immediately before the matter is considered; or
5.2 intends to present must disclose that conflict of interest by providing to the Chief Executive Officer before the Community Asset Committee meeting commences a written notice:

5.2.1 advising of the conflict of interest;

5.2.2 explaining the nature of the conflict of interest; and

5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor’s relationship with or a gift from another person the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

5.2.4 nature of that other person’s interest in the matter;

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

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

6. Disclosure at a Meeting Conducted Under the Auspices of Council (Advisory Committees)

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:

6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;

6.2 absent himself or herself from any discussion of the matter; and

6.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.
7. Disclosure by Members of Council Staff Preparing Reports for Meetings

7.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

7.1.1 Council meeting;
7.1.2 Delegated Committee meeting; or
7.1.3 Community Asset Committee meeting,

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

7.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

7.3 If the member of Council staff referred to in sub-Rule 7.1 is the Chief Executive Officer:

7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the Mayor; and
7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

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

8.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

8.2 If the member of Council staff referred to in sub-Rule 8.1 is the Chief Executive Officer the written notice must be given to the Mayor.

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

9.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

9.2 If the member of Council staff referred to in sub-Rule 9.1 is the Chief Executive Officer the written notice must be given to the Mayor.

10. Retention of Written Notices

The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.
CHAPTER 8 – MISCELLANEOUS

1. Informal Meetings of Councillors

Introduction: This Chapter describes the nature and procedure for some informal meetings of Councillors.

Councillors meet on a number of occasions monthly at 'Councillor Briefings and Strategic Issues Discussions'. This Chapter provides for these informal meetings, and explains why and how they are held.

Discussion arrangements

(1) As part of Council’s governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a ‘Councillor Briefing or Strategic Issues Discussion’ or such other names as Council from time to time adopts.

1.1 The purpose of such gatherings is for the organisation to provide advice to Councillors on items of a complex nature or of significant community impact. The briefing enables open discussion between the organisation and Councillors and assists both Council staff and Councillors develop better understanding of the matter for consideration. The Strategic Issues Discussion is similar to a briefing but also provides greater opportunity to develop ideas and discuss options on a range of matters.

1.2 The gatherings are not a decision-making forum.

1.3 The gatherings are not open to the public and will generally be held in the Corporate Centre or in such other locations as Council nominates from time to time.

1.4 The operating meeting protocols and arrangements in relation to these gatherings will be reviewed from time-to-time and be subject to resolution of Council.

Record of matters discussed

If there is a meeting of Councillors that:

1.5 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;

1.6 is attended by at least one member of Council staff; and

1.7 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

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

(a) tabled at the next convenient Council meeting; and

(b) recorded in the minutes of that Council meeting.
2. Confidential Information

2.1 If, after the repeal of section 77(2)(c) of the Local Government Act 1989, the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

2.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

3. Review of these Rules

3.1 These rules will be reviewed by Council:

(a) Within 12 months of a general election; and

(b) At such other times as Council, in its absolute discretion, determines.

3.2 A delay in reviewing, or failure to review, these Rules in accordance with this Rule will not affect the validity of these Rules.

4. COVID-19 pandemic and other emergencies of a similar nature

4.1 Council may, by resolution:

(a) suspend or limit the operation of part or whole of; and/or

(b) make alternative arrangements to give effect to Public Participation at Council Meetings and Public Question Time at Council Meetings, provided that such suspension or limitation is necessary to:

(i) protect Councillors, employees or the public consistent with state or federal government guidelines or public health considerations; or

(ii) otherwise to comply with relevant laws, regulations or instruction from relevant authorities in the event of an emergency; and

(c) is permitted by law.

4.2 If Council makes a resolution described in Sub-Rule 4.1:

(a) the circumstances justifying the resolution must be clearly detailed in the Minutes of the Meeting; and

(b) the suspension, limitations or alternative arrangement must be reviewed within six months.
CHAPTER 9 – USE OF COUNCIL'S COMMON SEAL

Explanatory note:

The purpose of this Section is to provide for the security and proper use of the Common Seal. The Common Seal is the corporate signature of Council, and exists in the form of a stamp. It evidences Council's corporate will and authenticates decisions taken and acts performed by Council.

As many of the powers, duties and functions of Council are delegated to the Chief Executive Officer and other members of Council staff, the Common Seal of Council is only used on legal documents such as local laws, contracts, agreements, transfer of land, significant letters, and other documents where required by legislation or where

(1) The Chief Executive Officer must ensure the security of the common seal at all times.

(2) The affixing of the common seal to any document must be attested to by not less than two persons, comprising both:

(a) the Mayor and Chief Executive Officer; or

(b) in the absence of the Mayor, by one Councillor and the Chief Executive Officer or a member of Council staff delegated this function by Council.

(3) Where Council authorises the common seal to be affixed to any document, the Chief Executive Officer must record the description of the document sealed is entered into the seal register.

(4) Where the common seal is affixed to a document on the authority of Council, the sealing clause must contain the following words:

The Common Seal of BAYSIDE CITY COUNCIL
was affixed this ...... (no. of day)......................(month)
.....................(year) in the presence of:
.................................................................Mayor/Councillor
.................................................................Chief Executive Officer
CHAPTER 10 – COUNCIL RECORDS

10.1 Records of meetings held under the auspices of Council

(1) A record of the matters discussed at meetings organised or hosted by Bayside City Council that involve Councillors and Council staff will be kept.

(2) Records kept in accordance with sub-rule one will include:

(a) The attendees at the meeting

(b) The title of matters discussed

(c) Any conflicts of interest disclosed and whether the person with the conflict of interest left the meeting.

(3) Where minutes are kept of a meeting and made available to the community an additional record is not required to be kept.

Section 131 of the Local Government Act 2020

Provides that in respect of a conflict of interest of a matter at a meeting conducted under the auspices of the Council that is not a meeting specified in section 139(1)(a), (b) or (c).

(2) A Councillor who has a conflict of interest in respect of a matter must:

(a) Disclose the conflict of interest in the manner required by the Council’s Governance Rules; and

(b) Comply with the procedures specified in the Council’s Governance Rules for the purposes of this section.

(3) If a Councillor fails to comply with subsection (2), an application may be made under section 154 to a Councillor Conduct Panel alleging serious misconduct.

*Under the auspices of Council* is taken to mean in any way resourced by Council.

10.2 Councillor attendance records

(1) Council will maintain a register of Councillor attendance at Council Meetings, Delegated Committee Meetings and meetings arranged to brief Councillors.

(2) The register of Attendance kept in accordance with sub-rule (1) will be published on Council’s website.
CHAPTER 11 – ELECTION PERIODS

Explanatory note:
The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

Additionally, the Election Period Policy addresses Councillors and staff standing as candidates in Council, State or Federal elections.

11.1 Election Periods Generally
(1) Council will have in place an election period policy that:
   (a) governs decision making during a local government election period, including what may be considered at a Council meeting;
   (b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
   (c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committee established by Council;
   (d) sets out the requirements for any Council publications during a local government election period – including website, social media, newsletter and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
   (e) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period, and
   (f) sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.

(2) At least once in each Council term, and not later than 12 months prior to the commencement of an election period, Council will review its election period policy.

(3) The Election Period Policy forms part of these Governance Rules.

(4) The operation of Council Advisory Committees shall be suspended upon the commencement of an election period ahead of a general Council election.

(5) Any outstanding Delegate’s Reports may still be reported to an Ordinary Meeting of Council during this period.

(6) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.
Section 69 of the Local Government Act 2020 provides:

(1) A Council must include an election period policy in its Governance Rules.

(2) An election period policy must prohibit any Council decisions during the election period for a general election that:–

(a) Relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or

(b) Commits the Council to expenditure exceeding one per cent of the Council’s income from general rates, municipal charges and service relates and charges in the proceeding financial year; or

(c) The Council considers could be reasonably deferred until the next Council is in place; or

(d) The Council considers should not be made during an election period.

(3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council resources in a way that is intended to influence, or is likely to influence, voting at the election.

Insert Election Period Policy
Executive summary

Purpose and background

This report reviews and adopts a number of key Governance Policies namely:

- Election Period Policy; and
- Councillor Expenses, Reimbursement, Support and Accountability Policy.

This report also establishes a new policy in relation to Public Transparency as required by the Local Government Act 2020.

As a result of the implementation of the Local Government Act 2020, it is a legislative requirement to review the Election Period Policy and the Councillor Expenses, Reimbursement, Support and Accountability Policy and adopt a new Public Transparency policy by 1 September 2020.

To assist in the process of reviewing and developing these important policies, Local Government Victoria has developed models for various policies to provide consistency across the sector but with the flexibility to tailor to an individual council’s requirements.

Key issues

Public Transparency Policy

Council is required under Section 57 of the Act to adopt a Public Transparency Policy.

A public Transparency policy adopted under the Act must:

a) give effect to the public transparency principles;

b) describe the ways in which Council information is to be made publicly available; and

c) specify which Council information must be publicly available, including all policies, plans and reports under the Act or any other Act.

One of the overarching principles of the new Local Government Act 2020 is that “the transparency of Council decisions, actions and information is to be ensured”. The public transparency principles, at section 58 of the Act, must be applied to all aspects of a council’s operations and decision making.

The draft Public Transparency policy has been developed to formalise Council’s support for transparency in its decision-making processes and the public awareness of the availability of Council information.

The draft policy has been developed using the model template and guidance material released by the State Government, and built upon by recognising and incorporating the additional transparency activities undertaken by Bayside City Council.
In summary, this policy clearly articulates the documentation that will be readily available on Council’s website providing greater transparency and those documents which are available through information requests, and also includes those legislative provisions where information is to be readily available to the community.

**Council Expenses, Reimbursement, Support and Accountability Policy**

Council is required to adopt a Council Expenses policy in accordance with Section 41 of the *Local Government Act 2020*.

Council existing policy on this matter has been reviewed and updated to reflect the legislative changes in pages 4 – 6 of the policy.

The key inclusion is the provision to reimburse Councillors and members of delegated committees for out-of-pocket expenses that are:

- bona fide expenses;
- have been reasonably incurred in the performance of the role councillor; and
- are reasonable necessary for the councillor and member of a delegated committee to perform this role.

Expenses incurred by Councillors when acting in a private capacity will not be reimbursed or paid.

The Policy also provides for reimbursement of costs for the provision of child care expenses and the care of a dependent.

The majority of the existing policy has not changed other than the communication equipment allocated to Councillors. It is proposed that each Councillor will be provided with a laptop rather than an ipad which enables greater technology capacity.

Another key change to the policy relates to the Reporting and Discourse on page 21, where quarterly reporting of all Councillor and delegated committee member’s expenses will be provided to Council and Council’s Audit and Risk Committee.

A summary of the key changes are shown below:

<table>
<thead>
<tr>
<th>Section</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 – Policy Intent</td>
<td>Includes the requirements of the new Act.</td>
</tr>
<tr>
<td>3.0 – Scope</td>
<td>Includes reference to Delegated Committees and articulates the types of expenses.</td>
</tr>
<tr>
<td>4.0 – Expenses</td>
<td>References the legislative bona-fide expenses, including Carer and dependent related expenses.</td>
</tr>
<tr>
<td>5.0 – Reimbursement of expenses incurred</td>
<td>Documents the process for reimbursement of expenses.</td>
</tr>
<tr>
<td>8.0 – Communication equipment, expenses and costs</td>
<td>Revises the communication equipment for Councillors in include a laptop computer rather than an Ipad.</td>
</tr>
</tbody>
</table>
Election Period Policy

Council will recall that it considered the Election Period Policy at its February 2020 meeting as a requirement of the Local Government Act 1989. Since that time, the Local Government Act 2020 has been introduced requiring Council to develop, adopt and keep an Election Period Policy in accordance with Section 69 of the Act.

Minor changes have been made to the policy to reflect the recent legislative changes which are shown below:

<table>
<thead>
<tr>
<th>Section</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 – Policy Intent</td>
<td>Includes reference to the new Local Government Act</td>
</tr>
<tr>
<td>6.0 – Prohibited Decisions</td>
<td>Deletes reference to Major Policy Decisions and includes a new term – Prohibited Decisions with revised provisions from the LGA</td>
</tr>
</tbody>
</table>

Once Council adopts the Election Period Policy, this policy forms part of the Governance Rules as a requirement of the Local Government Act 2020.

All policies will be placed on Council’s website.

Recommendation

That Council adopts the following Governance Policies as set out in Attachments 1-3 to this report effective as from 1 August 2020:

- Election Period Policy;
- Councillor Expenses, Reimbursement, Support and Accountability Policy; and
- Public Transparency Policy.

Support Attachments

1. Public Transparency Policy July 2020
2. Council Expenses, Reimbursement, Support and Accountability Policy - July 2020
3. Election Period Policy July 2020
Considerations and implications of recommendation

Liveable community

Social
There are no social impacts associated with these policies.

Natural Environment
There are no natural environment impacts associated with these policies.

Built Environment
There are no built environment impacts associated with these policies.

Customer Service and Community Engagement
As these policies are legislative requirements and a review of existing policies and processes, no community engagement is required.

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal
It is a legislative requirement that Council adopts an Election Period Policy, Councillor Expenses, Reimbursement, Support and Accountability Policy and a Public Transparency Policy.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The report responds to the Strategic Objective 8.3 "where decision making is open, transparent and informed by representative community views".
Council Policy

<table>
<thead>
<tr>
<th>Council policy title:</th>
<th>Public Transparency Policy (July 2020)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council policy sponsor:</td>
<td>Director Corporate Services</td>
</tr>
<tr>
<td>Adopted by:</td>
<td>Bayside City Council</td>
</tr>
<tr>
<td>Date adopted:</td>
<td>28 July 2020</td>
</tr>
<tr>
<td>Scheduled review:</td>
<td>July 2022</td>
</tr>
<tr>
<td>Document Reference:</td>
<td>DOC/20/148977</td>
</tr>
</tbody>
</table>

1. POLICY INTENT

This Transparency Policy documents Council’s decision making processes and articulates the publically available council information and provide greater awareness to the community.

2. POLICY PURPOSE /OBJECTIVE

This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct and how council information is to be made publicly available. Council must adopt and maintain a public transparency policy under section 57 of the Local Government Act 2020 (the Act). This policy gives effect to the Public Transparency Principles outlined in section 58 of the Act.

The objective of Council’s Public Transparency Policy is to formalise its support for transparency in its decision-making processes and the public awareness of the availability of Council information. As a result, this policy seeks to promote:

a) Greater clarity in Council’s decision-making processes;
b) Increased confidence and trust in the community through greater understanding and awareness;
c) Enhanced decision making by the community;
d) Improve Council’s performance;
e) Access to information that is current, easily accessible and disseminated in a timely manner;
f) Reassurance to the community that Council is spending public monies wisely.

This policy encompasses both documentary information, process information and how information will be made available to the public and is an integral part of Council’s Good Governance Framework.

3. SCOPE

This policy applies to Council, Councillors, Delegated Committee and Council employees of Bayside City Council.
4. POLICY STATEMENT

The following guiding principles drive transparency of Council’s decisions as set out in section 58 of the Local Government Act 2020:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the Local Government Act 2020, or any other Act.
- Council information must be publicly available unless:-
  1) The information is confidential by virtue of the Act or any other Act; or
  2) Public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community;
- Public awareness of the availability of Council information must be facilitated.

5. WHAT WILL COUNCIL 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, publically accessibly in person or via Council’s website unless in accordance with the provisions in the Act and Governance Rules.
- Will be informed through community engagement, in accordance with the Community and Stakeholder Engagement Principles and the Community and Stakeholder Engagement Policy.
- Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered within the Governance Rules/meeting procedures in place.

Council Information

This information includes, but is not limited to:

Documents such as:
- Plans and Reports adopted by Council;
- Policies;
- Project plans;
- Grant application;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy; and
- Relevant technical reports and / or research that informs decision making.

Process information such as:
- Practice notes and operating procedures;
- Application processes for approvals, permits, grants, access to Council services;
- Community engagement processes;
- Complaints handling processes.
Council records will, at a minimum, be available on Council’s website:

- Council meeting agendas and minutes;
- Delegated Committee agenda and minutes;
- Reporting from Advisory Committees to Council through reporting to Council;
- Audit and Risk Committee Performance Reporting;
- Terms of reference or charters for Advisory Committees;
- Registers of gifts, benefits and hospitality offered to Councillors or Council Staff;
- Registers of travel undertaken by Councillors or Council Staff;
- Registers of Conflicts of Interest disclosed by Councillors or Council Staff;
- Submissions made by Council;
- Registers of donations and grants made by Council;
- Registers of leases entered into by Council, as lessor and lessee;
- Register of Delegations;
- Register of Authorised officers;
- Register of Election campaign donations.
- Summary of Personal Interests
- Any other Registers or Records required by legislation or determined to be in the public interest.

Consistent with the Part II Statement of the Freedom of Information Act, Council will make available the following records for inspection. Examples include but are not limited to:

- Summary of Personal Interests (‘Register of interests’ until 24 October 2020); and
- Submissions received under section 223 of the Local Government Act 1989 until its repeal or received through a community engagement process undertaken by Council.

A detailed list of documents to be made available to the public as prescribed from a range of legislation is contained in Appendix 1 to this policy.

Publications

Council publishes a range of online and printed newsletters, bulletins, brochures, fact sheets and other information material for residents, businesses and visitors. These can be viewed and downloaded from the Council website or printed copies collected from the Bayside Corporate Centre and public libraries. Council also uses social media to inform the community including Facebook, Twitter, Instagram, LinkedIn and YouTube.
6. ACCESS TO INFORMATION

- Information will be made available on the Council website or at the Corporate Centre, or by request.
- Members of the public can make different kinds of information requests to the council (e.g. informal requests for documents and information or formal FOI requests).
- Consideration will be given to accessibility and cultural requirements in accordance with the Charter of Human Rights and Responsibilities Act 2006.
- Consideration will be given to confidentiality in accordance with the Act and public interest test where appropriate.
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.
- In accordance with Part II statement made under the Freedom of Information Act 1982.

7. INFORMATION NOT AVAILABLE

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

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

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council business information</td>
<td>Information that would prejudice the Council's position in commercial negotiations if prematurely released.</td>
</tr>
<tr>
<td>Security information</td>
<td>Information that is likely to endanger the security of Council property or the safety of any person if released.</td>
</tr>
<tr>
<td>Land use planning information</td>
<td>Information that is likely to encourage speculation in land values if prematurely released.</td>
</tr>
<tr>
<td>Law enforcement information</td>
<td>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.</td>
</tr>
<tr>
<td>Legal privileged information</td>
<td>Information to which legal professional privilege or client legal privilege applies.</td>
</tr>
<tr>
<td>Personal information</td>
<td>Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.</td>
</tr>
<tr>
<td>Private commercial information</td>
<td>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.</td>
</tr>
<tr>
<td>Confidential meeting information</td>
<td>Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.</td>
</tr>
<tr>
<td>Internal arbitration information</td>
<td>Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.</td>
</tr>
<tr>
<td>Councillor Conduct Panel confidential information</td>
<td>Confidential information relating to a Councillor Conduct Panel matter.</td>
</tr>
<tr>
<td>Confidential information under the 1989 Act</td>
<td>Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.</td>
</tr>
</tbody>
</table>
However, 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.

Where information is not confidential and not already available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

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

When considering possible harm from releasing information, 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.

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

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

8. RESPONSIBILITIES

It is everyone’s role to promote and facilitate access to council information in accordance with the public transparency policy.

<table>
<thead>
<tr>
<th>Party/parties</th>
<th>Roles and responsibilities</th>
<th>Timelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Executive Management Team</td>
<td>Champion behaviours that foster transparency and drive the principles through policy, process and leadership.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Senior Leadership Team</td>
<td>Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
9. HUMAN RIGHTS CHARTER

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

10. 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 still not satisfied and would like to contest the decision, this can be reported to the Manager Governance or Governance Coordinator as the officers responsible for Freedom on Information in Council.

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

11. FREEDOM OF INFORMATION (FOI) APPLICATIONS

The Freedom of Information Act 1982 gives you right of access to documents that Council hold. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issues by the Victorian Information Commissioner.

A list of available information is provided in the Part II Statement published on Council’s website in accordance with the Freedom of Information Act 1982. This Statement required government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

If you can’t find the document you require, telephone or email the Council’s Freedom of Information Officer before you make an FOI application as we may be able to make it available.

12. MONITORING, EVALUATION AND REVIEW

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

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

For the purpose of this policy, Council adopts the following definitions.

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community / municipal community</td>
<td>The Local Government Act 2020 defines the term ‘municipal community’ as: (a) People who live in the municipal district of the Council; (b) People and bodies who are ratepayers of the Council; (c) Traditional owners of land in the municipal district of the Council; and (d) People and bodies who conduct activities in the municipal district of the Council. Put simply, community is a flexible use to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</td>
</tr>
<tr>
<td>Community engagement</td>
<td>Getting stakeholder and/or community input or feedback to inform a Council decision.</td>
</tr>
<tr>
<td>IAP2 Public Participation Spectrum</td>
<td>The IAP2 Public participation Spectrum is designed to assist with the selection of the level of participation that defines the public’s role in any community engagement program. The Spectrum shows that differing levels of participation are legitimate depending on the goals, timeframes, resources and levels of concern in the decision to be made. The Spectrum also sets out the promise being made to the public at each participation level.</td>
</tr>
<tr>
<td>Stakeholder</td>
<td>An individual or a defined group of people who are interested, affected by or contribute to an outcome – some examples are government departments, non-resident traders/business operators Stakeholders generally have a strong interest in the decisions of Council and are directly impacted by their outcomes.</td>
</tr>
<tr>
<td>Closed Meetings</td>
<td>When Council resolves to close the meeting to the general public, 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.</td>
</tr>
<tr>
<td>Transparency</td>
<td>A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of The Act).</td>
</tr>
</tbody>
</table>
14. RELATED DOCUMENTS

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Policies</th>
<th>Procedures/Processes</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Charter of Human Rights and Responsibilities Act 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Freedom of Information Act 1982</td>
<td>• Community and Stakeholder Engagement Policy</td>
<td>• Governance Rules</td>
</tr>
<tr>
<td>• Local Government Act 2020</td>
<td>• Information Privacy Policy</td>
<td>• Public Transparency Principles</td>
</tr>
<tr>
<td>• Privacy and Data Protection Act 2014</td>
<td>• Health Records Policy</td>
<td>• Governance Framework (Template available from LGV if required based on Geelong model)</td>
</tr>
<tr>
<td>• Equal Opportunity Act 2010.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please note: This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) to ensure this is the latest version.
### List of information to be made publicly available by Council as at 1 July 2020

<table>
<thead>
<tr>
<th>No</th>
<th>Act/Section</th>
<th>Description</th>
<th>Manner</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Act 1993</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>s 11(3)</td>
<td>Notice of the fact that a regulation under Part has ceased to have effect in the municipal district or part of it</td>
<td>Newspaper circulating in municipal district</td>
<td>Currently in force</td>
</tr>
<tr>
<td>2.</td>
<td>s 31</td>
<td>Register of building permits</td>
<td>Available for inspection by any person during normal office hours</td>
<td>Currently in force</td>
</tr>
<tr>
<td>3.</td>
<td>s 74</td>
<td>Register of occupancy permits and temporary approvals/amendments</td>
<td>Available for inspection by any person during normal office hours</td>
<td>Currently in force</td>
</tr>
<tr>
<td>4.</td>
<td>s 126</td>
<td>Register of all emergency orders, building notices or building orders</td>
<td>Available for inspection by any person during normal office hours</td>
<td>Currently in force</td>
</tr>
<tr>
<td>5.</td>
<td>s 192A(8)</td>
<td>Copy of the most recent map given to Council under subsection (7)</td>
<td>Available for inspection at the Council’s office during office hours free of charge</td>
<td>Currently in force</td>
</tr>
<tr>
<td>6.</td>
<td>s 216D</td>
<td>Register of swimming pools and spas</td>
<td>Certain persons may inspect</td>
<td>Currently in force</td>
</tr>
<tr>
<td>7.</td>
<td>s 230</td>
<td>Register of exercise of powers of entry</td>
<td>Made available for inspection by the Authority on request</td>
<td>Currently in force</td>
</tr>
<tr>
<td><strong>Building Regulations 2018</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>r 50</td>
<td>Copy of any documents submitted with an application for a building permit</td>
<td>On request of an owner/mortgagee of the building/land or person authorised in writing by such person</td>
<td>Currently in force</td>
</tr>
<tr>
<td>9.</td>
<td>r 51 &amp; 52</td>
<td>Certain information on request</td>
<td>On request and payment of a fee</td>
<td>Currently in force</td>
</tr>
<tr>
<td>10.</td>
<td>r 149(4)</td>
<td>Copy of each designated special area map applicable</td>
<td>Available for public inspection at the Council office during office hours free of charge</td>
<td>Currently in force</td>
</tr>
</tbody>
</table>
### Catchment and Land Protection Act 1994

<table>
<thead>
<tr>
<th>Item</th>
<th>Section</th>
<th>Description</th>
<th>Availability</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>s 22(1)</td>
<td>Approved roadside weed and pest animal management plan</td>
<td>Copy made available for inspection at Council's office during normal office hours at and published on website as soon as practicable after the plan is approved</td>
<td>Currently in force</td>
</tr>
<tr>
<td>12.</td>
<td>s 22M(1)</td>
<td>Consolidated version of approved roadside weed and pest animal management plan</td>
<td>Copy made available for inspection at Council's office during normal office hours at and published on website as soon as practicable after the plan is approved</td>
<td>Currently in force</td>
</tr>
</tbody>
</table>

### Domestic Animals Act 1994

<table>
<thead>
<tr>
<th>Item</th>
<th>Section</th>
<th>Description</th>
<th>Availability</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td>s 10A(3)(a)</td>
<td>Resolution made by Council under s 10A</td>
<td>Government Gazette and newspaper circulating in municipal district</td>
<td>Currently in force</td>
</tr>
<tr>
<td>14.</td>
<td>s 10C(5)</td>
<td>Resolution made by Council under s 10C</td>
<td>Government Gazette and newspaper circulating in municipal district</td>
<td>Currently in force</td>
</tr>
<tr>
<td>15.</td>
<td>s 10D(6)</td>
<td>Resolution made by Council under s 10D</td>
<td>Government Gazette and newspaper circulating in municipal district</td>
<td>Currently in force</td>
</tr>
<tr>
<td>16.</td>
<td>s 18</td>
<td>Register of all registered dogs and cats</td>
<td>Made available for inspection at the Council's office</td>
<td>Currently in force</td>
</tr>
<tr>
<td>17.</td>
<td>s 25(3)</td>
<td>Orders made by Council under s 25(3)</td>
<td>Government Gazette and newspaper circulating in municipal district</td>
<td>Currently in force</td>
</tr>
<tr>
<td>18.</td>
<td>s 26(3)</td>
<td>Orders made by Council under s 26(3)</td>
<td>Government Gazette and newspaper circulating in municipal district</td>
<td>Currently in force</td>
</tr>
<tr>
<td>19.</td>
<td>s 68A</td>
<td>Publish an evaluation of its implementation of the domestic animal management plan</td>
<td>Annual report</td>
<td>Currently in force</td>
</tr>
</tbody>
</table>

### Filming Approval Act 2014

<table>
<thead>
<tr>
<th>Item</th>
<th>Schedule 1 Principle 7</th>
<th>Description</th>
<th>Availability</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td>Sch 1 Principle 7</td>
<td>Film permits issued and any other relevant information</td>
<td>Made available on Council's Website</td>
<td>Currently in force</td>
</tr>
<tr>
<td>Food Act 1984</td>
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<tr>
<td>21. s 19U(4)</td>
<td>The method of determining the reasonable costs of an audit payable under subsection (2) and the criteria fixed under subsection (3)</td>
<td>Available for public inspection</td>
<td>Currently in force</td>
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</tr>
<tr>
<td>22. s 19UA(5)</td>
<td>The method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4)</td>
<td>Available for public inspection</td>
<td>Currently in force</td>
<td></td>
</tr>
<tr>
<td>23. s 43</td>
<td>Records of registrations, renewals and transfers in relation to a particular food premises, including details of any relevant orders</td>
<td>Available free of charge on request</td>
<td>Currently in force</td>
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<table>
<thead>
<tr>
<th>Freedom of Information Act 1982</th>
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<tr>
<td>24. Part II</td>
<td>Information concerning functions etc and documents available for inspection and purchase</td>
<td>In the Annual Report (can be website)</td>
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<table>
<thead>
<tr>
<th>Gender Equality Act 2020</th>
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<tbody>
<tr>
<td>25. s 12(3)(a)</td>
<td>Gender Equality Action Plan</td>
<td>Made available on Council’s website</td>
</tr>
<tr>
<td>26. s 13(3)</td>
<td>A report or other document taken to be a Gender Equality Action Plan</td>
<td>Made available on Council’s website</td>
</tr>
<tr>
<td>27. s 15(2)(b)</td>
<td>Amended Gender Equality Action Plan</td>
<td>Made available on Council’s website</td>
</tr>
<tr>
<td>28. s 20</td>
<td>Progress Report</td>
<td>Made available on Council’s website</td>
</tr>
<tr>
<td>Item</td>
<td>Section</td>
<td>Description</td>
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<td>------</td>
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<tr>
<td>29</td>
<td>s 9</td>
<td>Enforcement Agency Guidelines and Policies</td>
</tr>
<tr>
<td>30</td>
<td>ss 19 and 23</td>
<td>Notice declaring interest in land to be acquired</td>
</tr>
<tr>
<td>31</td>
<td>s 11(8)</td>
<td>Public register of delegations</td>
</tr>
<tr>
<td>32</td>
<td>s 18(1)(d)</td>
<td>Mayor must report on implementation of the Council Plan</td>
</tr>
<tr>
<td>33</td>
<td>s 40(2)</td>
<td>Details of reimbursements</td>
</tr>
<tr>
<td>34</td>
<td>s 41(1)</td>
<td>Expenses policy in relation to reimbursement of out of pocket expenses</td>
</tr>
<tr>
<td>35</td>
<td>s 45</td>
<td>CEO Employment and Remuneration Policy</td>
</tr>
<tr>
<td>36</td>
<td>s 47(7)</td>
<td>Register of CEO’s delegations</td>
</tr>
<tr>
<td>37</td>
<td>s 48</td>
<td>Recruitment policy for members of Council staff</td>
</tr>
<tr>
<td>38</td>
<td>s 49</td>
<td>Code of Conduct for members of Council staff</td>
</tr>
<tr>
<td>Item 10.3 – Reports by the Organisation</td>
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<tr>
<th></th>
<th>Section</th>
<th>Description</th>
<th>Status</th>
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<tbody>
<tr>
<td>39</td>
<td>s 57</td>
<td>Public transparency policy</td>
<td>Currently in force</td>
</tr>
<tr>
<td>40</td>
<td>s 60</td>
<td>Governance Rules</td>
<td>Currently in force</td>
</tr>
<tr>
<td>41</td>
<td>s 63</td>
<td>Delegated Committee</td>
<td>Currently in force</td>
</tr>
<tr>
<td>42</td>
<td>s 64</td>
<td>Joint Delegated Committee</td>
<td>Currently in force</td>
</tr>
<tr>
<td>43</td>
<td>s 65</td>
<td>Community Asset Committee</td>
<td>Currently in force</td>
</tr>
<tr>
<td>44</td>
<td>s 66(3)</td>
<td>Must record in the minutes of closed meetings certain information</td>
<td>Minutes made available for public inspection</td>
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<tr>
<td>45</td>
<td>s 73</td>
<td>Proposing a local law</td>
<td>Made available for inspection at Council’s office and website</td>
</tr>
<tr>
<td>46</td>
<td>ss 74(4)</td>
<td>Making a local law</td>
<td>Copy made available for inspection at Council’s office and website</td>
</tr>
<tr>
<td>47</td>
<td>s 74(5)</td>
<td>Notice of local law made</td>
<td>Published in the Government Gazette, website and in any other manner prescribed by the regulations</td>
</tr>
<tr>
<td>48</td>
<td>s 75</td>
<td>Local law as made</td>
<td>Copy of local law as long as local law is in force made available for inspection at Council’s office and website</td>
</tr>
<tr>
<td>49</td>
<td>s 76(3)</td>
<td>Notice of amendment of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law</td>
<td>Published on Council’s website</td>
</tr>
<tr>
<td>50</td>
<td>s 76(4)</td>
<td>Copy of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law</td>
<td>Made available for inspection at Council’s office and website</td>
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<tr>
<td>51</td>
<td>s 90</td>
<td>Council Plan</td>
<td>Unspecified</td>
</tr>
<tr>
<td>52</td>
<td>s 91</td>
<td>Financial Plan</td>
<td>Unspecified</td>
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<tr>
<td>53</td>
<td>s 92</td>
<td>Asset Plan</td>
<td>Unspecified</td>
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<td>Item</td>
<td>Section</td>
<td>Report Type</td>
<td>Requirement</td>
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<tr>
<td>54.</td>
<td>ss 94 and 95</td>
<td>Budget</td>
<td>Unspecified</td>
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<tr>
<td>55.</td>
<td>s 98</td>
<td>Annual Report</td>
<td>Unspecified</td>
</tr>
<tr>
<td>56.</td>
<td>s 107</td>
<td>Complaints Policy</td>
<td>Unspecified</td>
</tr>
<tr>
<td>57.</td>
<td>ss 108 and 109</td>
<td>Procurement</td>
<td>Unspecified</td>
</tr>
<tr>
<td>58.</td>
<td>s 114</td>
<td>Selling or exchanging land</td>
<td>Publish notice 4 weeks prior to leasing on website and in any other manner prescribed by the regulations</td>
</tr>
<tr>
<td>59.</td>
<td>s 115</td>
<td>Lease of land</td>
<td>Unspecified [If lease not included in budget, must engage community engagement process in accordance with community engagement policy]</td>
</tr>
<tr>
<td>60.</td>
<td>s 136(2)</td>
<td>Disclosure of conflicts of interests at meetings</td>
<td>Unspecified [In accordance with Governance Rules]</td>
</tr>
<tr>
<td>61.</td>
<td>s 135(3)</td>
<td>Summary of personal interest returns</td>
<td>Made available for inspection at Council's office and website</td>
</tr>
<tr>
<td>62.</td>
<td>s 138</td>
<td>Councillor Gift Policy</td>
<td>Unspecified</td>
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<tr>
<td>63.</td>
<td>s 139</td>
<td>Councillor Code of Conduct</td>
<td>Unspecified</td>
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<tr>
<td>Local Government Act 1989</td>
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<tr>
<td>65. s 76C(6)</td>
<td>Copy of current Councillor Code of Conduct</td>
<td>Available for public inspection at Council office</td>
<td>In force until 24 October 2020</td>
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<tr>
<td>66. s 94(6)</td>
<td>Resolution to reappoint a CEO</td>
<td>Available for public inspection within 14 days after passing of the resolution</td>
<td>In force until 1 July 2021</td>
</tr>
<tr>
<td>67. s 119(2A)</td>
<td>Copy of proposed local law</td>
<td>Available for public inspection at the Council office during ordinary business hours</td>
<td>In force until 1 July 2021</td>
</tr>
<tr>
<td>68. s 120</td>
<td>Copy of every local law</td>
<td>Available for public inspection at the Council office during office hours and can be purchased on demand</td>
<td>In force until 1 July 2021</td>
</tr>
<tr>
<td>69. s 120(3)</td>
<td>Copy of every document incorporated by a local law</td>
<td>Available for public inspection at the Council office during office hours</td>
<td>In force until 1 July 2021</td>
</tr>
<tr>
<td>70. s 125(3A)</td>
<td>Proposed Council Plan</td>
<td>Available for public inspection at the Council office and website</td>
<td>In force until 24 October 2020</td>
</tr>
<tr>
<td>71. s 125(11)</td>
<td>Current Council Plan</td>
<td>Available for public inspection at the Council office and any other place required by the regulations</td>
<td>In force until 24 October 2020</td>
</tr>
<tr>
<td>72. s 126(4)</td>
<td>Strategic Resource Plan</td>
<td>Available for public inspection at the Council office and any other place required by the regulations</td>
<td>In force until 24 October 2020</td>
</tr>
<tr>
<td>73. s 129(3)(b)</td>
<td>Proposed budget or revised budget</td>
<td>Available for public inspection for at least 28 days at the Council office and any other place required by the regulations</td>
<td>In force until 24 October 2020</td>
</tr>
<tr>
<td>Item</td>
<td>Section</td>
<td>Description</td>
<td>Inspection Details</td>
</tr>
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<tr>
<td>74.</td>
<td>s 130(9)</td>
<td>Budget or revised budget</td>
<td>Available for public inspection at the Council staff and any other place required by the regulations</td>
</tr>
<tr>
<td>75.</td>
<td>s 133(3)</td>
<td>Annual report</td>
<td>Available for public inspection at the Council staff and any other place required by the regulations</td>
</tr>
<tr>
<td>76.</td>
<td>s 157(2)</td>
<td>Notice of change to valuation system</td>
<td>Publish public notice – can be via website as per definition</td>
</tr>
<tr>
<td>77.</td>
<td>s 161(3)</td>
<td>Differential rates</td>
<td>Made available for inspection at Council’s office and website</td>
</tr>
<tr>
<td>78.</td>
<td>s 163(1B)</td>
<td>Special rate and special charge – public notice</td>
<td>Available for public inspection at the Council office for at least 28 days after the publication of the notice</td>
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<tr>
<td>79.</td>
<td>s 186A</td>
<td>Procurement policy</td>
<td>Available for public inspection at the Council office and website</td>
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<tr>
<td>80.</td>
<td>s 208F</td>
<td>Any quality or cost standards adopted</td>
<td>Public inspection</td>
</tr>
<tr>
<td>81.</td>
<td>s 223(1)(a)</td>
<td>Right to make a submission</td>
<td>Publish public notice – can be via website as per definition</td>
</tr>
<tr>
<td>82.</td>
<td>s 224</td>
<td>Register of Authorised Officers</td>
<td>Unspecified</td>
</tr>
<tr>
<td>83.</td>
<td>Sch 10 Cl2(3)</td>
<td>Deviation of roads – publish notice</td>
<td>Government Gazette</td>
</tr>
<tr>
<td>84.</td>
<td>Sch 10 Cl8(3)</td>
<td>Narrow or widen roads – publish notice</td>
<td>Government Gazette</td>
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</table>

**Local Government (Electoral) Regulations 2020**

<table>
<thead>
<tr>
<th>Item</th>
<th>Regulation</th>
<th>Description</th>
<th>Effective Date</th>
</tr>
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<tbody>
<tr>
<td>85.</td>
<td>r 35</td>
<td>Register of attendance</td>
<td>In force from 13 July 2020</td>
</tr>
<tr>
<td>Item 10.3 – Reports by the Organisation</td>
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<tr>
<td><strong>Planning and Environment Act 1987</strong></td>
<td><strong>Copy of approved amendment</strong></td>
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<tr>
<td>§ 41</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 42</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 48</td>
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<td>§ 51</td>
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<td>§ 52</td>
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<td>§ 53</td>
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<td>§ 54</td>
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<td>§ 55</td>
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<td>§ 56</td>
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<td>§ 57</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 60</td>
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<td>§ 61</td>
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<td>§ 63</td>
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<td>§ 74</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 75</td>
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<td>§ 76</td>
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<td>§ 83</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 84</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 85</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 86</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 87</td>
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<td>§ 88</td>
<td>Made available for inspection free of charge at Council's office during office hours until the amendment comes into operation or lapses.</td>
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<td>§ 89</td>
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<td>§ 90</td>
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<tr>
<td>95</td>
<td>s 57(5)</td>
<td>Copy of objection to planning permit</td>
<td>Made available for inspection free of charge at Council’s office during office hours until the end of the period during which an application may be made for review of a decision on the application</td>
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<tr>
<td>96</td>
<td>s 70</td>
<td>Copy of every permit issued</td>
<td>Made available for inspection free of charge at Council’s office during office hours</td>
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<tr>
<td>97</td>
<td>s 97G(6)</td>
<td>Copy of every permit issued under s 97F</td>
<td>Available for inspection at the Council’s office during office hours free of charge and/or via website (s 205)</td>
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**Public Health and Wellbeing Act 2008**

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<td>98</td>
<td>s 28(7)</td>
<td>Municipal Public Health and Wellbeing Plan [unless s 27 applies]</td>
<td>Made available for inspection at the places at which the current Council Plan is available</td>
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<td>Road Management Act 2004</td>
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<td>99</td>
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<td>Register of public roads</td>
<td>Available for inspection by any person during normal office hours</td>
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<tr>
<td>100</td>
<td>s 86</td>
<td>Register of exercise of powers of entry</td>
<td>Unspecified</td>
<td>Currently in force</td>
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<tr>
<td>101</td>
<td>s 224</td>
<td>Copy or summary of Ministerial direction</td>
<td>Annual report</td>
<td>Currently in force</td>
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<td>Sch 2 Cl 5(1)</td>
<td>Notice of the making, amending or revoking of a declaration made under s 42</td>
<td>Government Gazette</td>
<td>Currently in force</td>
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Council Policy

Council Expenses, Reimbursement, Support and Accountability Policy

July 2020

Adopted by Council on
Council Policy

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1. **Policy intent**
The intent of this policy is to establish clear guidance for the following:

- Councillors and Members of Delegated Committees entitlements for reimbursement of reasonable bona fide out-of-pocket expenses incurred while performing the duties of a councillor.
- Councillors’ and Members of Delegated Committees’ entitlements to have reasonable bona fide expenses associated with performing the duties of a councillor paid on their behalf.
- Support and resources provided to Councillors to undertake their role.

2. **Purpose/Objective**
This Policy supports Councillors and members of delegated committees to perform their role, as defined under the Local Government Act 2020, by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. This policy provides guidance on:

- Entitlements
- The circumstances under which Council will make payment for:-
  - reimbursement of travel expenses, child care expenses, carers expenses; and
  - Reimbursement of other expenses
- Reporting requirements
- Allowances paid to the Mayor and Councillors;

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

3. **Scope**
This policy applies to:
- all Councillors of Bayside City Council; and
- members of delegated committees of Council.

Councillors duties are those performed by a councillor as a necessary part of their role, in achieving the objectives of Council as identified in section 3 of the Local Government Act 2020.
The duties and activities considered to be necessary or appropriate for the purposes of achieving the objectives of a Council include, but not limited to:

- Attendance at meetings of council and its various committees.
- Attendance at briefing sessions, workshops, civic events or functions convened by council.
- Attendance at conferences, workshops and training programs related to the role of councillor, mayor or deputy mayor.
- Attendance at meetings, events or functions representing council.
- Duties in relation to constituents concerning council business.
- Attendance at meetings with officers or any person, any matter relating to the City.

Members of delegated committees exercise powers of councillors, under delegation. This policy also applies to those members in the course of undertaking their role as delegated committee members.

The policy presumes Councillors are residents in the municipality, and any additional costs or expenses attributable to a Councillor’s residence being outside the municipality are considered inappropriate for reimbursement in the absence of a prior Council resolution to the contrary.

Any cost or expense (or portion thereof) which should reasonably be borne by another entity, or for which another entity is reasonably liable, is outside the scope of this policy and shall not be paid or reimbursed by Council.

Councillors are entitled to access facilities, support and resources as described in this policy and the Local Government Act 2020.

4. **Expenses**

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

This policy ensures that the reimbursement of these expenses is in accordance with the Act and meets the Act’s principles of public transparency; achieving the best outcomes for the municipal community; and ensuring the ongoing financial viability of the council.

Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that are:

- **bona fide expenses** and

- have been reasonably incurred in the performance of the role councillor and

- are reasonable necessary for the councillor and member of a delegated committee to perform this role.

Expenses incurred by Councillors when acting in a private capacity will not be reimbursed or paid.
Carer and dependent relates expenses
Council will provide reimbursement of costs where the provision of childcare is reasonably required for a councillor or member of delegated committee to perform their role (section 41(2)(c)).

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

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

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

The policy is not intended to prescribe for every possible situation that may arise. Should a situation arise that is not adequately covered by this policy, the matter will be referred to the Chief Executive Officer for determination.

5. Reimbursement of expenses incurred
A councillor or member of a delegated committee wishing to make a claim for reimbursement must undertake the following procedure:

Making the claim
1. All claims must be made on the approved expenses reimbursement form, available from the Governance Department.
2. Originals receipts must be attached for all claims (credit card receipts will not be accepted)
3. Where the provider of the goods or service is registered for GST a tax invoice must be obtained and provided (without this the GST component of the cost cannot be reimbursed)
4. Claims must be lodged with the Manager Governance by the last day of each month.
5. Reimbursement will be provided by electronic funds transfer direct to the councillor or member of a delegated committee.
6. **Mayor and Councillor Allowance**

Section 74 of the Act allows the Governor in Council to set allowances for the Mayor and Councillors.

The most recent Order in Council sets out specific annual Mayor and Councillor allowances based on three categories of Council. Bayside is known as a category 2 municipality therefore the range for a Mayor and Councillor allowance is limited to the category 2 range, plus the amount equivalent to the Superannuation Guarantee (currently 9.5%) where applicable.

Council will increase allowances in accordance with any adjustment factor gazetted by the Minister for Local Government each year, as required under the Act.

Mayor and Councillor allowances will be paid monthly in advance as at the date of the Annual Meeting or as advised by the Minister for Local Government and the allowances will be set following each municipal general election, or as reviewed by Council.

Mayor and Councillors’ allowances are taxable income and Councillors should put in place their own processes for documenting claimable expenses. Any personal taxation implications from the receipt of allowances are the responsibility of individual Councillors.

Where the Mayor or a Councillor is granted a leave of absence from Council for a period of time, it is at the discretion of the Mayor or Councillor if they wish to suspend their Mayoral or Councillor allowance during the period of absence.

Councillors will be provided an amount equivalent to the superannuation guarantee. This amount may be paid into a superannuation account of the Councillors’ choice or it may be taken as an addition to their allowance.

7. **Travelling expenses and costs**

Councillors are entitled to have paid by Council, or reimbursed, travelling expenses and costs within the scope of this policy for return travel within Victoria undertaken whilst discharging the duties of a Councillor.

Councillors may on occasion be given the opportunity of attending conferences, conventions, study tours, seminars, training courses and other events as a participant, presenter, delegate or official Council representative. The following section details the policy in relation to travel expenses and arrangements.

**Private Vehicle Usage**

Councillors using their private vehicles may claim expense reimbursement where such travel is in the course of conducting Council business.

The allowance payable to Councillors for use of their own private vehicle on Council business shall be in accordance with the rates prescribed in the Bayside City Council Enterprise Agreement as varied from time to time.
Councillors may be reimbursed for private vehicle travelling expenses associated with:
- Travel for inspections, functions, and external meetings associated with legitimate Council business.
- Travel for attendance at conferences, courses and seminars where such attendance has been authorised by Council.
- Travel to and from air, rail, or bus ports when embarking on interstate or international Council business.

To be reimbursed for use of their private vehicle, Councillors must provide adequate detail of:
- The purpose of the trip;
- Date and location;
- Kilometres travelled;
- Where appropriate, receipts for tolls, parking and petrol; and
- Claims must be made on the official Travel claim form.

Private vehicle expense reimbursement for Councillors must be approved by the Chief Executive Officer or the Governance Manager and processed for payment by the Governance Manager.

Reimbursement claims for travel expenses must be lodged by the last day of each month following the occurrence of the expense.

Reimbursement will be provided monthly by electronic funds transfer.

**Cab Charge Vouchers**
Councillors may use cab charge vouchers for taxi travel on journeys associated with their civic duties.

Cab charge vouchers are available from the Governance Manager.

A record of Cab-Charge vouchers issued to councillors or a delegated committee member will be kept highlighting the date, time purpose of the use of the voucher, and cost of the trip once invoicing have been received.

**Myki Card – Public Transport**
A Myki card will be made available for Councillors business use only. Councillors are encouraged to use public transport for meetings and conferences to and within the Melbourne Central Business District.

**Council Vehicles**
Where practicable, and by prior arrangement through the Chief Executive Officer, a Council pool vehicle may be made available to Councillors, subject to availability for travel outside the municipality where use of private vehicles or other means of transport is not convenient or practicable.
Private travel in conjunction with Council travel

Councillors undertaking private travel arrangements in conjunction with any travel for the purpose of their duties as a Councillor must ensure that all costs incurred for private purposes are clearly delineated and that appropriate records including pre-departure itineraries are maintained.

Where any private travel and associated costs are included in a package ticket or arrangement, the Councillors must meet, or reimburse Council, the private proportion prior to departure.

Miscellaneous travel provisions

Travel should be undertaken by the most practicable mode and route possible taking into account factors such as duration and cost of travel and mode of transport, and where possible, minimising Council’s carbon footprint.

The quantum of expenses paid by Council or reimbursed will be on the basis of the actual cost incurred and the form of transport used.

Where travel is by flight, the standard form of travel will be economy class.

Council will not reimburse Councillors for any infringements incurred for traffic or parking offences.

8. Communication equipment, expenses and costs

Councillors shall be provided with appropriate communications equipment to ensure that they can adequately and efficiently perform their role as a Councillor, which as a minimum will include:

- A smart mobile phone
- Laptop computer or equivalent
- Access to a copier/printer
- An internet connection (currently via iphone and laptop connection)
- Bookcase (if required)

The make, model and specifications of any communications equipment, the associated contracts or plans, and the replacement of any communications equipment shall be at the discretion of the Chief Executive Officer or their delegate.

The above facilities remain the property of the Council and must be returned at the end of a Councillor’s term of office, retirement or resignation.

Councillors also have access to a lounge area on the First floor Executive Wing which provides printer facilities, meeting table, and tea and coffee facilities.
Council provided communications equipment is to be used for Council related business activities however, it is acknowledged that on occasion, limited personal use may be made on communications equipment. It should be noted that Council subscribes to a capped data rate for both mobile and laptop, therefore determination of public and private use is within the capped rate.

The Chief Executive Officer, in consultation with the Mayor will review councillors’ communication equipment and will update equipment at:

- the commencement of each electoral term, and
- any stage during the electoral term where the organisation believes an update is appropriate.

Information Technology Support Service
A support service is available during normal working hours of 8am to 6pm Monday to Friday by contacting the IT Helpdesk on 9599-4640.

Access to Bayside City Council’s network is available 24/7. However the system may be unavailable from time to time for routine maintenance. Notification of scheduled maintenance is sent via email.

An overview of equipment and training on the use of the equipment and software provided will be given when new Councillors are appointed to office.

Use of Council equipment
Use of Council provided equipment is for Councillor use only.

The information technology platform provided for Councillors is based on Bayside City Council licensed software, and to assist the efficiency of the information technology no additional software is to be loaded onto Council provided hardware, without the consent of the Chief Executive Officer.

Councillors have the responsibility to protect the equipment directly under their control, and in particular transport laptop and telephones securely, in the supplied carry case.

Anti-virus protection and detection software is installed on Council communication’s equipment. Any suspected virus activity should be reported to the IT Helpdesk.

Councillors are required to contact the Helpdesk directly of any damage or malfunction of any equipment.

Email and Internet Usage
Use of email and internet is to be in accordance with the Bayside City Council Email and Internet Usage Guideline. Whilst the use of email and internet is primarily for conducting Council business incidental and occasional personal use is acceptable, as long as the use does not contravene any relevant laws, regulations, Council policies or the Bayside Councillor Code of Conduct.
All email on the Bayside network is the property of Bayside City Council. The email address supplied to Councillors is owned by Bayside City Council and will cease to exist at the end of the Councillor’s term in office.

9. Corporate Information

All Councillors are responsible and accountable to keep complete, full and accurate records that adequately document Council business activities, or actions that support decisions made. This includes all forms of communications (hardcopy correspondence, facsimiles, emails, etc) addressed to, or received at home locations, or home email accounts.

All corporate correspondence, regardless of format, is to be registered within the Corporate Information Management system. Corporate correspondence should be forwarded to the Executive Assistant to the Mayor and Councillors for registration.

Once the correspondence has been forwarded to the Executive Assistant to the Mayor and Councillor, the Councillors may delete their copy of the corporate record.

10. Conferences, seminars, training and professional development

Conferences, seminars and training courses which impact on the role of Councillors generally and their ability to make contemporary informed decisions are held locally, interstate and internationally. Council will encourage all Councillors to attend conferences, which enhance their role and development as a Councillor, particularly those which focus on an individual Councillor’s areas of specialisation or committee responsibilities.

Details of training courses, conferences and seminars which may be relevant and of interest to Councillors will be circulated to all Councillors and will be accompanied by details of registration costs and a course outline.

Should a Councillor express an interest in attending a particular training course or conference/seminar which does not exceed $1,500 in total registration costs, (excluding travel and accommodation) the Chief Executive, in consultation with the Mayor, shall approve such attendance. All Councillors will be advised by memorandum indicating the Councillor attending the proposed conference/seminar.

Should a Councillor express an interest in attending a particular training course or conference/seminar which exceeds $1,501 in total registration costs, and/or travel and accommodation, this will be reported to Council, with a recommendation for consideration by Council.

As a general guideline, each Councillor other than the Mayor will be limited to one (1) interstate conference per year.

Payment of registration fees for external conferences/seminars etc will be processed through the Governance Manager.
Where accommodation is required in connection with a conference, bookings will be made through the Governance Department.

Reimbursement of Expenses at Conferences
In accordance with Section 40 of the Local Government Act 2020, Council will reimburse Councillors for necessary out of pocket expenses incurred during the conference/seminar attendance. Reimbursement will be on the basis of actual costs incurred and will be subject to the presentation of original receipts. Reimbursement of all expenses must be detailed on the required form and forwarded to the Governance Manager or the Chief Executive for approval and processing for reimbursement.

Where a Councillor is accompanied by a partner or spouse at a conference, the Councillor will incur all expenses associated with their attendance except where no difference in cost in accommodation is incurred, based on a standard double room.

Reporting of Conference / Seminar Attendance by a Councillor
Following attendance at a conference a Councillor will be required to present either a verbal or written report to Council at the next Ordinary Meeting of Council under the item “Reports by Councillors”. This is a report to the Council for purposes of public accountability, and the report must therefore be presented to the meeting in the published agenda or, provided as a verbal report to the meeting on matters arising out of the conference/seminar.

In accordance with Act details of all interstate and overseas travel will be recorded in Council’s Register of Interstate and Overseas Travel which is available for public inspection.

Professional development programs/courses available to all Councillors.

Upon the commencement of each electoral term, a purpose designed induction program will be provided to all Councillors.

In addition to the Councillor Induction Program, Councillors will receive in-house governance training facilitated by officers or an external presenter.

Council will also provide access to the following professional development programs/initiatives:

- Meeting procedures
- Chairing of meetings
- Media training
- Governance Training e.g. Australian Institute of Company Directors courses
- Financial training
- Team building and interpersonal skills
- MAV/VLGA Councillor
All professional development expenditure should always be tested against the following criteria:

- Is directly relevant to the Councillor’s role;
- Takes place and is able to be utilised during the Councillor’s term of office;
- Is it in the interest of the community;
- Meets the budget determined by Council;
- Clearly offers and promotes public benefit as distinguished from private benefit;

Financial Allocation for professional development programs/courses.

An annual budget allocation, indexed to CPI, is available for all Councillors, subject to annual review as part of the Council budget approval process.

If a Councillor does not use their annual allocation, they cannot carry forward any outstanding allocation into the next financial year.

Any Councillor wishing to spend in excess of their allocation will require Council approval in advance.

The individual allocations are available for use at each Councillor’s discretion to access reasonable professional development which can provide benefits to the individual Councillor in serving the Bayside community.

11. Representing Council

Each year, and from time to time, Council resolves to appoint Councillors to represent it on a number of specific organisations with the delegated authority of Council on appropriate matters.

For these organisations the nominated Councillors or their substitute are to be Council representatives at regular meetings of these organisations and any special events, with partners where appropriate.

Councillors are entitled to have paid by Council, or reimbursed, reasonable bona fide costs associated with representing Council on such organisations.

Where Council has not appointed a Councillor representative to a particular organisation or group, and Council receives an official invitation seeking Council representation at an event, Councillors shall be entitled to have paid by Council, or reimbursed, reasonable bona fide costs associated with representing Council at the event, if Council or the Chief Executive Officer in consultation with the Mayor have determined that official representation is considered necessary, or appropriate to support the business or representational needs of Council.

Gifts in the form of hospitality must not be accepted by Councillors unless the Councillor is undertaking a civic duty. All gifts must be declared and declined.
12. Attendance by spouse / partner at seminars, conferences and civic functions and non-council functions

Attendance at any seminar, conference or civic function by a Councillor’s spouse / partner shall be at the expense of the Councillor except where:

- prior approval has been given by Council or the Chief Executive Officer in consultation with the Mayor; and
- attendance by a Councillor’s spouse / partner is considered to be necessary or appropriate to support the business or representational needs of Council.

Where a Councillor’s spouse / partner attends an approved seminar, conference or civic function, Councillors are entitled to have paid by Council, or reimbursed, their spouse or partner’s:

- registration fees; and
- reasonable costs for meals and refreshments.

Councillors are entitled to have paid by Council, or reimbursed, the reasonable costs and expenses of their spouse or partner attending:

- functions held by Council; or
- functions held by other Victorian municipalities;
- where there is an agreed expectation of partners attending, i.e. spouse / partner of the Councillor is specified on the invitation.

Attendance at Dinners and other non-Council Functions

Council will meet the reasonable cost of a Councillor’s attendance at non-council functions to which they have been invited where they are attending in their role as Councillors 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 wishes to attend, it will be at the Mayor’s discretion and mayoral support will be sought via the Executive Assistant to the Mayor & Councillors.

Invitations outside these parameters must be paid for by the individual Councillor attending.

Fundraising and Charitable Events

Council will cover the cost of ticketed events for Councillors invited by written invitation to attend local fundraiser/charitable events, where the event benefits the City of Bayside.

The Director Corporate Services or Governance Manager 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 of Councillors are able to attend. Councillor attendance must have a demonstrated benefit to the local community.
13. Facilities for the Mayor
As the leader and chief spokesperson for the City, the mayoral position requires a range of additional support services and facilities to those supplied to Councillors. As a consequence, the Mayor will be provided with the following:

**Mayoral Vehicle**
Council will provide to the Mayor a fully maintained vehicle (fully registered, maintained and fuelled) of a suitable standard in keeping with the role of the Mayor, having regard to community perception and environmental sustainability based on the following criteria:

- Operating efficiency – fuel efficiency and cost of fuel;
- Greenhouse Rating – assessment of the generation of CO₂ greenhouse gas by the vehicle;
- Air Pollution Rating – assessment of the level of air pollution produced by the vehicle;
- Safety – the level of occupant protection provided by vehicles in front and side crashes, with a minimum of four star safety rating; and
- Price – the cost to Council.

The vehicle shall be used by the Mayor to assist him/her in carrying out his/her official duties, and for private personal and family use during the Mayoral term. The use of the mayoral vehicle for interstate travel is at the discretion of the Mayor.

Eligible drivers include direct family member include spouse (or defacto) and children with a current, valid driver’s licence or learner’s permit (if accompanied by a fully licensed driver, being a direct family member), or a Councillor or a Council officer on the Mayor’s behalf.

Comprehensive insurance cover is provided for all vehicles. Drivers are discouraged from leaving items of a personal nature in Council vehicles as only limited coverage exists for personal effects. In the event of a vehicle being involved in a motor vehicle accident, a $1,500 excess is payable where the vehicle is driven by a non-Council driver under the age of 25 years.

The Mayor may choose not to accept a Mayoral vehicle and use his/her own vehicle. In the event the Mayor can receive reimbursement for use of the private vehicle associated with Mayoral duties via a mileage travel claim.

Whilst Council leases its fleet vehicles for a three-year period, the Mayoral vehicle shall be leased for a period not less than 2 years. All Councillors will be consulted prior to the vehicle being leased. This will ensure that costs and model selection in relation to mayoral vehicle changeover are not excessive and will be distributed over two years.

**Mayoral Office**
A suitably equipped and furnished office is available for the Mayor of the Day at the Corporate Centre, Royal Avenue Sandringham.
Secretarial Support

An appropriate level of secretarial support will be made available to assist the Mayor in performing his/her role.

Secretarial support may include but not be limited to preparation of correspondence, responding to invitations, co-ordinating mayoral and civic receptions, press releases, preparation of speeches, issue research and constituent/community contact activities.

The level of secretarial support shall be determined by the Chief Executive Officer in consultation with the Mayor.

14. Stationery

Each Councillor will be provided with an adequate supply of the following stationery to assist them in undertaking their role:
- Printer cartridges
- Personalised Business Cards.
- A4 plain paper
- Names tags for Councillors and spouse / partner

The supply of stationery will be co-ordinated by the Executive Assistant to the Mayor & Councillors. Council inscribed stationery is not to be converted in any way and may only be used for Council business matters (not electoral purposes).

15. Apparel

The Council shall, upon request, provide Councillors with protective clothing (such clothing as may be held in store and to meet the organisation’s requirements) necessary to assist in carrying out the duties of office. This clothing is to be returned promptly upon the completion of the activity or duty.

This clothing shall be limited to wet weather pants and pullover, gumboots, winter jacket and/or hat, or other such clothing as may be held in store to meet the organisation’s requirements, unless otherwise resolved by Council for a specific item(s).

16. Meeting / Functions Rooms

Subject to availability, meeting rooms owned and controlled by Council can be booked by Councillors, for meetings, interviews and other functions provided they are associated with Council business.
17. Civic Hospitality
All formal civic functions will be co-ordinated by the Governance Department and must be pre-approved by the Mayor. All official civic entertainment expenses will be met from the annual budget allocation approved as part of the Council budget.

Where Council meetings, functions or events are held at times that extend through normal meal times (6.30 – 8.00pm) Council will provide suitable meals for Councillors.

18. External Hospitality
It is recognised that Councillors, on occasions, may need to use external hospitality services when conducting Council business outside Council offices. Councillors will be reimbursed reasonable expenses incurred while entertaining visiting dignitaries or Council business guests on behalf of Council. The Chief Executive Officer must give prior approval to any such undertakings.

19. Couriers
Council will provide a courier service for delivery of Council Agenda and other papers to Councillors places of residence or work place (whichever is indicated by the Councillor) once a week or as required.

20. Insurance Policies
Councillors are covered under the following Council insurance policies while discharging, in good faith, the duties of civic office including attendance at meetings of external bodies as Council representatives:
- Public Liability;
- Professional Indemnity;
- Councillors and Officers Liability; and
- Personal Accident (anyone accompanying a Councillor at a Council function is covered).

It should be noted that Councillors are responsible for their own personal behaviour / accountabilities when attending Council authorised functions and are subject to their own personal liability.

The Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where Council has a liability.

Councillors need to be mindful that Council’s insurance policies cannot cover a Councillors’ own private liability responsibilities.

21. Health Initiatives
Councillors will have access to free annual influenza vaccinations
22. Legal Expenses
Council will not cover any personal legal expenses incurred by a Councillor.

23. Parking Entitlements
Two reserved parking spaces will be available for Councillors at the Corporate Centre, Royal Avenue Sandringham. Additionally, a reserved car parking space will be available for the Mayoral Vehicle at the Corporate Centre.

Councillors will be issued with a Corporate Centre Car Parking sticker and an additional Beach car-parking sticker.

The Councillor / Corporates Centre Car Parking sticker does not allow vehicles to park in designated areas such as, loading bays, bus zones, no stopping areas, mail zones, clearways, disabled bays, taxi zones or school drop off zones.

Councillors will be provided access to a secure bicycle shed at the Corporate Centre on request.

Councillors may claim reimbursement of parking fees incurred on Council business by completing a Councillor expense reimbursement claim form and providing appropriate receipt documentation. Where parking metre/ticket machine expenses are incurred on Council business and a receipt is not available, a reimbursement claim form should be submitted to the Chief Executive Officer for approval.

Should a Councillor or Mayor incur a Parking Infringement Notice, it will not be waived or reimbursed. However, where a Councillor believes a legitimate grievance exists regarding a PIN a formal letter of request together with an accompanying explanatory statutory declaration should be forwarded to the Chief Executive of the relevant Council, for consideration. Any infringement incurred in the course of their duties will not be reimbursed by Bayside City Council or any representation on a Councillors behalf will be made.

24. Building Access
Each Councillor will receive a security access pass to the Corporate Centre, Royal Avenue Sandringham tailored to the needs and times required by Councillors, which will provide access to meeting rooms on the ground floor, Councillors’ lounge and the Mayor’s Office.

25. Councillors with Disabilities
Council will provide additional civic support, facilities and equipment for any Councillor with a disability to enable that Councillor to freely perform his or her civic duties.

26. Cultural Diversity
In acknowledging and respecting cultural diversity, Council will respect and accommodate those requirements necessary for a Councillor to undertake their duties.
27. Council Elections and Exclusions
Councillors must not use Council provided materials and/or facilities for election purposes. This applies to their own candidature or in assisting the candidature of others. Reference should be made to the Councillor’s Code of Conduct and the Election Period Policy.

28. Professional memberships and subscriptions
Professional memberships that are considered to be reasonable bona fide out of pocket Councillor expenses are:

- Australian Institute of Company Directors.
- The Victorian Local Governance Association.
- The Australian Local Government Women’s Association.

Other individual memberships, professional associations or subscriptions which are considered demonstrably beneficial to Council or the performance of the duties of a Councillor may be reimbursed subject to a resolution of Council.

29. Councillor online presence
For each Councillor a Council web page will be provided on Council’s website containing:

- A photograph of the Councillor;
- Contact details;
- Ward map;
- Council appointment, Committee memberships and community and professional affiliations;
- A short bio of the Councillors including professional memberships and associations.

Additional information may be included at the request of a Councillor, subject to the content being approved for publication by the Chief Executive Officer.

The Council Media Policy further outlines the expectations of Council, the role of Councillors and support provided.

30. Other expenditure not specified
Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where Council resolves that a claim is reasonable bona fide expenditure.
31. Submission of claims for reimbursement / Management Mechanisms and Accountability

Form of claims
Claims are to be submitted on the prescribed form to the Manager Governance.

Claims should be accompanied by fully accredited receipts / tax invoices for any expenses claimed.

If receipts cannot be produced, Councillors may be required to provide a statutory declaration.

Claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense incurred while performing the duties of a Councillor.

Timeframe for submission of claims
Councillors are required to submit claims in a timely manner to ensure transparency and timely accountability.

Claims for reimbursement of expenses during the month of June must be submitted within 7 working days of the end of financial year.

Claims for reimbursement which are not in accordance with this policy will not be processed.

Assessment of claims
The Manager Governance will process all claims.

If the Manager Governance has a question about a claim, he/she will, in the first instance, discuss this matter with the relevant Councillor.

If required, the Manager Governance will seek guidance / intervention from the Chief Executive Officer.

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

If a Councillor chooses not to claim a particular expense, this cannot be offset against a claim for any additional amount associated with another expense.

Claims for expenses other than those included in these guidelines will not be reimbursed, except in exceptional circumstances and after Council has resolved that the claim is reasonable and should be reimbursed.
32. Reporting and Disclosure

In the interest of transparency and accountability, quarterly reporting of all councillor and delegated committee members expenses will be provided to Council and Council’s Audit and Risk Committee. All expenses incurred and reimbursements will be reported under the following categories:

- Mobile phone usage charges
- Training/conferences
- Travel, accommodation and meals
- Child care expenses
- Carer and dependent related expenses
- Reimbursement of own vehicle travel claim

The quarterly report will also include Councillor / Mayoral allowances paid to councillors during the quarter.

Councillors will be required to sign off an annual statement, confirming that the individual Councillor expenses as published on Council’s website during the corresponding financial year are true and correct.

Councillors should be aware that Accounting Standard AAS22 requires the disclosure of the names and remuneration paid to the directors or 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 the individual Councillor and their related business and parties. It is each Councillor’s responsibility to ensure that details of such related party transactions are supplied to the Governance Department for reporting purposes.

33. Mayoral and Councillors Gifts

At the end of every mayoral term, the outgoing Mayor will receive from Council:

- a Letter under the seal of Council;
- a presentation book of the Mayor’s activities during their mayoral term;
- a mayoral portrait; and
- the Mayor’s name plate.

At the end of Councillors’ electoral term, outgoing Councillors will receive from Council:

- a Letter under the seal of Council in recognition of their service as Councillor;
- the Councillor’s name plate; and
- an engraved service plaque.

The outgoing Mayor and Councillors must declare these gifts in accordance with the Councillors Acceptance of Gifts and Hospitality Guidelines.
34. **Roles & Responsibilities**

The Governance Department is responsible for:
- the implementation and compliance of this policy;
- approving reimbursement claims forms submitted by Councillors;
- advising Councillors if any claims appears to breach this policy or is inappropriate;
- assisting Councillors in understanding their entitlements;
- ensuring a copy of this policy is provided to each Councillor and placed on Council’s website; and
- reviewing this policy.

Councillors are responsible for:
- the general care of all equipment provided by the organisation or purchased with Council funds;
- complying with this policy;
- ensuring that details of such related party transactions are supplied to the Governance Department for reporting purposes;
- providing true and correct information when completing reimbursement forms referenced in this policy; and
- seeking their own financial and taxation advice.

35. **Monitoring, evaluation & review**

Council commits to monitoring processes and decision making to understand the overall success of the policy’s implementation.

A periodic review of the policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner, otherwise the policy will have cyclic review in two years for the date of adoption.

### Related documents

| Legislation | Local Government Act 2020  
|            | Charter of Human Rights and Responsibilities Act 2006  
|            | Freedom of Information Act 1982  
|            | Privacy and Data Protection Act 2014  
|            | Equal Opportunity Act 2010  
|            | Gender Equity Bill 2020 |
| Policies   | Governance Rules  
|            | Public Transparency policy  
|            | Governance Framework  
|            | Information Privacy policy |
# Definitions & Abbreviations

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<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carer</td>
<td>Means a carer as defined under section 4 of the Carer Recognition Act 2012</td>
</tr>
<tr>
<td>Delegated committee</td>
<td>Delegated committees are defined under section 63 of the Local Government Act 2020</td>
</tr>
<tr>
<td>Duties of the Councillor</td>
<td>Means duties performance by a Councillors that are necessary or appropriate for the purposes of achieving the objectives of Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.</td>
</tr>
<tr>
<td>Expenses</td>
<td>Includes expenses initially incurred by a Councillor for which a claim is subsequently made for reimbursement and expenses incurred by Council for or on behalf of a Councillor.</td>
</tr>
<tr>
<td>Communication Equipment</td>
<td>Portable communication equipment such as mobile telephone - Iphone, Ipad, wireless internet connection and associated hardware and software.</td>
</tr>
<tr>
<td>Professional Development</td>
<td>Means the process of improving and increasing the capabilities, knowledge and skills of councillors through access to education and training opportunities through outside organisations or in the workplace.</td>
</tr>
<tr>
<td>The Act</td>
<td>Means the Local Government Act 2020</td>
</tr>
</tbody>
</table>

**Please note:** This policy is current as at the date of approval. Refer to Council’s website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.
Council Policy

Election Period Policy

For 2020 General Elections

Adopted by Council at its meeting held on
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<td>Request for Chief Executive Officer to certify material</td>
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<td>Chief Executive Officer certification</td>
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<td>Election Period Certification Procedure</td>
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<th>Description</th>
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<tbody>
<tr>
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<td>Council publications and resources during the Election Period</td>
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</table>
Summary of Policy

Mandatory by legislation
- Election Period (Caretaker Period) is from 12.00pm 22 September 2020 until 6.00pm 24 October 2020.
- No Council decision relating the appointment or remuneration of the Chief Executive Officer during this period.
- No Council decision to commit 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 during this period. (this means no expenditure where the total value exceeds $955,000.
- Council reasonably consider deferring prohibited decisions until the next Council is in place.
- Any other matter that the Council considers should not be made during the period.
- No Council decision can be made during this period that would enable the use of Council’s resources in a way that is intended to influence, or is likely to influence, voting at the election.

Mandatory by Council Policy
- All public consultation likely to be conducted during the election period must have prior approval from the Chief Executive Officer.
- Council events may occur during this period, however Councillors have no role to play in these events
- All Council publications are subjected to a certification process.
- Councillors not must use any Council resources including Council staff for any electoral purpose.
- All reports to Council and Committee must include a certification statement.

1. Policy intent
The period preceding elections is defined in the Local Government Act 2020 (the Act) as the “Election Period”. Section 69 of the Act requires Council to develop, adopt and keep an Election Period Policy and to be included in Council’s Governance Rules.

Section 69 of the Act defines certain prohibitions during the Election Period which apply to the functions and powers of a Council as it enters into the “caretaker” period, while ensuring that the normal business of government continues and Council meets its responsibilities to the community.

The intent of this policy is to clearly articulate how the business of Council will function during the legislated Election Period commencing on the last day of nominations and continues until 6.00pm on the Election Day, a period of 32 days.
2. Purpose/Objective
The purpose of this Election Period Policy is to address the requirements of the Act regarding the responsibilities, actions and behaviours of the Council in the period leading up to a general election.

The objective of the policy is to ensure that the ordinary business of local government in the City of Bayside continues throughout the election period in a responsible and transparent manner, and in accordance with the legislated requirements.

This policy prescribes actions and procedures the organisation will implement in observance of statutory requirements and established election period conventions in the interests of ensuring a fair election generally during the election period. This policy builds on the minimum statutory standards to enhance the accountability of the Council, Councillors and Council staff during the election period.

3. “Election” Period
The election period is defined within Section 3 of the Local Government Act 2020 and commences on the last day on which nominations for an election can be received and ends at 6.00pm on Election Day. For the purpose of this policy the period is from 12.00pm on 22 September 2020 to 6.00pm on 24 October 2020.

4. Scope
The scope of this policy applies to Councillors and Council staff during the Election period to:
- Prevent inappropriate decisions and misuse of resources;
- Limit public consultation and council events: and
- Provide equitable access to council information
- Prohibition on Council

The Election Period Policy has been developed in order to ensure that the general elections for the Bayside City Council on Saturday 24 October 2020 and any subsequent elections are conducted in a manner that is ethical, fair and equitable and is publicly perceived as such.

5. Accountability

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

5.2 Responsibility of Councillors
Councillors need to be mindful of their responsibilities in relation to improper use of their position as outlined in the Act. Section 123 and 124 of the Act prohibit Councillors from intentionally misusing or inappropriately making use of their position to:
- Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- Cause, or attempt to cause, detriment to the Council or another person.
5.3. **Role of the Chief Executive Officer (CEO)**

The Chief Executive Officer or delegate will ensure, that all Councillors receive a copy of this as soon as practicable, after the Council adoption of the policy, and staff are informed of the application of this policy at least 30 days prior to the commencement of the election period. The Chief Executive Officer will issue guidelines to staff on their responsibilities in respect to the implementation of this Policy.

The Chief Executive Officer will ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

The Chief Executive Officer will not include in the order of business for any Ordinary Council or Special Committee meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

6. **Decisions during the Election Period**

Some decision making is impacted during the election period for a general election. Specifically, Prohibited Decisions cannot be made during this period.

The Chief Executive Officer or his delegate will ensure as a far as possible, that matters of Council business requiring a decision, what would otherwise be prohibited decisions are scheduled for Council to enable resolution prior to the commencement of the Election Period, or deferred where appropriate for determination by the incoming Council.

**Prohibited Decisions**

Prohibited decisions are specified in section 69(2) of the Act, and decisions made in contravention of this section during the election period are invalid. These decisions relate to:

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

With regard to section 69(2)(d) above, decisions which Council considers should not be made during the election period, this policy nominates significant decisions that significantly affect the municipality or unreasonably bind the incoming Council.

In the case of a decision that significantly affects the municipality or unreasonable binds the incoming Council, a number of factors will need to be considered including:

- Whether the decision is ‘significant’;
- The urgency of the issue (can it wait until after the elections);
- The possibility of financial and/or legal repercussion if it is deferred’
- Whether the decision is likely to be controversial; and
- The best interest of Council.
Some examples include decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan.

The following table illustrates what will constitute Prohibited Decisions:

<table>
<thead>
<tr>
<th>Proposed Council Decision</th>
<th>Is it allowed</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>The appointment or remuneration of the Chief Executive Officer (section 45) Other than the appointment or remuneration of an Acting Chief Executive Officer</td>
<td>No</td>
<td>Prohibited by section 69(2)(a) of the Act.</td>
</tr>
<tr>
<td>Committing the Council to expenditure exceeding 1% of the Council’s income from general rates, municipal charges and service rates and charges in the preceding financial year (estimated at $955k).</td>
<td>No</td>
<td>Prohibited by section 69(2)(b) of the Act.</td>
</tr>
<tr>
<td>A decision which Council considers could be reasonably deferred until the next council is in place.</td>
<td>No</td>
<td>Prohibited by section 69(2)(c) of the Act.</td>
</tr>
<tr>
<td>Significant decisions, being decisions that significantly affect the municipality or unreasonably bind the incoming Council (such as decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan).</td>
<td>No</td>
<td>Prohibited by section 69(2)(d) of the Act.</td>
</tr>
<tr>
<td>A decision that would enable the use of Council’s resources in a way that is intended to influence, or is likely to influence, voting at an election</td>
<td>No</td>
<td>Prohibited by section 69(3) of the Act.</td>
</tr>
</tbody>
</table>

7. Public Consultation during the election period
Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action or proposed policy, and includes discussion of that matter with the public.

Public consultation may be undertaken during the Election Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultations will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to affect voting. Council will not continue or commence consultation on any contentious or politically sensitive matter after the date on which nominations close.
The above does not apply to public consultation required pursuant to the Planning and Environment Act 1987 or to matters subject to Section 223 of The Act. Consultation under this statutory provision shall only proceed after express agreement by the relevant Director where it relates solely to the normal day-to-day business of Council, and the consultation is not deemed to be controversial.

All public consultation that is likely to run into the election period must have prior approval from the Chief Executive Officer. Where approved, the results of the consultation will not be reported to Council until after the election period, unless the Chief Executive Officer or nominated delegate decides otherwise.

8. **Council events**

Councillors are able to continue to attend meetings, events and functions during the Election Period which are relevant to the Council and the community. However, Councillors will have no formal role to play at these events.

Council’s annual program of events will continue during the Election Period. However, any publicity must be mindful of the controls on electoral material outlined in this policy.

8.1 **Other Organisation Events**

Councillors are able to attend events or functions conducted by external bodies during the Election Period, however when attending as a representative of Council, Councillors must be mindful that they do not use that opportunity to promote their election campaign.

9. **Council Publications during the election period**

Section 304 of the Act imposes limitations on council publications. This is to ensure that Council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any electoral material during the election period unless the electoral material only contains information about the election process or is otherwise required in accordance with the Act or regulations.

A publication that contains an express or implicit reference to any of the following is taken to be electoral matter:

- the election;
- a candidate in the election (with the exception of Council minutes and agendas);
- an issue submitted to, or otherwise before, the voters in connection with the election;
- publicises the strengths or weaknesses of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate; or,
- or publicises the achievements of the elected Council.

Best practice is for Council to avoid all publications activity during the election period except where essential for the conduct of Council operations. Where printing, publishing or distributing a document is deemed essential to Council business during the election period, CEO certification is required for all publications. Publications should be read broadly to include electronic information and web based productions.
10. **Certification Process**
The process for the certification will be as follows:

- When drafting a publication, check and ensure that no election material is present - if uncertain check with the Governance Department.
- All draft publications are to be sent or produced by Communications Department (excluding Job advertisements). They will forward any document for clarification or if material is doubtful to the Governance Department for determination.
- Once the draft is prepared and checked, the document is to be given to the CEO with the wording as per Form 1 attached to this policy.
- The Chief Executive Officer will use the wording in Form 2 attached to this policy to certify the document.

Councillors are however, able to publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or the City of Bayside (eg: by use of Council logo).

The controls do not cover newspaper advertisements which simply announce the holding of a meeting or the election process itself.

An Election Period Certification Procedure is attached to this policy and referred to as Form 3.

11. **Publications**
Any Council publication which is potentially affected by this policy will be reviewed by the Governance Department to ensure that any circulated, displayed or otherwise publicly available collateral during the election period does not contain material that may be construed as “electoral matter”.

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

Council will review all its public collateral available from the Corporate Centre, branch libraries and Maternal Child Health Centres and remove any which might contain electoral matter prior to the election period.

Any reference to Councillors in Council publications printed, published or distributed during the election period must not include promotional text or express personal views and opinions.

A summary of Council publications and resources during the election period is attached to this policy.

12. **Let’s Talk Bayside**
Council will cease publication of Let’s Talk Bayside and any similar publication during the election period.
13. **Website**
During the Election Period Council’s website will not contain material which is precluded by this policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process. Information about Councillors will be restricted to the names of the elected representatives and contact details and committee or other bodies Councillors have been appointed to by the Council. There will be no biographies or policy statements.

Council agendas and minutes of meetings do not require certification if published in the usual way on the website.

14. **Social Media**
Council has a number of social media sites including Twitter, Instagram, Facebook and YouTube. Council’s Communication and Engagement Department will continue to monitor Bayside City Council corporate Facebook, Instagram sites and twitter feeds.

During the Election Period, Bayside City Council will continue to maintain a social media presence. All publication of postings on social media sites will require certification by the Chief Executive Officer prior to the posting being active. Council social media tools must not be used for election campaigning.

The ability for members of the public to post comments on Council’s social media sites will continue during the election period. During this period monitoring of the social media channels will extend to afterhours and weekends and will be undertaken by the Communications and Engagement Department, who will have editing access to delete any material posted on Facebook and Twitter that make reference to following:

- Content posted by a candidate irrespective of content
- Content that makes reference to a candidate; or
- The 2020 election – unless it is a query about the election process itself.

During the Election Period, no new imagery or text of Councillors and their activities will be posted.

15. **Annual Report**
Council is required by the Act to produce and put on display a copy of its Annual Report. The 2019/20 Annual Report will be published during the Election Period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors. This publication is not considered an ‘advertisement, handbill, pamphlet or notice’ and does not require certification.

The annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.
16. **Council and Delegated Committee Meetings**

Council is required by the Act to:
- Give public notice of Council meetings and Delegated Committee meetings; and
- Produce and make available agendas and minutes of Council meetings and Delegated Committee meetings.

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

17. **Photo boards**

Public photo boards containing photographs of current Councillors on display at Council premises will be removed during the election period. Councillors must not use existing Council photographs as part of their election material.

18. **Publicity**

It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way that might influence the outcome of a Council election.

During the Election Period, no Council employee may make any public statement that could be construed as influencing the election, or make political statements during the Election Period. This does not include statements of clarification that are approved by the Chief Executive Officer or nominated delegate.

During the Election Period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer or nominated delegate. In any event, Council publicity during the Election Period will be restricted to promoting normal Council activities, and no Council funded publicity will feature Councillors excluding the Mayor when representing Council in an official capacity.

19. **Media Advice**

Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer, or the Chief Executive’s designated delegate. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves Councillors.

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.

20. **Media releases /spokesperson**

Media releases will not refer to a Councillor or Councillors. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will determine the appropriate person.
21. **Speeches**

Any publication or distribution of a Councillor or Mayoral speeches by the Council must be subject to the certification process. Council staff must be mindful when preparing speeches and should ensure that speeches contain a short welcome, and should not contain any express or implied reference to the election.

22. **Title of Councillor**

Councillors may use the title "Councillor" in their election material, as they continue to hold that position during the election period. To avoid confusion, Councillors should be advised to ensure that any election publication using the title "Councillors" clearly indicates that it is their own material and does not represent Council.

23. **Council Resources**

In accordance with Section 304 of the Act the Council will ensure that due probity is observed in the use of all Council resources during the Election Period, and Council staff are required to exercise appropriate discretion in that regard.

Council resources, (including offices, meeting rooms, support staff, hospitality services, equipment electronic devises, (pad, mobile phones, stationery and mayoral vehicle) must not be used in connection with any election campaign during the Election Period.

In any circumstances where the use of Council resources might be construed as being related to a candidate’s election campaign, advice will be sought from the Chief Executive Officer or the Chief Executive Officer’s delegate.

Reimbursements of Councillor’s out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate’s election campaign.

No member of Council staff, including the Executive Assistant to the Mayor and Governance staff will be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

No Council logos, publications, letterheads, or other Bayside City Council branding will be used for, or linked in any way to, a candidate’s election campaign.

Officers are unable to assist in preparing Councillor election material or using their media contacts.

Councillors must ensure that they comply with the requirements of the Act in respect to election material and the necessary registration and endorsements from the Returning Officer.

Mobile phone costs associated with electioneering will not be paid by Council. Councillors standing as candidates must ensure that the Council provided mobile phone is not used for electioneering purposes.
24. **Public Question Time at Ordinary Meetings of Council**
In accordance with Council adopted Governance Rules any questions to the Council from the public relating to electoral matter during an election period will not be considered at any Council meeting.

25. **Election Period Statement – Reports to Ordinary Meetings of Council, Special Meetings of Council and Planning and Amenity Committee.**
Given Council will continue to hold an Ordinary Meeting of Council, Planning and Amenity Committee meeting and a Special Meeting of Council during the Election Period, and in order to facilitate compliance with its commitment to ensuring appropriate decision-making during the Election Period, Council adopts the following procedure.

**Procedure**
- During the Election Period, the Chief Executive Officer will ensure that an Election Period Statement is included in every report submitted to a meeting of Council or Delegated Committee (if required) for a decision specifying the following:
  - The recommended decision is not a “Prohibited Decision” as defined in section 69(2) of the Local Government Act 2020 or a “Significant Decision” within the meaning of this policy.

During the Election Period, the Council will not make a decision on any matter or report that does not include one of these Election Period Statements.

26. **Information**
The Council recognises that all election candidates have certain rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the Election Period.

Information and briefing material prepared by staff or the Contractor conducting the elections on behalf of Council, during the Election Period will relate only to factual matters or to existing Council services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate’s election campaign.

All election process related enquires from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or where the matter is outside the responsibility of the Returning Officer, to the Chief Executive Officer or nominated delegate.

27. **Information Register**
An Information Request Register will be maintained by the Governance Department during the Election Period. This Register will be a public document that records all requests for information by Councillors and Candidates, and the responses given to those requests.
28. **Equal accessibility to information for Candidates**

The Council affirms that all candidates for the Council election will be treated equally. To ensure all candidates have equal access to information held by Council during the election, where a request for information is granted by the Chief Executive Officer as recorded in the Information Request Register it will be made publicly available on Council’s website for all candidates to access on a separate web page headed Candidates Information.

29. **Assistance to Candidates**

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

30. **Council Staff becoming a candidate for an election**

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

31. **Members of Council Advisory Committee or other Committees**

Upon becoming a candidate, any person who is a member of one of Council’s advisory or other committees is expected to:
- Comply with this policy;
- Inform the Chief Executive Officer;
- Take leave from the Advisory Committee or other Committee;
- Return any council equipment, documents or information which is not available to the public for the duration of their candidacy and/or the election period; and
- If elected, immediately resign from the Advisory Committee or other Committee.

32. **Advertising signage on Council-controlled Land**

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

33. **Breaches**

Section 123 of the Local Government Act 2020 prohibit Councillors from misusing or inappropriately making use of their position. A breach of section attracts serious penalties, including possible imprisonment. Allegations of breaches of the Local Government Act are independently received and investigated by the Local Government Inspectorate.
34. **Councillor Code of Conduct**
Allegations of breaches of this Policy will be dealt with under the Dispute Resolution Procedures of the Councillor Code of Conduct. The Chief Executive Officer will take the place of the Mayor in managing complaints received under the Election Period Policy.

Complaints must be directed to the Chief Executive Officer in writing, providing details of the alleged contravention, when it occurred and who it involved. The Chief Executive Officer will assess the information and follow the provisions of the Dispute Resolution Procedures of the Councillor Code of Conduct including, where necessary the appointment of an external arbiter.

35. **Authority**
The Chief Executive Officer or his delegate will be responsible for the enforcement of this policy.

36. **Related documents**

<table>
<thead>
<tr>
<th>Acts</th>
<th>Local Government Act 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategies</td>
<td></td>
</tr>
<tr>
<td>Procedures</td>
<td>Councillor Code of Conduct</td>
</tr>
</tbody>
</table>

37. **Definitions & Abbreviations**

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate</td>
<td>Means a person who has:</td>
</tr>
<tr>
<td></td>
<td>• Publicly expressed an intention to run a candidate in the election; and/or</td>
</tr>
<tr>
<td></td>
<td>• A person who has formally nominated as a candidate in the election with the Returning Officer.</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>Means:</td>
</tr>
<tr>
<td></td>
<td>• The person appointed by a Council to be its Chief Executive Officer or any person acting in that position; and/or</td>
</tr>
<tr>
<td></td>
<td>• The Chief Executive Officer’s delegate pursuant to section 44 of the Act; and/or</td>
</tr>
<tr>
<td></td>
<td>• Such other person that the Chief Executive Officer selects for the purpose of giving effect of this Policy.</td>
</tr>
<tr>
<td>Council</td>
<td>Means Bayside City Council.</td>
</tr>
<tr>
<td>Council-controlled land</td>
<td>Means any land which Council, owns, occupies, manages, has leased or licensed to another person or is otherwise under Council’s control and management, other than a road.</td>
</tr>
<tr>
<td>Councillors – Candidate</td>
<td>Means a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections.</td>
</tr>
<tr>
<td>Election Period</td>
<td>In relation to an election, means the period that - starts on the last day on which nominations for that election can be received; and ends at 6 p.m. on election day.</td>
</tr>
<tr>
<td>Election</td>
<td>The term election covers both general and by-elections</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Electoral matter</td>
<td>Is broadly defined as any matter which is “intended or likely to affect voting in an election”</td>
</tr>
<tr>
<td>Electoral advertisement, handbill, pamphlet or notice</td>
<td>Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting;</td>
</tr>
<tr>
<td>Minister</td>
<td>Refers to the Minister for Local Government</td>
</tr>
<tr>
<td>Printed electoral material</td>
<td>Means an advertisement, handbill, pamphlet or notice that contains electoral matter and includes social media.</td>
</tr>
<tr>
<td>Prohibited Decision</td>
<td>Means any decision relating to the following:</td>
</tr>
<tr>
<td></td>
<td>a) The appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or</td>
</tr>
<tr>
<td></td>
<td>b) Commits the council to expenditure exceeding one per cent of the Council’s income from general rates, municipal charges and service rates and charges in the preceding financial year; or</td>
</tr>
<tr>
<td></td>
<td>c) The council considers could be reasonable deferred until the next council is in place; or</td>
</tr>
<tr>
<td></td>
<td>d) The Council considers should not be made during an election period.</td>
</tr>
<tr>
<td>Publishing</td>
<td>Means to publish by any means, including publishing on the Internet.</td>
</tr>
<tr>
<td>Publication</td>
<td>Means a written document in hard copy or electronic copy.</td>
</tr>
<tr>
<td>Significant Decisions</td>
<td>Means a decision relating to the following:</td>
</tr>
<tr>
<td></td>
<td>decisions that significantly affect the municipality or unreasonably bind the incoming Council (such as decisions concerning community grants and direct funding to community organisations, major planning and development decisions and changes to the strategic objectives or strategies in the Council Plan).</td>
</tr>
<tr>
<td>The Act</td>
<td>This refers to the Local Government Act 2020.</td>
</tr>
</tbody>
</table>
Request for Chief Executive Officer to certify material

**Certification of Material**

This material has been checked and does not contain any electoral or electoral related matter to the best of my knowledge in accordance with the section 303 of the Local Government Act 2020.

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
</tr>
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<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Date</th>
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</tbody>
</table>

**Chief Executive Officer certification**

**Certification of Material**

I certify that the attached material is suitable for printing, publishing or distributing on behalf of Bayside City Council in accordance with Section 303 of the Local Government Act 2020.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mick Cummins</td>
<td></td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>Date</td>
</tr>
</tbody>
</table>
FORM 3

Election period Certification Procedure

Operation

This procedure applies during the Election Period (ie from 12 noon on 22 September 2020 until 6.00pm on Saturday 24 October 2020). This procedure is to be used for certifying any publication pursuant to Section 69(2) of the Local Government Act 2020.

Background

All requests for advertisements or publications during the Election Period must be certified by the Chief Executive Officer, to confirm that they do not contain election material, prior to being printed or published or distributed.

Definitions:

“Publication” means any advertisement, pamphlet, handbill, press release notice or similar.

Process

1. **All publications during the Election Period must** be forwarded to the Governance Department, so that arrangements for certification can be made.

   If there is any doubt about whether the material is subject to the procedure, it should be forwarded to Governance for clarification.

   The Governance Department together with the Manager Communications and Engagement will read the proposed publication and check that no election material is present (unless it is factual election process information).

2. Once the publication has been checked, complete FORM 1 and certification page to the front of the publication. Completion of FORM 1 indicates the publications is ready for certification by the CEO.

   Forward the publication together with attached certification page to the Chief Executive Office to arrange for the standard certification to be used by the Chief Executive Officer for certification purposes. Refer to wording as specified on FORM 2.

3. Once certification by the CEO has been provided, the publication author will be advised and receive a copy of the certification. The publication will not be returned.

   The original document together with the certification application will be placed in a folder for record keeping.
# Appendix 1

Council publications and resources during the election period.

<table>
<thead>
<tr>
<th>Publications</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council advertisements, handbills, pamphlets and notices must be certified by the CEO during an election period. Penalties apply to the certification, printing, publishing or distribution of such documents containing electoral matter.</td>
<td>Council should ensure that Council resources including staff are not used for electoral campaigning purposes during elections. In some cases misuse of Council resources may be a criminal offence that can be prosecuted in court.</td>
</tr>
</tbody>
</table>

### Annual Report

- **The Annual Report is required by legislation and would not normally be considered an “advertisement, handbill, pamphlet or notice”. It should not require certification.**
  - However, the annual report must not include material that is electioneering or that publicises the attributes or achievements of individual Councillors.
  - In addition, if Council will be printing or distributing a greater number of copies of the annual report than usual, it may be regarded as a pamphlet and should be subject to certification by the CEO.

- **Section 131(6) of the Local Government Act 1989 requires Council to normally submit its Annual Report to the Minister no later than 30 September each year.**
  - This is a proper use of Council resources.

  **Note:** Section 131(6) of the 1989 Act is repealed on 24 October 2020.

<table>
<thead>
<tr>
<th>Annual Report summary</th>
<th>Council resources should not be used to produce or distribute any summary of an Annual Report during the election that would be regarded as electoral material.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any publication of an extract or summary of the Annual Report is likely to be regarded as a pamphlet and must be subject to the certification process.</td>
<td></td>
</tr>
</tbody>
</table>

### Council and committee Meetings

- **Agenda papers and minutes of meetings are not considered advertisements, handbill, pamphlets or notices and should not require certification.**
  - However, if Council meeting papers are printed or published for a wider distribution than normal, they should be treated as pamphlets and be subject to the certification process.
  - Public Question raised at Ordinary Meetings of Council must not relate to any electoral matter.

- **The conduct of Council meetings as well as the preparation of agenda papers and minutes, is part of normal Council business. It is expected that they would continue to be resourced by the Council administration during an election period.**
### Advertisements and Notices

All Council advertisements and notices must be subject to the certification process during an election period. This excludes job advertisements and various notices, such as Council meetings, and road closures.

### Web site – new material

Any new material published on the Council’s web site during the election period that may be considered an advertisement, handbill, pamphlet or notice must be subject to the certification process.

As noted above, Council agendas and minutes of meetings and full annual reports do not require certification if published in the usual way.

Council’s web site should not be used to convey information that could be regarded as electoral material unless it is only about the election process.

### Web site existing material

It is not necessary to certify material that was published on the Council’s web site well before the election period.

However, it is recommended that web sites be checked at the start of the election period:

- Profiles of Councillors who are candidates should be removed from the web site, but not contact details.
- Information prominently displayed on the web site that might be regarded as likely to influence how people vote should be removed.

Council’s web site should not be used to convey information that could be regarded as electoral material unless it is only about the election process.

### Social media

Any publication on social media sites which are auspiced by Council, will be subject to the certification process during the Election Period.

Similar requirements apply to Council blog sites.

A process is in place to ensure any posting from the organisation to social media is certified where it relates to a change in service provision.

The ability for members of the public to post comments on Council’s social media will continue during the election period but will be monitored by Communications & Engagement Department who will undertake constant monitoring to ensure no electoral matter is posted.

Council auspiced social media must not be used for election campaigning.

Council will limit access to their social media sites during election period and undertake constant monitoring to ensure no electoral matter is posted.
- Content that makes reference to a candidate; or
- The 2020 election – unless it is a query about the election process itself.

**Email**

Emails that are part of the normal conduct of Council business should not require certification.
However, any emails with multiple addresses, used for broad communication with the community, should be subject to the certification process.

Council email services must not be used for electioneering purposes.
If necessary, Councillors should be referred to one or more of the free email providers for private email addresses.

**Correspondence**

Mass mail outs or identical letters send to a large number of people by or on behalf of Council must be subject to the certification process.

Council staff should not prepare Councillors’ private mail or electoral correspondence and such material must not be printed on Council stationary or using Council equipment.

**Mobile phones**

Mobile phone costs associated with electioneering should not be paid by Council.
If Councillors are provided with a Council owned mobile phone, suitable procedures should be put in place. This may involve:
- Requiring Councillors to use another mobile phone for electioneering; and
- Monitoring usage and ensure reimbursement by Councillors of personal use is maintained.

**Council offices and libraries**

Existing documents available to the public at Council offices and libraries do not normally require CEO certification.
However, any increase in the availability of a publication should be subject to certification.

It is also recommended that staff check material in libraries and offices to make sure that publications including electoral matter are not prominently displayed.

Electoral material, including pamphlets, posters and notes should not be visible or available at any Council premises during an election.
The only exception of this is a material issued by the Returning Officer for the purpose of conducting the election.
| Media releases | Media releases should be regarded as documents that require certification by the CEO. | Council staff must not prepare or assist in the preparation of media releases that contain electoral material. Councillors should be advised that media releases dealing with their election campaign should only be issued privately. |
| Events | Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process. | Functions or events for the purpose of electioneering must not be resourced or publicised by the Council. Normal Council events are not prohibited in the election period. However, it is recommended that they be kept to a minimum. Where events do occur, Councillors should be advised that they are representing the Council and should not use the opportunity for electioneering. |
| Speeches | Any publication or distribution of Councillors’ speeches by the Council must be subject to the certification process. | Council staff and resources should not be used to prepare or publish speeches that contain electoral matter. |
| Title of “Councillor” | Councillors may use the title “Councillor” in their election material, as they continue to hold their positions in the period. To avoid confusion, Councillors should ensure that any election publication using the title “Councillor” clearly indicates that it is their own material and does not represent Council. |
| Returning Officer | The election returning officer is a statutory position and does not perform his or her duties on behalf of the Council. Therefore, publications by a VEC Returning Officer do not need certification. |
Endorsement

This Election Period Policy has been developed in accordance with the Local Government Act 2020, and was adopted by Council at its meeting on XXXXXXX 2020.

We the undersigned hereby acknowledge that we have individually received a copy of the Election Period Policy, and acknowledge the contents of the policy which will take affect from 22 September to 24 October 2020, and will abide by the contents of the policy during this election period.

Cr Clark Martin
Mayor

Cr Rob Grinter
Deputy Mayor

Cr Alex del Porto

Cr Michael Heffernan

Cr James Long BM, JP

Cr Laurence Evans

Cr Sonia Castelli

Endorsed by Councillors on XXXXXXX 2020.
Executive summary

Purpose and background

The purpose of this report is for Council to adopt revised Instrument of Delegations as result of significant legislative changes required as part of the implementation of the Local Government Act 2020.

Key issues

Planning and Amenity Delegated Committee

The current Planning and Amenity Committee was established under section 86 of the Local Government Act 1989 which, given the introduction of the Local Government Act 2020, will be repealed on 1 September 2020. Therefore, it is essential for Council to establish a new committee, to be known as a Delegated Committee, in accordance with section 63 of the 2020 Act.

Essentially, the main change to the Instrument of Delegation is referencing the Delegated Committee, to be known as the Planning and Amenity Delegated Committee. No other changes are recommended to the existing powers and functions which are as follows:

- To exercise Council’s powers, discretions and authorities to perform Council’s functions under the Planning and Environment Act 1987 in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

- The power to determine upon any Tree Removal applications and any specific local traffic and parking matters.

The Instrument of Delegation also maintains the same limitations and the Committee is not authorised to carry out the following powers and functions:

1. To determine upon strategy or policy in relation to Tree Removal or Traffic and Parking.

2. Exercise the powers which, by force section 11(2) of the Local Government Act 2020 or section 188 of the Planning and Environment Act 1987, cannot be delegated to the Delegated Committee.

The revised Instrument of Delegation has been reviewed by Maddocks Lawyers to ensure it complies with the 2020 Act. (Refer to Attachment1)
In order to progress the Delegated Committee Instrument of Delegation, it is necessary for Council to abolish the Panning and Amenity Committee established under section 86 of the *Local Government Act 1989*, revoke the Instrument of Delegation to the Planning and Amenity Committee and accordingly establish the Planning and Amenity Delegated Committee and adopt the Instrument of Delegation effective as from 1 August 2020. (Refer to Attachment 1)

**Instrument of Delegation to the Chief Executive Officer**

The current Instrument of Delegation was resolved upon by Council under the *Local Government Act 1989*. Since the introduction of the *Local Government Act 2020* it is a requirement to revise the Instrument of Delegation to the Chief Executive Officer given the 2020 Act provides for further limitations for the Chief Executive Officer under his/her delegation which are highlighted in red.

The power of the Instrument provides for the Chief Executive Officer to:

1. determine any issue;
2. take any action; or
3. do any act or thing arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

This provision has not changed in any form, but rather the limitations for the Chief Executive Officer have changed. The new additional limitations are highlighted in red.

The delegate **must not** determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
   1.1 Expenditure that is:
      1.1.1. awarding a contract or making an expenditure exceeding the value of $500,000 for works;
      1.1.2. awarding a contract exceeding the value of $500,000 for goods and services or, in the case of multi-year goods and services contracts awarding a contract exceeding an averaged value of $150,000 per annum and/or for a period exceeding 5 years;
      1.1.3. approving a contract variation exceeding 20% of the original contract sum, where the original contract sum is $500,001 or greater and where the contract variation amount will result in the adopted budget allocation being exceeded;
   1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
   1.3 election of a Mayor or Deputy Mayor;
   1.4 granting of a reasonable request for leave under section 35 of the Act;
   1.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
   1.6 approval or amendment of the Council Plan;
   1.7 adoption or amendment of any policy that Council is required to adopt under the Act;
   1.8 adoption or amendment of the Governance Rules;
1.9 appointment of the chair or the members to a delegated committee;
1.10 making, amending or revoking a local law;
1.11 approval of the Budget or Revised Budget;
1.12 borrowing money;
1.13 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
1.14 appointment of Councillor or community delegates or representatives to external organisations;
1.15 the entering into any contract for the sale, purchase or exchanged of land with or without consideration;
1.16 the disposal of any land for any unpaid rates or charges;
1.17 the exercise of entrepreneurial powers under Section 193(1) and (2) of the Local Government Act 2020 or the powers in relation to beneficial enterprises under Section 110(1) and (2) of the Local Government Act 2020.

2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;

3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council at a Council Meeting, Special Council Meeting or a Delegated Committee Meeting;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
   4.1 policy; or
   4.2 strategy
   adopted by Council; or

5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or

6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Given the opportunity to update the Instrument of Delegation as a result of legislative changes, it is also prudent to review the financial delegation of the Chief Executive Officer. The current financial delegation is limited to $500,000 which is relatively low when compared across the sector, and given the high volume of contracts with a higher amount. On this basis it is suggested that Council may wish to consider increasing the financial delegation from $500,000 to $850,000. (refer to Attachment 2)
Instrument of Delegation to Members of Council Staff

The current Instrument of Delegation from Council to Members of Council staff has been updated to reflect changes to titles of officers and reference to new provisions within the *Local Government Act 2020*, and an annual review in accordance with Regulations. (refer to Attachment 3)

**Recommendation**

The Council:

1. abolishes the Planning and Amenity Committee established by Council in accordance with Section 86 of the Local Government Act 1989 as from 31 July 2020;
2. revokes the Planning and Amenity Committee instrument of Delegation as from 31 July 2020;
3. establishes the Planning and Amenity Delegated Committee in accordance with the section 63 of the Local Government 2020 effective as from 1 August 2020:
4. appoints all seven members of Council to the Planning and Amenity Delegated Committee with a quorum of 4 Councillors present, and meetings to be conducted in accordance with the Governance Local Law No: 1 or Governance Rules 2020;
5. adopts the Planning and Amenity Delegated Committee Instrument of Delegation effective as from 1 August 2020; and
6. resolves in the exercise of the power conferred by section 11(1)(b) of the Local Government Act 2020 that:

   A1 there be delegated to the person holding the position, or action in or performing the duties, of Chief Executive Officer (s5) the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument;

   A2 the Instrument comes into force immediately after the common seal of Council is affixed to the Instrument;

   A3 on coming into force of the Instrument the previous delegation to the Chief Executive Officer dated 19 March 2019 is revoked;

   B1 there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff (s6), the powers, duties and functions set out in that attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that instrument;

   B2 the Instrument comes into force immediately after the common seal of Council is affixed to the Instrument; and

   B3 on coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) dated 19 March 2019 are revoked.

**Support Attachments**

1. Instrument of Delegation - Planning and Amenity Committee July 2020
2. S5 Instrument of Delegation to the Chief Executive Officer - July 2020
3. S6 Instrument of Delegation - Members of Staff - Updated July 2020
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

Natural Environment
There are no natural environment implications associated with this report.

Built Environment
There are no built environment implications associated with this report.

Customer Service and Community Engagement
Both Instruments of Delegation have been prepared in consultation with Council’s lawyers, Maddocks.

Human Rights
The revised Instruments of Delegation have been assessed against the principles of the Victorian Charter of Human Rights and Responsibilities Act 2006 and are considered to be compatible with the Charter.

Legal
The Instruments of Delegation have been prepared in accordance with the requirements of the Local Government Act 2020.

Finance
There are no financial implications associated with the preparation of the Instrument of Delegations.

Links to Council policy and strategy
The revised Instruments of Delegations align with Goal 8 of the Council Plan.
Bayside City Council
Instrument of Delegation

Planning and Amenity Delegated Committee

In exercise of the powers conferred by section 11(1) of the Local Government Act 2020, section 188 of the Planning and Environment Act 1987, and every other Act enabling it to do so, Bayside City Council (Council) delegates to each member of Council appointed to the Planning and Amenity Delegated Committee established by resolution of Council made on 28 July 2020 and known as the "Planning and Amenity Committee" (the Committee), the powers, discretions and authorities set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 28 July 2020;

2. the delegation:
   2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
   2.2 remains in force until Council resolves to vary or revoke it; and
   2.3 is to be exercised in accordance with the exceptions, conditions and limitations set out in the Schedule and with the guidelines or policies which Council from time to time adopts; and

3. all members of the Committee have voting rights.

Dated 28 July 2020

The Common Seal of Bayside City Council
was affixed this 29 July 2020 in the presence of:

.................................................... Mayor

.................................................... Chief Executive Officer
SCHEDULE

Powers and Functions

1. To exercise Council’s powers, discretions and authorities and to perform
   Council’s functions under the Planning and Environment Act 1987, and to do
   all things necessary or convenient to be done for or in connection with the
   exercise of those powers, discretions and authorities.

2. To determine upon any application made under clause 36 of the
   Neighbourhood Amenity Local Law or any like provision of a local law made by
   Council.

3. To determine any issue or thing or take any action in connection with any
   traffic or parking matter relating to the municipal district.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

A. determine upon any strategy or policy in relation to tree removal, or traffic and
   parking.

B. exercise the powers which, by force section 11(2) of the Local Government
   Act 2020 or section 188 of the Planning and Environment Act 1987, cannot be
   delegated to the Committee.
Bayside City Council

Instrument of Delegation
To the
Chief Executive Officer

Adopted by Council by resolution XXXXX on 28 July 2020
Effective as from 29 July 2020

Trim Reference: DOC/20/143345
Bayside City Council

Instrument of Delegation

In exercise of the power conferred by section 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Bayside City Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation.

AND declares that:

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 28 July 2020;

2. the delegation:

   2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

   2.2 is subject to any conditions and limitations set out in the Schedule;

   2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

   2.4 remains in force until Council resolves to vary or revoke it.

The Common Seal of Bayside City Council was affixed to this Instrument of Delegation on 29 July 2020 in the presence of:

______________________________
Cr Clarke Martin
Mayor

______________________________
Mr Mick Cummins
Chief Executive Officer
SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which involves:
   1.1 Expenditure that is:
      1.1.1. awarding a contract or making an expenditure exceeding the value of $850,000 for works;
      1.1.2. awarding a contract exceeding the value of $850,000 for goods and services or, in the case of multi-year goods and services contracts awarding a contract exceeding an averaged value of $250,000 per annum and/or for a period exceeding 5 years;
      1.1.3. approving a contract variation exceeding 20% of the original contract sum, where the original contract sum is $850,001 or greater and where the contract variation amount will result in the adopted budget allocation being exceeded;
   1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
   1.3 election of a Mayor or Deputy Mayor;
   1.4 granting of a reasonable request for leave under section 35 of the Act;
   1.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
   1.6 approval or amendment of the Council Plan;
   1.7 adoption or amendment of any policy that Council is required to adopt under the Act;
1.8 adoption or amendment of the Governance Rules;
1.9 appointment of the chair or the members to a delegated committee;
1.10 making, amending or revoking a local law;
1.11 approval of the Budget or Revised Budget;
1.12 borrowing money;
1.13 subject to section 181H(1)(b) of the Local Government Act 1989, declaring
general rates, municipal charges, service rates and charges and specified
rates and charges;
1.14 appointment of Councillor or community delegates or representatives to
external organisations;
1.15 the entering into any contract for the sale, purchase or exchange of land
with or without consideration;
1.16 the disposal of any land for any unpaid rates or charges;
1.17 the exercise of entrepreneurial powers under Section 193(1) and (2) of the
Local Government Act 2020 or the powers in relation to beneficial
enterprises under Section 110(1) and (2) of the Local Government Act
2020.

2. if the issue, action, act or thing is an issue, action, act or thing which is required by
law to be done by Council resolution;

3. if the issue, action, act or thing is an issue, action or thing which Council has
previously designated as an issue, action, act or thing which must be the subject of
a Resolution of Council at a Council Meeting, Special Council Meeting or a
Delegated Committee Meeting;

4. if the determining of the issue, taking of the action or doing of the act or thing would
or would be likely to involve a decision which is inconsistent with a
4.1 policy; or
4.2 strategy
adopted by Council; or

5. if the determining of the issue, the taking of the action or the doing of the act or
thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or

6. the determining of the issue, the taking of the action or the doing of the act or thing
is already the subject of an exclusive delegation to another member of Council staff.
Bayside City Council

Instrument of Delegation

to the

Members of Council Staff

Adopted by Council by resolution [res. no.] on 28 July 2020
Effective as from 29 July 2020

Trim Reference: DOC/20/143478
Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. record that references in the Schedule are as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Title</th>
<th>Position</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounting Services Coordinator</td>
<td>ASC</td>
<td>Local Laws and Parking Coordinator</td>
<td>LLPC</td>
</tr>
<tr>
<td>Administration Support Officer (Environment &amp; Sustainability)</td>
<td>ASO-ES</td>
<td>Maintenance Services Coordinator</td>
<td>MSC</td>
</tr>
<tr>
<td>Administration Support Officer (Urban Strategy)</td>
<td>ASO-US</td>
<td>Management Accountant</td>
<td>MA</td>
</tr>
<tr>
<td>Age &amp; Disability Service Care Coordinator</td>
<td>ADSCC</td>
<td>Manager Amenity Protection</td>
<td>MAP</td>
</tr>
<tr>
<td>All Local Laws &amp; Parking Officers</td>
<td>ALLP</td>
<td>Manager City Assets &amp; Projects</td>
<td>MCAP</td>
</tr>
<tr>
<td>All Local Laws Officers</td>
<td>ALLO</td>
<td>Manager Commercial Services</td>
<td>MCS</td>
</tr>
<tr>
<td>Arts &amp; Culture Program Coordinator</td>
<td>ACPC</td>
<td>Manager Communications and Engagement</td>
<td>MCE</td>
</tr>
<tr>
<td>As Per Financial Delegations</td>
<td>FD</td>
<td>Manager Community Services</td>
<td>MComS</td>
</tr>
<tr>
<td>As Per Policy</td>
<td>POL</td>
<td>Manager Customer and Cultural Services</td>
<td>MCCS</td>
</tr>
<tr>
<td>Assessment Coordinator (Community Services)</td>
<td>AC-CS</td>
<td>Manager Development Services</td>
<td>MDS</td>
</tr>
<tr>
<td>Asset &amp; Investigations Coordinator</td>
<td>AIC</td>
<td>Manager Enterprise Project Management Office</td>
<td>MEPMO</td>
</tr>
<tr>
<td>Asset Protection Officer</td>
<td>APO</td>
<td>Manager Finance</td>
<td>MF</td>
</tr>
<tr>
<td>Asset Protection Support Officer</td>
<td>APSO</td>
<td>Manager Information Services</td>
<td>MIS</td>
</tr>
<tr>
<td>Asset Protection Technical Officer</td>
<td>APTO</td>
<td>Manager Open Space, Recreation and Wellbeing</td>
<td>MOSRW</td>
</tr>
<tr>
<td>Assistant Building Surveyor</td>
<td>ABS</td>
<td>Manager Sustainability &amp; Transport</td>
<td>MST</td>
</tr>
<tr>
<td>Beaumaris Branch Librarian - Promotions &amp; Social Media</td>
<td>BBL-PSM</td>
<td>Manager Urban Strategy</td>
<td>MUS</td>
</tr>
<tr>
<td>Biodiversity and Conservation Planning Officer</td>
<td>BCPO</td>
<td>Maternal Child Health Team Leader</td>
<td>MCHTL</td>
</tr>
<tr>
<td>Brighton Branch Librarian - Staff Deployment</td>
<td>BBL-SD</td>
<td>Media and Publications Officer</td>
<td>MPO</td>
</tr>
<tr>
<td>Building Maintenance Engineer</td>
<td>BME</td>
<td>Municipal Building Surveyor</td>
<td>MBS</td>
</tr>
<tr>
<td>Building Surveyor</td>
<td>BS</td>
<td>Nominated Officer for purposes of Local Laws</td>
<td>NO</td>
</tr>
<tr>
<td>Capital Delivery Coordinator</td>
<td>CDC</td>
<td>Not Delegated (Reserved for Council)</td>
<td>ND</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>CEO</td>
<td>Open Space Arborist</td>
<td>OSA</td>
</tr>
<tr>
<td>Children’s &amp; Youth Services Library Coordinator</td>
<td>CYSLC</td>
<td>Open Space Coordinator</td>
<td>OSC</td>
</tr>
<tr>
<td>Position</td>
<td>Title</td>
<td>Position</td>
<td>Title</td>
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</tr>
<tr>
<td>Civil Projects Engineer</td>
<td>CPE</td>
<td>Open Space Infrastructure Management Officer</td>
<td>OSIMO</td>
</tr>
<tr>
<td>Communications Coordinator</td>
<td>CC</td>
<td>Open Space Projects Officer</td>
<td>OSPO</td>
</tr>
<tr>
<td>Communications and Engagement Officer</td>
<td>CEngO</td>
<td>Parking Officer</td>
<td>POff</td>
</tr>
<tr>
<td>Community Engagement Coordinator</td>
<td>CEngC</td>
<td>Perks Management Officer</td>
<td>PMO</td>
</tr>
<tr>
<td>Community Services Admin Systems Officer</td>
<td>CSASO</td>
<td>Payroll Coordinator</td>
<td>PC</td>
</tr>
<tr>
<td>Community Services Administration Officer</td>
<td>CSAO</td>
<td>Planning Compliance Audit Investigations Officer</td>
<td>PCAIO</td>
</tr>
<tr>
<td>Community Services Librarian</td>
<td>CSL</td>
<td>Principal Statutory Planner</td>
<td>PSP</td>
</tr>
<tr>
<td>Community Services Policy and Development Officer</td>
<td>CSPDC</td>
<td>Principal Strategic Planner</td>
<td>PSStratP</td>
</tr>
<tr>
<td>Community Wellbeing Coordinator</td>
<td>CWC</td>
<td>Principal Subdivision Planner</td>
<td>PSubP</td>
</tr>
<tr>
<td>Contracts Officer</td>
<td>CO</td>
<td>Procurement Lead</td>
<td>PL</td>
</tr>
<tr>
<td>Coordinator Asset Protection</td>
<td>CAP</td>
<td>Procurement Officer</td>
<td>PO</td>
</tr>
<tr>
<td>Coordinator Enterprise Project Management Office</td>
<td>CEPMO</td>
<td>Property Coordinator</td>
<td>PropC</td>
</tr>
<tr>
<td>Coordinator Learning &amp; Capability</td>
<td>CLC</td>
<td>Quality &amp; Safety Coordinator</td>
<td>QSC</td>
</tr>
<tr>
<td>Coordinator People &amp; Capability Business Partnering</td>
<td>CPCBP</td>
<td>Recreation &amp; Events Coordinator</td>
<td>REC</td>
</tr>
<tr>
<td>Coordinator Strategy &amp; Improvement</td>
<td>CSI</td>
<td>Recycling &amp; Waste Management Coordinator</td>
<td>RWMC</td>
</tr>
<tr>
<td>Coordinator Traffic Management</td>
<td>CTM</td>
<td>Revenue &amp; Valuations Coordinator</td>
<td>RVC</td>
</tr>
<tr>
<td>Coordinator Transport Planning</td>
<td>CTP</td>
<td>Risk Coordinator</td>
<td>RC</td>
</tr>
<tr>
<td>Co-Ords</td>
<td>Co-Ords</td>
<td>Senior Accounts Receivable Officer</td>
<td>SARO</td>
</tr>
<tr>
<td>Corporate Performance &amp; Reporting Officer</td>
<td>CCPA</td>
<td>Senior Administration Assistant</td>
<td>SAA</td>
</tr>
<tr>
<td>Corporate Records Coordinator</td>
<td>CRC</td>
<td>Senior Communications Lead</td>
<td>SCL</td>
</tr>
<tr>
<td>Customer Experience and Digital Projects Coordinator</td>
<td>CEDPC</td>
<td>Senior Environmental Health Officer</td>
<td>SEHO</td>
</tr>
<tr>
<td>Customer Service Coordinator</td>
<td>CSC</td>
<td>Senior GIS Analyst</td>
<td>SGISA</td>
</tr>
<tr>
<td>Customer Service Team Leader</td>
<td>CSTL</td>
<td>Senior Investigations Arborist</td>
<td>SIA</td>
</tr>
<tr>
<td>Delivered Meals Team Leader</td>
<td>DMTL</td>
<td>Senior Investigations Officer</td>
<td>SIO</td>
</tr>
<tr>
<td>Department Managers</td>
<td>DM</td>
<td>Senior Project Manager</td>
<td>SPM</td>
</tr>
<tr>
<td>Deputy Municipal Building Surveyor</td>
<td>DMBS</td>
<td>Senior Property Officer</td>
<td>SPO</td>
</tr>
<tr>
<td>Digital Communications Officer</td>
<td>DCO</td>
<td>Senior Revenue Officer</td>
<td>SRO</td>
</tr>
<tr>
<td>Digital Team Leader</td>
<td>DTL</td>
<td>Senior Statutory Planner</td>
<td>SStP</td>
</tr>
<tr>
<td>Director City Planning &amp; Amenity</td>
<td>DCPA</td>
<td>Senior Strategic Planner</td>
<td>SStratP</td>
</tr>
<tr>
<td>Director Community &amp; Customer Experience</td>
<td>DCCE</td>
<td>Senior Systems Administrator</td>
<td>SSA</td>
</tr>
<tr>
<td>Director Corporate Services</td>
<td>DCS</td>
<td>Senior Team Leader Service &amp; Efficiency (Dev. Services)</td>
<td>STLSE</td>
</tr>
<tr>
<td>Director Environment, Recreation &amp; Infrastructure Services</td>
<td>DERIS</td>
<td>Senior Traffic Engineer</td>
<td>STE</td>
</tr>
<tr>
<td>Early Years Planning and Development Team Leader</td>
<td>EYPDTL</td>
<td>Service &amp; Efficiency Coordinator (Amenity Protection)</td>
<td>SEC</td>
</tr>
<tr>
<td>Position</td>
<td>Title</td>
<td>Position</td>
<td>Title</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------------------------------</td>
<td>----------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Economic Development Coordinator</td>
<td>EDC Service &amp; Efficiency Officers (Dev. Services)</td>
<td>Economic Development Officer</td>
<td>EDO Service Delivery Coordinator (Community Services)</td>
</tr>
<tr>
<td>Enterprise Project Management</td>
<td>EPMOSRA Service Planning &amp; Review Lead</td>
<td>Office Systems &amp; Reporting Analyst</td>
<td>SPRL</td>
</tr>
<tr>
<td>Environmental Health Officer</td>
<td>EHO Social Activities &amp; Community Transport Team Leader</td>
<td>Environmental Sustainability Coordinator</td>
<td>ESC Statutory Planner</td>
</tr>
<tr>
<td>Environmental Health Coordinator</td>
<td>EHC Statutory Planning Coordinator</td>
<td>Events &amp; Projects Officer</td>
<td>EPO Strategic Planner</td>
</tr>
<tr>
<td>Executive Assistant, Chief Executive Officer</td>
<td>EACEO Strategic Planning Coordinator</td>
<td>Executive Assistant, Director City Planning &amp; Amenity</td>
<td>EACPA Sustainability Development Officer</td>
</tr>
<tr>
<td>Executive Assistant, Director Community and Customer Experience</td>
<td>EACCE Sustainability Education and Promotions Officer</td>
<td>Executive Assistant, Director Corporate Services</td>
<td>EADCS Sustainability Projects Officer</td>
</tr>
<tr>
<td>Executive Assistant, Director Environment, Recreation &amp; Infrastructure</td>
<td>EADERI Sustainability Strategy Officer</td>
<td>Executive Manager People and Strategy</td>
<td>EMPS Talent and Learning Business Partner</td>
</tr>
<tr>
<td>External Representative</td>
<td>ER Team Leader - Banksia</td>
<td>Family and Youth Services Coordinator</td>
<td>FYSC Team Leader - Castelfield</td>
</tr>
<tr>
<td>Financial Accountant</td>
<td>FA Team Leader - Landcox</td>
<td>Friends of Bayside Support Officer</td>
<td>FBSO Team Leader - Parking</td>
</tr>
<tr>
<td>Gallery Curator</td>
<td>GalC Team Leader - Windemere</td>
<td>Governance Coordinator</td>
<td>GC Team Leader Building Projects</td>
</tr>
<tr>
<td>Governance Manager</td>
<td>GM Team Leader Infrastructure Projects</td>
<td>Hampton &amp; Sandringham Branch Librarian - Community Tech. Support</td>
<td>HSBL-CTS Team Leader Local Laws</td>
</tr>
<tr>
<td>Healthy and Safe Community Coordinator</td>
<td>HSCC Team Leader Support Services</td>
<td>Immunisation Team Leader</td>
<td>ITL Team Leaders</td>
</tr>
<tr>
<td>Information Services Projects Coordinator</td>
<td>ISPC Traffic Engineer</td>
<td>Information Technology Support Officer</td>
<td>ITSO Traffic Management Coordinator</td>
</tr>
<tr>
<td>Infrastructure &amp; Support Services Coordinator</td>
<td>ISSC Urban Design Coordinator</td>
<td>Infraction Review Officer</td>
<td>IRO Urban Strategy Administration Officer</td>
</tr>
<tr>
<td>Investigations Coordinator</td>
<td>IC Waste Management Contract Support Officer</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 28 July 2020; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or
(b) strategy

adopted by Council; or

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.
The Common Seal of Bayside City Council was affixed to this Instrument of Delegation on 29 July 2020 in the presence of:

________________________________________
Cr Clarke Martin
Mayor

________________________________________
Mr Mick Cummins
Chief Executive Officer
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<td>s 19(2)(a)</td>
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<td>EHC, EHO, MAP, SEHO</td>
<td>If s 19(1) applies</td>
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<td></td>
<td>clean and sanitary condition</td>
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<td>EHC, EHO, MAP, SEHO</td>
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<td></td>
<td>used for the sale, or handling for sale, of any food, or for the</td>
<td></td>
<td>Only in relation to temporary food premises or mobile food premises</td>
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<td>preparation of any food, or for any other specified purpose, or for the</td>
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<td>use of any specified equipment or a specified process</td>
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<td>If s 19(1) applies</td>
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<td>affixed to a conspicuous part of the premises, and (ii) inform the</td>
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<td>public by notice in a published newspaper or otherwise</td>
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<td>EHC, EHO, MAP, SEHO</td>
<td>If s 19(1) applies</td>
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<td>has been complied with</td>
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<tr>
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<td>that an order has been complied with</td>
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<tr>
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<tr>
<td></td>
<td>actions described in (a)-(c).</td>
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<tr>
<td>s 19AA(4)(c)</td>
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<td>EHC, EHO, MAP, SEHO</td>
<td>Note: the power to direct the matters under s 19AA(4)(a) and (b) not</td>
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<td>written order, that a person must ensure that any food or class of food</td>
<td></td>
<td>capable of delegation and so such directions must be made by a Council</td>
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<td></td>
<td>is not removed from the premises</td>
<td></td>
<td>resolution</td>
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</tbody>
</table>

FOOD ACT 1984

PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
-----------|-----------------|----------|--------------------------|
s 19(2)(a) | Power to direct | EHC, EHO, MAP, SEHO | If s 19(1) applies |
| s 19(2)(b) | by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable | EHC, EHO, MAP, SEHO | If s 19(1) applies |
| s 19(3)   | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | EHC, EHO, MAP, SEHO | If s 19(1) applies |
| s 19(4)(a) | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise | CEO, DCPA, EHC, MAP | If s 19(1) applies |
| s 19(6)(a) | Duty to revoke any order under s 19 if satisfied that an order has been complied with | EHC, EHO, MAP, SEHO | If s 19(1) applies |
| s 19(6)(b) | Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with | EHC, EHO, MAP, SEHO | If s 19(1) applies |
| s 19AA(2)  | Power to direct, by written order, that a person must take any of the actions described in (a)-(c). | EHC, EHO, MAP, SEHO | Where Council is the registration authority |
| s 19AA(4)(c) | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | EHC, EHO, MAP, SEHO | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution |
**FOOD ACT 1984**

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<td>EHC, EHO, SEHO</td>
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</tr>
<tr>
<td>s 19M(4)(a) &amp; (5)</td>
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<td>ND</td>
<td>Where Council is the registration authority</td>
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<td>EHC, EHO, MAP, SEHO</td>
<td>Where Council is the registration authority</td>
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<tr>
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<td>EHC, EHO, MAP, SEHO</td>
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<tr>
<td>---</td>
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<td>Where Council is the registration authority</td>
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<tr>
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<td>Where Council is the registration authority</td>
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## FOOD ACT 1984

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<td>EHC, EHO, MAP, SEHO</td>
<td>Where Council is the registration authority</td>
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## HERITAGE ACT 2017

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<td>DCPA</td>
<td>Must first obtain Executive Director’s written consent. Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation</td>
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### LOCAL GOVERNMENT ACT 1989

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<td>CEO¹</td>
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<tr>
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<td>CEO²</td>
<td></td>
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</table>

¹ The only member of staff who can be a delegate in Column 3 is the CEO.
² The only member of staff who can be a delegate in Column 3 is the CEO.
## PLANNING AND ENVIRONMENT ACT 1987

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<td>s 4B</td>
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<td>ND</td>
<td>If authorised by the Minister</td>
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<td>DCPA, MUS, StratPC</td>
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<td>DCPA, MUS</td>
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<td>DCPA, MUS</td>
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<tr>
<td>s 8A(5)</td>
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<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 8A(7)</td>
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<td>DCPA, MUS, StratPC</td>
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<td>s 8B(2)</td>
<td>Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district</td>
<td>DCPA, MUS</td>
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<td>s 12(3)</td>
<td>Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 12A(1)</td>
<td>Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996)</td>
<td>DCPA, MUS</td>
<td></td>
</tr>
<tr>
<td>s 12B(1)</td>
<td>Duty to review planning scheme</td>
<td>ND</td>
<td></td>
</tr>
<tr>
<td>s 12B(2)</td>
<td>Duty to review planning scheme at direction of Minister</td>
<td>ND</td>
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<tr>
<td>s 12B(5)</td>
<td>Duty to report findings of review of planning scheme to Minister without delay</td>
<td>DCPA, MUS, StratPC</td>
<td></td>
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<tr>
<td>s 14</td>
<td>duties of a Responsible Authority as set out in s 14(a) to (d)</td>
<td>DCPA, DERIS, MAP, MDS, MUS</td>
<td></td>
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<tr>
<td>s 17(1)</td>
<td>Duty of giving copy amendment to the planning scheme</td>
<td>DCPA, MUS, PStratP, SStratP, StratP, StratPC</td>
<td></td>
</tr>
<tr>
<td>s 17(2)</td>
<td>Duty of giving copy s 173 agreement</td>
<td>DCPA, MDS, MUS, StratPC</td>
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<tr>
<td>s 17(3)</td>
<td>Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days</td>
<td>DCPA, MUS, PStraP, SStratP, StratP, StratPC</td>
<td></td>
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<tr>
<td>s 18</td>
<td>Duty to make amendment etc. available</td>
<td>DCPA, MUS, PStraP, SStratP, StratP, StratPC</td>
<td></td>
</tr>
<tr>
<td>s 19</td>
<td>Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme</td>
<td>DCPA, MUS</td>
<td></td>
</tr>
<tr>
<td>s 19</td>
<td>Function of receiving notice of preparation of an amendment to a planning scheme</td>
<td>DCPA, MUS, StratPC</td>
<td>Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority</td>
</tr>
<tr>
<td>s 20(1)</td>
<td>Power to apply to Minister for exemption from the requirements of s 19</td>
<td>DCPA, MUS</td>
<td></td>
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<tr>
<td>s 21(2)</td>
<td>Duty to make submissions available</td>
<td>DCPA, MUS, PStraP, SStratP, StratP, StratPC</td>
<td></td>
</tr>
<tr>
<td>s 21A(4)</td>
<td>Duty to publish notice</td>
<td>DCPA, MUS, PStraP, SStratP, StratP, StratPC</td>
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<tr>
<td>s 22</td>
<td>Duty to consider all submissions</td>
<td>DCPA, MUS, PSTratP, SSTratP, StratPC</td>
<td>Except submissions which request a change to the items in s 22(5)(a) and (b)</td>
</tr>
<tr>
<td>s 23(1)(b)</td>
<td>Duty to refer submissions which request a change to the amendment to a panel</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 23(2)</td>
<td>Power to refer to a panel submissions which do not require a change to the amendment</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 24</td>
<td>Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)</td>
<td>DCPA, MUS, StratPC</td>
<td>DCP&amp;C, MUS or StratPC must authorise, PSTratP, SSTratP to represent Council at a Panel Hearing and may also delegate External Representation</td>
</tr>
<tr>
<td>s 26(1)</td>
<td>Power to make report available for inspection</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 26(2)</td>
<td>Duty to keep report of panel available for inspection</td>
<td>DCPA, MUS, PSTratP, SSTratP, StratPC, USAO</td>
<td></td>
</tr>
<tr>
<td>s 27(2)</td>
<td>Power to apply for exemption if panel’s report not received</td>
<td>DCPA, MUS</td>
<td></td>
</tr>
<tr>
<td>s 28</td>
<td>Duty to notify the Minister if abandoning an amendment</td>
<td>DCPA, MUS</td>
<td>Note: the power to make a decision to abandon an amendment cannot be delegated</td>
</tr>
<tr>
<td>s 30(4)(a)</td>
<td>Duty to say if amendment has lapsed</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 30(4)(b)</td>
<td>Duty to provide information in writing upon request</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 32(2)</td>
<td>Duty to give more notice if required</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 33(1)</td>
<td>Duty to give more notice of changes to an amendment</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 36(2)</td>
<td>Duty to give notice of approval of amendment</td>
<td>DCPA, MUS, PSTratP, SSratP, StratP, StratPC</td>
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<tr>
<td>s 38(5)</td>
<td>Duty to give notice of revocation of an amendment</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 39</td>
<td>Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT</td>
<td>DCPA, MUS, StratPC</td>
<td>DCP&amp;CS, MUS or StratPC must determine the appointment of external representation</td>
</tr>
<tr>
<td>s 40(1)</td>
<td>Function of lodging copy of approved amendment</td>
<td>DCPA, MUS, StratPC</td>
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<tr>
<td>s 41</td>
<td>Duty to make approved amendment available</td>
<td>DCPA, MUS, PSTratP, SSratP, StratP, StratPC</td>
<td></td>
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<tr>
<td>s 42</td>
<td>Duty to make copy of planning scheme available</td>
<td>DCPA, MUS, StratPC</td>
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</table>
| s 46AAA | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | | Where Council is a responsible public entity and is a planning authority  
Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils |
| s 46AW | Function of being consulted by the Minister | | Where Council is a responsible public entity |
| s 46AX | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  
Power to endorse the draft Statement of Planning Policy | | Where Council is a responsible public entity |
<p>| s 46AZC(2) | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity | | Where Council is a responsible public entity |
| s 46AZK | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | | Where Council is a responsible public entity |
| s 46GI(2)(b)(i) | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister’s direction | | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |</p>
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<td>s 46CAG(1)</td>
<td>Function of receiving written directions from the Minister in respect of preparation and content of infrastructure plans</td>
<td>s 46CAG</td>
<td>Duty to comply with a Minister’s direction that applies to preparation or content of infrastructure plans</td>
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<tr>
<td>s 46CD(1)</td>
<td>Duty to arrange for estimates of values of inner public purpose land</td>
<td>s 46CD(1)</td>
<td>Duty to give notice to owners of certain inner public purpose land</td>
</tr>
<tr>
<td>s 46CP</td>
<td>Function of receiving a notice under s 46CQ</td>
<td>s 46CQ</td>
<td>Function of receiving a submission from an affected owner, who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land</td>
</tr>
<tr>
<td>s 46CR(1)</td>
<td>Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46CQ</td>
<td>s 46CR(2)</td>
<td>Power to consider a late submission if directed to do so by the Minister</td>
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<tr>
<td>s 46GS(1)</td>
<td>Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ</td>
<td></td>
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</tr>
<tr>
<td>s 46GS(2)</td>
<td>Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general</td>
<td></td>
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<tr>
<td>s 46CT(2)</td>
<td>Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference</td>
<td></td>
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<tr>
<td>s 46CT(4)</td>
<td>Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land</td>
<td></td>
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<tr>
<td>s 46CT(6)</td>
<td>Function of receiving, from the valuer-general, written notice of a determination under s 46CT(3)</td>
<td></td>
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<tr>
<td>s 46GU</td>
<td>Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met</td>
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| s 46GV(3) | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  
Power to specify the manner in which the payment is to be made | | Where Council is the collecting agency |
<p>| s 46GV(3)(b) | Power to enter into an agreement with the applicant | | Where Council is the collecting agency |
| s 46GV(4)(a) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | | Where Council is the development agency |
| s 46GV(4)(b) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | | Where Council is the collecting agency |
| s 46GV(7) | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area | | |
| s 46GV(9) | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction | | Where Council is the collecting agency |
| s 46GX(1) | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable | | Where Council is the collecting agency |</p>
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<tr>
<td>s 46GX(2)</td>
<td>Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan</td>
<td></td>
<td>Where Council is the collecting agency</td>
</tr>
<tr>
<td>s 46GY(1)</td>
<td>Duty to keep proper and separate accounts and records</td>
<td></td>
<td>Where Council is the collecting agency</td>
</tr>
<tr>
<td>s 46GY(2)</td>
<td>Duty to keep the accounts and records in accordance with the Local Government Act 1999</td>
<td></td>
<td>Where Council is the collecting agency</td>
</tr>
</tbody>
</table>
| s 46GZ(2)(a) | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs | | Where Council is the collecting agency under an approved infrastructure contributions plan  
This duty does not apply where Council is that planning authority |
| s 46GZ(2)(a) | Function of receiving the monetary component | | Where the Council is the planning authority  
This duty does not apply where Council is also the collecting agency |
| s 46GZ(2)(b) | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities | | Where Council is the collecting agency under an approved infrastructure contributions plan  
This provision does not apply where Council is also the relevant development agency |
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<tr>
<td>s 46GZ(2)(b)</td>
<td>Function of receiving the monetary component</td>
<td></td>
<td>Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency</td>
</tr>
<tr>
<td>s 46GZ(4)</td>
<td>Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)</td>
<td></td>
<td>Where Council is the collecting agency under an approved infrastructure contributions plan</td>
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<tr>
<td>s 46GZ(5)</td>
<td>Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency</td>
<td></td>
<td>Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency</td>
</tr>
<tr>
<td>s 46GZ(5)</td>
<td>Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land</td>
<td></td>
<td>Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency</td>
</tr>
<tr>
<td>s 46GZ(7)</td>
<td>Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW</td>
<td></td>
<td>Where Council is the collecting agency under an approved infrastructure contributions plan</td>
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<tr>
<td>s 46GZ(9)</td>
<td>Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land</td>
<td></td>
<td>If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency</td>
</tr>
<tr>
<td>s 46GZ(9)</td>
<td>Function of receiving the fee simple in the land</td>
<td></td>
<td>Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency</td>
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<tr>
<td>s 46GZA(1)</td>
<td>Duty to keep proper and separate accounts and records</td>
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<td>Where Council is a development agency under an approved infrastructure contributions plan</td>
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<tr>
<td>s 46GZA(2)</td>
<td>Duty to keep the accounts and records in accordance with the Local Government Act 1989</td>
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<td>Where Council is a development agency under an approved infrastructure contributions plan</td>
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<tr>
<td>s 46GZB(3)</td>
<td>Duty to follow the steps set out in s 46GZB(3)(a) – (c)</td>
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<td>Where Council is a development agency under an approved infrastructure contributions plan</td>
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<tr>
<td>s 46GZB(4)</td>
<td>Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA</td>
<td>If the VPA is the collecting agency under an approved infrastructure contributions plan</td>
<td>Where Council is the development agency under an approved infrastructure contributions plan</td>
</tr>
<tr>
<td>s 46GZD(2)</td>
<td>Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)</td>
<td>Where Council is the development agency under an approved infrastructure contributions plan</td>
<td></td>
</tr>
<tr>
<td>s 46GZD(3)</td>
<td>Duty to follow the steps set out in s 46GZD(3)(a) and (b)</td>
<td>Where Council is the collecting agency under an approved infrastructure contributions plan</td>
<td></td>
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<tr>
<td>s 46GZD(5)</td>
<td>Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)</td>
<td>Where Council is the collecting agency under an approved infrastructure contributions plan</td>
<td></td>
</tr>
<tr>
<td>s 46GZE(2)</td>
<td>Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires</td>
<td>Where Council is the development agency under an approved infrastructure contributions plan</td>
<td>This duty does not apply where Council is also the collecting agency</td>
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| s 46GZE(2) | Function of receiving the unexpended land equalisation amount |  | Where Council is the collecting agency under an approved infrastructure contributions plan  
This duty does not apply where Council is also the development agency |
| s 46GZE(3) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b) |  | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(2) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land |  | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZF(3) | Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b) |  | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZF(3) | s 46GZF(3)(a) function of receiving proceeds of sale |  | Where Council is the collection agency under an approved infrastructure contributions plan  
This provision does not apply where Council is also the development agency |
<p>| s 46GZF(4) | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5) |  | Where Council is the collecting agency under an approved infrastructure contributions plan |</p>
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<td>s 46GZF(6)</td>
<td>Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)</td>
<td>Where Council is the collecting agency under an approved infrastructure contributions plan</td>
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<tr>
<td>s 46GZH</td>
<td>Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3A1B as a debt in any court of competent jurisdiction</td>
<td>Where Council is the collecting agency under an approved infrastructure contributions plan</td>
<td></td>
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<tr>
<td>s 46GZI</td>
<td>Duty to prepare and give a report to the Minister at the times required by the Minister</td>
<td>Where Council is a collecting agency or development agency</td>
<td></td>
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<tr>
<td>s 46GZK</td>
<td>Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council</td>
<td>Where Council is a collecting agency or development agency</td>
<td></td>
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<tr>
<td>s 46LB(3)</td>
<td>Duty to publish, on Council’s Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)</td>
<td></td>
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<tr>
<td>s 46N(1)</td>
<td>Duty to include condition in permit regarding payment of development infrastructure levy</td>
<td>DCPS, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 46N(2c)</td>
<td>Function of determining time and manner for receipt of development contributions levy</td>
<td>DCPA, MDS</td>
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<tr>
<td>s 46N(2d)</td>
<td>Power to enter into an agreement with the applicant regarding payment of development infrastructure levy</td>
<td>DCPA, MDS</td>
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<tr>
<td>s 46O(1)(a) &amp; (2)(a)</td>
<td>Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit</td>
<td>DCPA, MBS, MDS</td>
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<tr>
<td>s 46Q(1)(d) &amp; (2)(d)</td>
<td>Power to enter into agreement with the applicant regarding payment of community infrastructure levy</td>
<td>DCPA, MDS</td>
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<tr>
<td>s 46P(1)</td>
<td>Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured</td>
<td>DCPA, MDS</td>
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<tr>
<td>s 46P(2)</td>
<td>Power to accept provision of land, works, services or facilities in part or full payment of levy payable</td>
<td>DCPA, MDS</td>
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<tr>
<td>s 46Q(1)</td>
<td>Duty to keep proper accounts of levies paid</td>
<td>DCPA, DERIS, MDS, MF</td>
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<tr>
<td>s 46Q(1A)</td>
<td>Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency, or plan preparation costs incurred by development agency</td>
<td>DCPA, DERIS, MDS</td>
<td></td>
</tr>
<tr>
<td>s 46Q(2)</td>
<td>Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc</td>
<td>DCPA, DERIS, MDS</td>
<td></td>
</tr>
<tr>
<td>s 46Q(3)</td>
<td>Power to refund any amount of levy paid if it is satisfied the development is not to proceed</td>
<td>DCPA</td>
<td>Only applies when levy is paid to Council as a 'development agency'</td>
</tr>
<tr>
<td>s 46Q(4)(c)</td>
<td>Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)</td>
<td>DCPA, MUS</td>
<td>Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister</td>
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<tr>
<td>s 46Q(4)(d)</td>
<td>Duty to submit to the Minister an amendment to the approved development contributions plan</td>
<td>DCPA, MUS</td>
<td>Must be done in accordance with Part 3</td>
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<tr>
<td>s 46Q(4)(e)</td>
<td>Duty to expend that amount on other works etc.</td>
<td>DCPA, DERIS</td>
<td>With the consent of, and in the manner approved by, the Minister</td>
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<td>s 46QC</td>
<td>Power to recover any amount of levy payable under Part 3B</td>
<td>DCPA</td>
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<td>s 46QD</td>
<td>Duty to prepare report and give a report to the Minister</td>
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<td>Where Council is a collecting agency or development agency</td>
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<tr>
<td>s 46V(3)</td>
<td>Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environ Strategy Plan) and any documents lodged with it available</td>
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<tr>
<td>s 46Y</td>
<td>Duty to carry out works in conformity with the approved strategy plan</td>
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<td>s 47</td>
<td>Power to decide that an application for a planning permit does not comply with that Act</td>
<td>DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<tr>
<td>s 49(1)</td>
<td>Duty to keep a register of all applications for permits and determinations relating to permits</td>
<td>DCPA, MDS</td>
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<tr>
<td>s 49(2)</td>
<td>Duty to make register available for inspection</td>
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<td>s 50(4)</td>
<td>Duty to amend application</td>
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<td>s 50(5)</td>
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<td>s 50(6)</td>
<td>Duty to make note of amendment to application in register</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 50A(1)</td>
<td>Power to make amendment to application</td>
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<tr>
<td>s 50A(3)</td>
<td>Power to require applicant to notify owner and make a declaration that notice has been given</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 50A(4)</td>
<td>Duty to note amendment to application in register</td>
<td>DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<td>s 51</td>
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<td>DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<tr>
<td>s 52(1)(a)</td>
<td>Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 52(1)(b)</td>
<td>Duty to give notice of the application to other municipal council where appropriate</td>
<td>DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<tr>
<td>s 52(1)(c)</td>
<td>Duty to give notice of the application to all persons required by the planning scheme</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 52(1)(ca)</td>
<td>Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 52(1)(cb)</td>
<td>Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 52(1)(d)</td>
<td>Duty to give notice of the application to other persons who may be detrimentally effected</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 52(1AA)</td>
<td>Duty to give notice of an application to remove or vary a registered restrictive covenant</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 52(3)</td>
<td>Power to give any further notice of an application where appropriate</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 53(1)</td>
<td>Power to require the applicant to give notice under s 52(1) to persons specified by it</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 53(1A)</td>
<td>Power to require the applicant to give the notice under s 52(1AA)</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 54(1)</td>
<td>Power to require the applicant to provide more information</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 54(1A)</td>
<td>Duty to give notice in writing of information required under s 54(1)</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 54(1B)</td>
<td>Duty to specify the lapse date for an application</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 54A(3)</td>
<td>Power to decide to extend time or refuse to extend time to give required information</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 54A(4)</td>
<td>Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<tr>
<td>s 55(1)</td>
<td>Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 57(2A)</td>
<td>Power to reject objections considered made primarily for commercial advantage for the objector</td>
<td>DCPA, MDS</td>
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<td>s 57(3)</td>
<td>Function of receiving name and address of persons to whom notice of decision is to go</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<tr>
<td>s 57(5)</td>
<td>Duty to make available for inspection copy of all objections</td>
<td>DCPA, MDS, SAA, SPC</td>
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<tr>
<td>s 57A(4)</td>
<td>Duty to amend application in accordance with applicant's request, subject to s 57A(5)</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 57A(5)</td>
<td>Power to refuse to amend application</td>
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<td>s 57A(6)</td>
<td>Duty to note amendments to application in register</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<tr>
<td>s 57B(1)</td>
<td>Duty to determine whether and to whom notice should be given</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<tr>
<td>s 57B(2)</td>
<td>Duty to consider certain matters in determining whether notice should be given</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<td>s 57C(1)</td>
<td>Duty to give copy of amended application to referral authority</td>
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<td>Duty to consider every application for a permit</td>
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<td>s 58A</td>
<td>Power to request advice from the Planning Application Committee</td>
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<td>s 60</td>
<td>Duty to consider certain matters</td>
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<td>s 60(1A)</td>
<td>Duty to consider certain matters</td>
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<td>s 60(1B)</td>
<td>Duty to consider number of objectors in considering whether use or development may have significant social effect</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 61(1)</td>
<td>Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application</td>
<td>DCPA, MDS, SPC</td>
<td>The permit must not be inconsistent with a cultural heritage management plan under the <em>Aboriginal Heritage Act 2006</em></td>
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<td>s 61(2)</td>
<td>Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit</td>
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<tr>
<td>s 61(2A)</td>
<td>Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit</td>
<td>DCPA, MDS, PSP, SPC</td>
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<td>s 61(3)(a)</td>
<td>Duty not to decide to grant a permit to use coastal Crown land without Minister’s consent</td>
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<td>s 61(3)(b)</td>
<td>Duty to refuse to grant the permit without the Minister’s consent</td>
<td>DCPA, MDS, PSP, SPC</td>
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<td>s 61(4)</td>
<td>Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant</td>
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<td>s 62(1)</td>
<td>Duty to include certain conditions in deciding to grant a permit</td>
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<td>s 62(2)</td>
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<td>s 62(4)</td>
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<td>s 62(5)(a)</td>
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<td>s 62(5)(b)</td>
<td>Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement</td>
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<tr>
<td>s 62(5)(c)</td>
<td>Power to include a permit condition that specified works be provided or paid for by the applicant</td>
<td>DCPA, MDS, PSP, SPC</td>
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<tr>
<td>s 62(6)(a)</td>
<td>Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 40N(1), 46GV(7) or 62(5)</td>
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<td>s 62(6)(b)</td>
<td>Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)</td>
<td>DCPA, MDS, PSP, SP, SPC, SSP</td>
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<td>s 63</td>
<td>Duty to issue the permit where made a decision in favour of the application (if no one has objected)</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<td>s 64(1)</td>
<td>Duty to give notice of decision to grant a permit to applicant and objectors</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>This provision applies also to a decision to grant an amendment to a permit – see s 75</td>
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<td>s 64(3)</td>
<td>Duty not to issue a permit until after the specified period</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>This provision applies also to a decision to grant an amendment to a permit – see s 75</td>
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<td>s 64(5)</td>
<td>Duty to give each objector a copy of an exempt decision</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>This provision applies also to a decision to grant an amendment to a permit – see s 75</td>
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<tr>
<td>s 64A</td>
<td>Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>This provision applies also to a decision to grant an amendment to a permit – see s 75A</td>
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<tr>
<td>s 65(1)</td>
<td>Duty to give notice of refusal to grant permit to applicant and person who objected under s 57</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
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<tr>
<td>s 66(1)</td>
<td>Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority</td>
</tr>
<tr>
<td>s 66(2)</td>
<td>Duty to give a recommending referral authority notice of its decision to grant a permit</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit</td>
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<tr>
<td>s 66(4)</td>
<td>Duty to give a recommending referral authority notice of its decision to refuse a permit</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit</td>
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<td>s 66(6)</td>
<td>Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65</td>
<td>ASO-US, DCPA, MDS, PSP, SAA, SP, SPC, SSP</td>
<td>If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit</td>
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<td>s 69(1)</td>
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<td>s 69(1A)</td>
<td>Function of receiving application for extension of time to complete development</td>
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<td>s 76A(2)</td>
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<td>s 84(1)</td>
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<td>In respect of a decision to grant a permit with or without conditions or a Notice of Decision with or without conditions. This power cannot be exercised to any applications called in by a Councillor whereby a Councillor advises the Manager Development Services via email prior to a decision being issued. An application where more than two objections has been received, the application must be reported to Council for determination. Noting that multiple objections from persons residing at one address shall be considered as a single objection for the purpose of the delegation.</td>
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<td>s 84(3)</td>
<td>Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit</td>
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<td>s 84(6)</td>
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<td>s 91(2A)</td>
<td>Duty to issue amended permit to owner if Tribunal so directs</td>
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<td>s 92</td>
<td>Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90</td>
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<td>s 93(2)</td>
<td>Duty to give notice of VCAT order to stop development</td>
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<td>s 96(1)</td>
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<td>s 96(2)</td>
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<td>s 96A(2)</td>
<td>Power to agree to consider an application for permit concurrently with preparation of proposed amendment</td>
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<td>s 96C</td>
<td>Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C</td>
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<td>s 96F</td>
<td>Duty to consider the panel’s report under s 96E</td>
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<td>s 96G(1)</td>
<td>Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)</td>
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<td>Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate</td>
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<td>Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge</td>
<td>ASO-US, DCPA, MDS, PSP, SP, SPC, SSP</td>
<td>Where Council is not the responsible authority but the relevant land is within Council’s municipal district</td>
</tr>
<tr>
<td>r 42</td>
<td>Function of receiving notice under s 98C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application</td>
<td>ASO-US, DCPA, MDS, MUS, PSP, PStratP, SP, SPC, SSP, SSStratP, StratP, StratPC</td>
<td>Where Council is not the planning authority and the amendment affects land within Council’s municipal district, or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.</td>
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<td>PROVISION</td>
<td>THING DELEGATED</td>
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<tr>
<td>r 19</td>
<td>Power to waive or rebate a fee relating to an amendment of a planning scheme</td>
<td>CEO, DCPA, MDS</td>
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<tr>
<td>r 20</td>
<td>Power to waive or rebate a fee relating to an amendment to a planning scheme</td>
<td>CEO, DCPA, MDS</td>
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<tr>
<td>r 21</td>
<td>Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20</td>
<td>CEO, DCPA, MDS</td>
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<td>PROVISION</td>
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<tr>
<td>r 7</td>
<td>Function of entering into a written agreement with a caravan park owner</td>
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<td>r 11</td>
<td>Function of receiving application for registration</td>
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<tr>
<td>r 13(1)</td>
<td>Duty to grant the registration if satisfied that the caravan park complies with these regulations</td>
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<td>r 13(2)</td>
<td>Duty to renew the registration if satisfied that the caravan park complies with these regulations</td>
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<tr>
<td>r 13(2)</td>
<td>Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations</td>
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<td>r 13(4) &amp; (5)</td>
<td>Duty to issue certificate of registration</td>
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<tr>
<td>r 15(1)</td>
<td>Function of receiving notice of transfer of ownership</td>
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<tr>
<td>r 15(3)</td>
<td>Power to determine where notice of transfer is displayed</td>
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<tr>
<td>r 16(1)</td>
<td>Duty to transfer registration to new caravan park owner</td>
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<tr>
<td>r 16(2)</td>
<td>Duty to issue a certificate of transfer of registration</td>
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<tr>
<td>r 17(1)</td>
<td>Power to determine the fee to accompany applications for registration or applications for renewal of registration</td>
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<tr>
<td>r 18</td>
<td>Duty to keep register of caravan parks</td>
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<td>CONDITIONS &amp; LIMITATIONS</td>
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<tr>
<td>r 19(4)</td>
<td>Power to determine where the emergency contact person's details are displayed</td>
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<tr>
<td>r 19(6)</td>
<td>Power to determine where certain information is displayed</td>
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<tr>
<td>r 22A(1)</td>
<td>Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner</td>
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<tr>
<td>r 22A(2)</td>
<td>Duty to consult with relevant emergency services agencies</td>
<td></td>
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<tr>
<td>r 23</td>
<td>Power to determine places in which caravan park owner must display a copy of emergency procedures</td>
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<td>r 24</td>
<td>Power to determine places in which caravan park owner must display copy of public emergency warnings</td>
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<tr>
<td>r 25(3)</td>
<td>Duty to consult with relevant floodplain management authority</td>
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<tr>
<td>r26</td>
<td>Duty to have regard to any report of the relevant fire authority</td>
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<tr>
<td>r28(c)</td>
<td>Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling</td>
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<tr>
<td>r 39</td>
<td>Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe</td>
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<tr>
<td>r 39(b)</td>
<td>Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe</td>
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## RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLING'S REGISTRATION AND STANDARDS) REGULATIONS 2010

<table>
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<tr>
<td>r 40(4)</td>
<td>Function of receiving installation certificate</td>
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<tr>
<td>r 42</td>
<td>Power to approve use of a non-habitable structure as a dwelling or part of a dwelling</td>
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<tr>
<td>sch 3 cl 4(3)</td>
<td>Power to approve the removal of wheels and axles from unregistrable movable dwelling</td>
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<tr>
<td>r 8(1)</td>
<td>Duty to conduct reviews of road management plan</td>
<td>DERIS, MCAP</td>
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<tr>
<td>r 9(2)</td>
<td>Duty to produce written report of review of road management plan and make report available</td>
<td>DERIS, MCAP</td>
<td></td>
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<tr>
<td>r 9(3)</td>
<td>Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority</td>
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<tr>
<td>r 10</td>
<td>Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act</td>
<td>DERIS, MCAP</td>
<td></td>
</tr>
<tr>
<td>r 13(1)</td>
<td>Duty to publish notice of amendments to road management plan</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority</td>
</tr>
<tr>
<td>r 13(3)</td>
<td>Duty to record on road management plan the substance and date of effect of amendment</td>
<td>DERIS, MCAP</td>
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<tr>
<td>r 16(3)</td>
<td>Power to issue permit</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority</td>
</tr>
<tr>
<td>r 18(1)</td>
<td>Power to give written consent re damage to road</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority</td>
</tr>
<tr>
<td>r 23(2)</td>
<td>Power to make submission to Tribunal</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority</td>
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<tr>
<td>r 23(4)</td>
<td>Power to charge a fee for application under s 66(1) Road Management Act</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority</td>
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<tr>
<td>r 25(1)</td>
<td>Power to remove objects, refuse, rubbish or other material deposited or left on road</td>
<td>DERIS, MCAP</td>
<td>Where Council is the responsible road authority</td>
</tr>
<tr>
<td>r 25(2)</td>
<td>Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))</td>
<td>DERIS, MCAP</td>
<td>Where Council is the responsible road authority</td>
</tr>
<tr>
<td>r 25(5)</td>
<td>Power to recover in the Magistrates’ Court, expenses from person responsible</td>
<td>DERIS, MCAP</td>
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### ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015

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<td>r 15</td>
<td>Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority and where consent given under s 63(1) of the Act</td>
</tr>
<tr>
<td>r 22(2)</td>
<td>Power to waive whole or part of fee in certain circumstances</td>
<td>DERIS, MCAP</td>
<td>Where Council is the coordinating road authority</td>
</tr>
</tbody>
</table>
10.5 BAYSIDE ARTS AND GALLERY ADVISORY COMMITTEE CHARTER

Executive summary

Purpose and background
The purpose of this report is for Council to establish a Bayside Arts and Gallery Advisory Committee and adopt a Charter for the Advisory Committee.

In July 2016 Council established a Section 86 (Local Government Act 1989) Committee known at the Bayside Arts Board. This Board had very limited delegation with referral of all actions to Council for resolution.

As a result of the implementation of the Local Government Act 2020, section 86 of the 1989 Act will be repealed as at 1 September 2020 and therefore it is necessary for Council to establish another mechanism to provide advice to Council on Arts and Gallery matters.

The Local Government Act 2020 provides for a number of committees, such as Delegated Committees and Community Asset Committees. Neither of these are appropriate for this purpose. However, Council can establish an Advisory Committee to Council for a specific purpose.

Accordingly, a Charter has been developed for the establishment of a Bayside Arts and Gallery Advisory Committee.

Key issues
Essentially, the Charter is based on the existing section 86 Committee; however, the major changes relate to the following sections:

Section 2 Functions
The functions of the Advisory Committee is to provide advice and make recommendations to Council for consideration.

Section 3 – Strategic Plan and Reporting Requirements
This section provides the Advisory Committee the ability to contribute and provide advice to Council on the Strategic Plan.

Section 4 - Delegations
This section provides for no delegation to the Advisory Committee.

Section 5 – Membership
This section provides Council with the opportunity to appoint up to three Councillors but with a minimum of 2 Councillors, and up to 8 community members.

Section 8 – Deputy Chairperson
This section provides appointment of a Deputy Chairperson to the Advisory Committee to be appointed by Council.
Section 9 – Appointment of Community Committee members

The selection articulates the skillset required from community members to join the Advisory Committee.

Section 10 – Meetings

This section provides that meetings be conducted in accordance with the Governance Rules adopted by Council.

Consultation with the existing Board

The current Bayside Arts Board has been made aware of the legislative changes at its previous meeting and the Arts Board further considered the Charter at its meeting on 15 July, and subsequently recommended the adoption of the Charter.

Given the proposed abolishment of the Bayside Arts Board, it is appropriate that Council continues with an Advisory Committee to consider arts and gallery related matters to provide well considered advice to Council, and on this basis it is appropriate that the existing members of the Arts Board be appointed to the Advisory Committee for the extent of their individual term of appointment.

Recommendation

The Council:

1. abolishes the Bayside Art Board established by Council in accordance with Section 86 of the Local Government Act 1989 as from 31 July 2020;
2. rescinds the Bayside Arts Board Charter as from 31 July 2020;
3. establishes the Bayside Arts and Gallery Advisory Committee as from 1 August 2020;
4. appoints the following Council and community representatives to the Bayside Arts and Gallery Advisory Committee:
   
   Council Representatives
   Cr James Long BM, JP – Chairman (Term expires 24 October 2020)
   Cr Sonia Castelli (Term expires 24 October 2020)
   Cr Alex del Porto (Term expires 24 October 2020)

   Community representatives
   Ms Tiziana Borgheses (Term expires 31 August 2021)
   Ms Angelina Beninati (Term expires 31 August 2021)
   Mr Arvind Vasan (Term expires 28 February 2021)
   Mr Brian Hewitt (Term expires 31 May 2021)
   Ms Bozena Rutecki (Term Expires 31 May 2021)
   Ms Sarah Morris (Term Expires 31 May 2021); and

5. adopts the Bayside Arts and Gallery Advisory Committee Charter effective as from 1 August 2020.
Support Attachments
1. Draft Bayside Arts and Gallery Advisory Committee - Charter ↓

Considerations and implications of recommendation

Liveable community

Social
The proposed Bayside Arts and Gallery Advisory Committee is made up of individuals who have a range of experience and skill level.

Natural Environment
There are no natural environmental implications associated with this report.

Built Environment
There are no built environment implications associated with this report.

Customer Service and Community Engagement
The proposed Advisory Committee is a specific means of engagement with subject experts from the community that provides advice and input into the decision making process of Council.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
Council may appoint an Advisory Committee to provide advice to Council on a range of matters.

Finance
There are no financial implications associated with the establishment of the Advisory Committee and appointment of members or with the proposed changes to the Charter.

Links to Council policy and strategy
Bayside Arts Board Strategic Plan 2018 - 2022
Bayside Arts and Gallery Advisory Committee Charter
# Bayside Arts and Gallery Advisory Committee Charter

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Bayside Arts and Gallery Advisory Committee Charter

Charter

1. Purpose

The Bayside Arts and Gallery Advisory Committee is constituted for the purpose of providing advice and supporting Council in the development and presentation of an innovative and creative arts program for the City of Bayside including exhibitions and programs at the Bayside Gallery.

2. Functions

The functions of the Advisory Committee is to provide advice and recommendations to Council on the following matters:

2.1 The annual exhibition program for the Bayside Gallery;
2.2 The annual arts program of public events and activities;
2.3 The proposed artists for the annual Studio Artists program at Billilla;
2.4 The public art and wall/mural art program across the municipality;
2.5 The acquisition and de-accession to the Bayside Council Art and Heritage Collection in accordance with the Bayside Arts and Heritage Collection Policy;
2.6 Provide advice on the care and preservation of the Bayside Council Art and Heritage collection for future generations;
2.7 Provide input and guidance into Council’s Strategic Plan for the Arts;
2.8 Contribute, to and support the establishment of mutual beneficial partnerships; and
2.9 Provide advice and evaluate the marketing strategy for arts programming including the Bayside Gallery;

3. Strategic Plan and Reporting Requirements

3.1 The Advisory Committee will contribute and provide advice to Council on a Strategic Plan for the arts and Gallery. The Advisory Committee will approve a draft Strategic Plan at least 3 months prior to the expiration of the current Strategic Plan and recommend the draft Strategic Plan to Council its approval.
3.2 The Strategic Plan must cover a 4 year period, or such other period directed by Council.
3.3 The Strategic Plan must include, vision, values and objectives and annual action plan including Key performance indicators on service delivery.
3.4 The Advisory Committee will make a recommendation to Council of any changes to the Strategic Plan during the timeframe of the Plan, or any other matter that is considers could significantly affect the achievement of the objectives set out in the Strategic Plan in a timely manner upon such changes being made.

Page 3 | 12
Bayside Arts and Gallery Advisory Committee Charter

4. **Delegations**
   4.1 The Advisory Committee will provide advice to Council with no specific delegations.
   4.2 A review of the Advisory Committee Charter will be conducted biennial.

5. **Membership**
   6.1 The Advisory Committee consists of the following members:
   
   - Up to three Councillors (minimum of two Councillors);
   - Up to eight community members (minimum 6 community members) selected on the basis of their skills and experience relevant to the functions listed below.
   
   6.2 The quorum for any meeting of the Advisory Committee is a majority of members of the committee, plus one, with one being an appointed Councillor.
   
   6.3 All members have full and equal rights on matters before the Advisory Committee.

6. **Chairperson**

   7.1 The Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Committee.
   
   7.2 The Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting, taking into account any recommendation of the Advisory Committee.
   
   7.3 The Chairperson term is for a maximum of two years.
   
   7.4 The Chairperson of the Advisory Committee has a casting vote on occasions where there is an equal number of votes on a matter. In the absence of the appointed Chairperson from a meeting, the Deputy Chairperson will undertake the duties of the Chairperson.
Bayside Arts and Gallery Advisory Committee Charter

7. **Role of the Chairperson**

7.1 The role of the Chairperson includes, but is not limited to:

- Chairing of meetings of the Advisory Committee in accordance with the meeting agenda distributed to Committee Members.
- Conducting meetings in a manner that promotes full participation, communications, involvement, consensus, mutual respect and listening.
- Providing time during meetings for any Advisory Committee Member to raise any issue they believe is relevant.
- Has a casting vote on occasions where there is an equal number of votes on a matter.

7.2 The Chairperson or Deputy Chairperson will be part of the interview panel for the recruitment of new ordinary members of the Advisory Committee.

8. **Deputy Chairperson**

8.1 The Deputy Chairperson of the Advisory Committee must be elected from the Council appointed Councillor representatives on the Advisory Committee.

8.2 The Deputy Chairperson of the Advisory Committee shall be appointed by resolution of Council at its Annual Meeting, taking into account any recommendation of the Advisory Committee.

8.3 The Deputy Chairperson term is for a maximum of two years.

8.4 The Deputy Chairperson of the Advisory Committee will undertake the duties of the Chairperson in the absence of the Chairperson.

9. **Appointment of Community Committee Members**

9.1 **Selection of Ordinary Members**

10.1.1 The following functions identify the range of eligible skills, experience and capabilities for the Committee to discharge its responsibilities:

1. Strategic planning;
2. Marketing and brand positioning;
3. Arts management;
4. Community engagement;
5. Public Art, urban design, architecture; and
6. Experience in the performing arts, exhibition programming or other related arts programs.
Bayside Arts and Gallery Advisory Committee Charter

9.1.2 Community Advisory Committee members are selected for their skills and experience in relation to the above functions.

9.1.3 Members appointed to the Advisory Committee is on a voluntary basis and no remuneration is provided.

9.1.4 While it is not necessary for Advisory Committee members to live or work in Bayside, Council recognises the benefits of local community participation and diversity in the skills, experience and attributes of the Committee’s membership. The Advisory Committee’s activities are intended to maximise the contribution of the Bayside community to the arts.

9.1.5 Vacant positions on the Advisory Committee will be publicly advertised through local newspapers, Council’s website, and other avenues as necessary.

9.1.6 The selection panel for appointment to the Advisory Committee will comprise the Chief Executive Officer, the Chairperson of the Committee and the Director Community & Customer Experience. The selection panel will recommend appointments to Council.

9.2 Selection of Councillor Members
10.2.1 The Councillor members of the Advisory Committee will be appointed by Council at its Annual Meeting in November each year.

9.3 Term – Community Members
10.3.1 Community members of the Advisory Committee will be appointed for a term of three years. At the conclusion of their first three-year term, existing members will be eligible to apply to be reappointed at the discretion of Council for a second term of three year’s duration. Members can serve a maximum of two consecutive terms.

9.3.2 Where a new member is appointed to the Advisory Committee there three year term shall commence from the date of appointment by Council.

9.3.3 Should a member resign before the expiry of their term, the vacancy will either be filled for the remainder of that term, or if the vacancy occurs within 12 months of the expiry of the term then Council may choose not to fill the vacancy.
Bayside Arts and Gallery Advisory Committee Charter

9.3.4 In the event a member of the Advisory Committee has engaged in serious misconduct of any kind, the Chief Executive Officer may propose to remove a member of the Committee, following written notice to the member of its reason and intention to do so, and provide that member with the opportunity to be heard if so requested.

9.4 Attendance at meetings

9.4.1 Members of the Advisory Committee are expected to attend all meetings of the Committee. Any member who is absent for more than one meeting without having submitted a prior apology will be considered to have resigned from the Advisory Committee.

9.4.2 This requirement can be waived at the discretion of the Chairperson in the case of special circumstances such as an extended illness.

10. Meetings

10.1 Conduct of Advisory Committee meetings shall be conducted in accordance with agreed meeting protocols as determined by Council. The meetings will be conducted having regard to Council Meeting Procedures Local Law No: 1 until such time as Council has adopted specific Governance Rules for the Rules to be adopted prior to 1 September 2020.

10.2 The Advisory Committee shall meet as required, for a minimum of four times per year. A schedule of meetings and an annual work plan will be developed in accordance with the four-year strategic plan and agreed to by the Committee.

10.3 The agenda and supporting documentation will be circulated to members of the Committee at least five days in advance of each meeting.

10.5 Minutes of the meetings will be prepared within one week of the meeting for review by the Chairperson of the Advisory Committee.

10.6 Secretarial and administrative support will be provided to the Board under the oversight of the responsible Senior Executive member. Support staff will develop and maintain an induction pack for newly appointed members.
Bayside Arts and Gallery Advisory Committee Charter

11. Conflict of Interest

11.1 Members of the Advisory Committee are required to comply with sections 123, 125 and Part 6, Division 2; sections 126, 127, and 128 of the Local Government Act 2020 which relates, amongst other things, the following requirements:
   - Declare and manage any conflicts of interest which arise in accordance with the Act.
   - Not misuse their position on the Advisory Committee for personal benefit or to the detriment of Bayside City Council; and
   - Not disclose confidential information obtained through their role on the Advisory Committee.

11.2 In accordance with Sections 126, 127, and 128 of the Local Government Act 2020 (the Act), members of the Committee will be required to disclose all conflicts of interest and will not be eligible to vote on a matter or attend the part of the meeting at which the subject of the conflict will be considered.

11.3 Members of the Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper disclosure of any conflicts of interest as and when they may arise.

11.4 Members of the Committee must be fully aware of the statutory definitions of “General Conflict of Interest” and “Material Conflict of Interest”. Extracts of these provisions are referred to in attachment 1 to this Charter.

11.5 Failure to comply with the provisions of the Act with regard to conflicts of interest may result in the member’s appointment being terminated.
Section 126 – Conflict of interest definitions

(1) In this Division—

*family member* means—

(a) a spouse or domestic partner of the relevant person; or

(b) a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the relevant person or of their spouse or domestic partner; or

(c) any other relative that regularly resides with the relevant person;

*matter* means a matter with which a Council, delegated committee, community asset committee or a member of Council staff is concerned and that will require—

(a) a power to be exercised, or a duty or function to be performed, or a decision to be made, by the Council, delegated committee or community asset committee in respect of the matter; or

(b) a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of Council staff in respect of the matter;

*not-for-profit organisation* means a body that—

(a) operates exclusively for charitable, civil, sporting or other social purposes; and

(b) does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation;

*relevant person* means a person who is a—

(a) Councillor; or

(b) member of a delegated committee who is not a Councillor; or

(c) member of Council staff.

(2) For the purposes of this Division, a relevant person has a *conflict of interest* if the relevant person has—

(a) a general conflict of interest within the meaning of section 127; or

(b) a material conflict of interest within the meaning of section 128.

Section 127 – General conflict of interest

(1) Subject to section 129, a relevant person has a *general conflict of interest* in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

(2) For the purposes of subsection (1)—

*private interests* means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

*public duty* means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.
Bayside Arts and Gallery Advisory Committee Charter

Section 128 – Material conflict of interest

(1) Subject to section 129, a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

(2) The benefit may arise or the loss incurred—
   (a) directly or indirectly; or
   (b) in a pecuniary or non-pecuniary form.

(3) For the purposes of this section, any of the following is an affected person—
   (a) the relevant person;
   (b) a family member of the relevant person;
   (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
   (d) an employer of the relevant person, unless the employer is a public body;
   (e) a business partner of the relevant person;
   (f) a person for whom the relevant person is a consultant, contractor or agent;
   (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
   (h) a person from whom the relevant person has received a disclosable gift.

(4) For the purposes of subsection (3)(h), disclosable gift means one or more gifts with a total value of, or more than, $500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—
   (a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or
   (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—

but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.
Bayside Arts and Gallery Advisory Committee Charter
Executive summary

Purpose and background
To establish an Audit and Risk Committee in accordance with section 53 of the Local Government Act 2020 and adopt a Charter for the Committee.

All Victorian councils were required under Section 139 of the Local Government Act 1989 to have an Audit Committee with the composition of the Committee comprising independent members.

Since the implementation of the Local Government Act 2020, councils are now required to establish an Audit and Risk Committee in accordance with Division 8 of Part 2 of the Act.

Essentially, the new Audit and Risk Committee as an advisory committee of the Council established to assist the Council discharge its responsibilities under the new Act to:

- monitor the compliance of Council policies and procedures with:
  - the overarching governance principles;
  - the Act and the regulations and any Ministerial directions; and
  - other relevant laws and obligations;
- monitor internal controls
- monitor Council financial and performance reporting;
- monitor and provide advice on risk management and fraud prevention systems and controls;
- oversee internal audit function; and
- oversee external audit functions; and Monitor related party transactions.

The proposed Audit and Risk Committee Charter has been aligned to the Act and based on the Local Government Victoria model Charter. Both independent members and Councillor representatives on the Audit and Risk Management have been involved in the preparation of the Charter, and through an out-of-session resolution of Committee members, the Committee has endorsed the proposed Charter and recommends it to Council for adoption.

Key issues
Audit and Risk Committee Charter

The proposed Charter incorporates all the legislative provisions required for the Charter (refer Attachment 1). It is worth noting that this Committee provides greater transparency to the community through the inclusion of two key provisions relating to the following:
• The Committee must undertake an annual assessment of its performance against the Committee Charter, and to provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting in accordance with section 54 (4).

• The second key inclusion is the Committee must prepare a biannual audit and risk report that describes the activities of the Committee and includes its findings and recommendations and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting in accordance with section 54(5).

Establishment of the new Committee

Given the legislative requirement to establish a new Committee, it is necessary for Council to abolish the existing Audit and Risk Management Committee, establish the new Committee and appoint the current members (both independent and Councillors) to the newly formed Committee.

The current membership of the Committee comprises three independent members and two Councillor representatives namely:

Ms Lisa Woolmer – Chairperson (Term expires 30 September 2021)
Mr Mick Ulbrick (Term expires 31 March 2021)
Mr Geoff Harry (Term expires 30 September 2022)
Cr Rob Grinter – Deputy Mayor (Term expires 24 October 2020)
Cr Sonia Castelli – (Term expires 24 October 2020).

Accordingly, it is proposed to appoint all members to the new Committee.

Recommendation

The Council:

1. abolishes the Audit and Risk Management Committee established by Council in accordance with Section 139 of the Local Government Act 1989 as from 31 July 2020;
2. rescinds the Audit and Risk Management Charter as from 31 July 2020;
3. establishes the Audit and Risk Committee in accordance with Division 8 of Part 2 of the Local Government Act 2020 effective as from 1 August 2020;
4. appoints the following councillor members and independent members to the Audit and Risk Committee:

   Council Representatives
   Cr Rob Grinter – Deputy Mayor  (Term expires 24 October 2020)
   Cr Sonia Castelli (Term expires 24 October 2020)
Independent members
Ms Lisa Woolmer - Chairperson (Term expires 30 September 2021)
Mr Mick Ulbrick (Term expires 30 March 2021)
Mr Geoff Harry (Term expires 30 September 2022); and
5. adopts the Audit and Risk Committee Charter effective as from 1 August 2020.

Support Attachments
1. Audit & Risk Committee Charter - LGV July 2020
Considerations and implications of recommendation

Liveable community

Social
There are no social implications associated with this report.

Natural Environment
There are no natural environment implications associated with this report.

Built Environment
There is no built environment implications associated with this report.

Customer Service and Community Engagement
The current members of the Audit and Risk Management Committee have been engaged and consulted with in the preparation of the Charter.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
It is a legislative requirement to establish the Audit and Risk Committee and develop a Charter. Both have been developed having regard to the Local Government Victoria guidance material.

Finance
The budget for remuneration of independent members and resourcing of secretariat support for the Committee is provided within the operating budget for the Governance Department.

Links to Council policy and strategy
All documentation associated with the establishment of the Audit and Risk Committee aligns with the public transparency principles contained within the Act.
Audit and Risk Committee Charter

(Pursuant to section 53(2) of the Local Government Act 2020)
Audit and Risk Committee Charter

Endorsed by Audit & Risk Management Committee (out-of-session resolution) dated 13 July 2020

Adopted by Council
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Appendices

A. Committee Member Regulatory Obligations – Guidance to Members
1. Purpose

Bayside City Council has established an Audit & Risk Committee (the Committee) pursuant to Section 53 of the Local Government Act 2020 (the Act) to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, Council’s performance with regard to compliance with its policies and legislative and regulatory requirements, and assurance activities including internal and external audit. It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters as set out in this Charter. This Charter has been developed in accordance with Section 54 of the Act.

The appointment of independent members to the Committee as outlined in this Charter enables the Committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case and in so doing bring additional benefits to Council.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

2. 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 has the authority to:

2.1 Provide advice and make recommendations to Council on matters within its areas of responsibility;

2.2 Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer;

2.3 Seek any relevant information it requires from Council, Council Officers (who are expected to co-operate with the Committee’s requests) and external parties;

2.4 Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities; and,

2.5 Through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.
3. Membership and Tenure

The Committee will consist of five members appointed by Council, three of whom must be independent members. Council employees cannot be members of the Committee. Details of membership and tenure are set out below:

**Independent Members**

3.1 Independent members will be appointed for three year terms;
3.2 Independent members may be reappointed for one additional three-year term subject to satisfactory performance, unless otherwise resolved by Council;
3.3 Independent members must collectively have expertise in financial management and reporting and risk management and also experience in public sector management;
3.4 Independent members terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council’s business that may occur on change of membership; and
3.5 Remuneration will be paid to independent members as approved by Council from time to time.

**Councillor Members**

3.6 Councillor members will be appointed to the Committee by Council annually;
3.7 Councillor members shall be appointed for a two year term, and may be appointed by Council for a further two year term; and
3.8 Should an appointed Councillor member not be able to attend a Committee meeting, Council can appoint an alternate member to act in such circumstances, either on a meeting by meeting basis or for the entire year.

**Chairperson**

3.9 The Chairperson of the Committee must be an independent member;
3.10 Council will appoint the Chairperson of the Committee; and
3.11 If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending independent members.

**Quorum for Meetings**

3.12 A quorum shall comprise at least one Councillor member and two independent members.
4. Meetings

4.1 The Committee will meet at least four times a year, with an additional meeting to consider the Annual financial and performance reporting, and authority to convene additional meetings, as circumstances require;

4.2 A schedule of meetings and work plan aligned to this Charter will be developed annually and agreed by members with the work plan tabled at every meeting of the Committee;

4.3 All Committee members are expected to attend each meeting in person, although in special circumstances members can attend through electronic means;

4.4 The Committee will invite members of Council’s management team, the internal and external auditors and other personnel as appropriate to attend meetings. The Chief Executive Officer and the Director Corporate Services and Manager Finance (or equivalents) will attend all meetings, except for confidential matters as determined by the Chairperson;

4.5 Committee members and the internal and external auditors can request the Chairperson to convene additional meetings if they feel that is justified to address unexpected matters that may have arisen;

4.6 Meeting agendas and appropriate briefing materials will be provided to members at least three business days before each meeting; and

4.7 Minutes will be prepared for all meetings.

5. Responsibilities

The Committee will carry out the following responsibilities.

Financial and Performance Reporting

5.1 Monitor 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;

5.2 Monitor changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council’s performance indicators;

5.3 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council’s financial performance and position;

5.4 Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved;

5.5 Recommend the adoption of the annual financial report and annual performance statement to Council; and

5.6 Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.
Audit and Risk Committee Charter

Risk Management

5.7 Monitor annually the effectiveness of Council’s risk management framework;

5.8 Monitor Council’s risk appetite statement and the degree of alignment with Council’s risk profile;

5.9 Monitor Council’s risk profile and the changes occurring in the profile;

5.10 Monitor Council’s treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans;

5.11 Monitor the insurance programme annually prior to renewal; and

5.12 Monitor the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

Fraud Prevention Systems and Controls

5.13 Monitor Council’s Fraud Prevention policies and controls, including the Fraud Control Plan and fraud awareness programme;

5.14 Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and

5.15 Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.

Internal Control Environment

5.16 Monitor the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment and for complying with the overarching Governance Principles;

5.17 Monitor that key policies, systems and controls are reviewed regularly and updated where required;

5.18 Monitor significant changes to systems and controls including whether those changes significantly impact Council’s risk profile; and

5.19 Ensure that a programme is in place to test compliance with systems and controls;

Compliance Management

5.20 Monitor the systems and processes implemented by Council for managing compliance with relevant legislation and regulations and the results of management’s follow up of any instances of non-compliance;

5.21 Review the processes for communicating Council’s Employee Code of Conduct to employees and contractors and for monitoring compliance with the Code;

5.22 Obtain briefings on significant changes in relevant legislation and regulations, and on any significant compliance matters; and

5.23 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Ombudsman, IBAC, Victoria Government Inspectorate, etc. and monitor Council’s responses.
Internal Audit

5.24 Review the Internal Audit Charter to determine that it provides an appropriate functional and organisational framework to enable Council’s internal audit function to operate effectively and without limitations;

5.25 Review and recommend to Council for approval the three year strategic internal audit plan, the annual internal audit plan;

5.26 Monitor progress on delivery of annual internal audit plan;

5.27 Review and approve proposed scopes for each review in the annual internal audit plan;

5.28 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews;

5.29 Meet with the leader of the internal audit function at least annually in the absence of management;

5.30 Monitor action by management on internal audit findings and recommendations;

5.31 Monitor the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work;

5.32 Ensure that the Committee is aware of and appropriately represented with regard to any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change; and

5.33 Recommend to Council, if necessary, the termination of the internal audit contractor.

External Audit

5.34 Receive and note the external audit scope and plan proposed by the external auditor;

5.35 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information;

5.36 Monitor the significant findings and recommendations made by the external auditor, and management’s responses to them, are appropriate and are acted upon in a timely manner;

5.37 Monitor the effectiveness of the external audit process and ensure that the Victorian Auditor General’s Office (VAGO) is aware of the Committee’s views;

5.38 Monitor the findings and recommendations of any relevant performance audits undertaken by VAGO and Council’s responses to them; and

5.39 Meet with the external auditor at least annually in the absence of management.
6. Reporting to Council

6.1 Minutes of Committee meetings will be provided to Council at the first available opportunity after clearance by the Committee Chairperson following each Committee meeting; and

6.2 The Chairperson will prepare a report to Council through the Chief Executive Officer on the Committee’s activities twice per annum. One of these reports will be prepared after the meeting at which the annual financial report and the annual performance statement have been considered and recommended to Council for adoption, such report indicating how the Committee has discharged its responsibilities as set out in this Charter for the previous year.

7. Performance Evaluation

The Committee shall undertake a process to evaluate its performance annually and report the outcomes of the evaluation process to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

8. Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included in Appendix A to this Charter.

9. Review of Charter

The Committee shall review and assess the adequacy of the Charter every two years or earlier if necessary and submit requests to Council through the Chief Executive Officer for revisions and improvements for approval.
## Appendix A

### Committee Member Regulatory Obligations

#### Guidance to Members

<table>
<thead>
<tr>
<th>LGA Section</th>
<th>LGA Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Misuse of Position</strong></td>
<td></td>
</tr>
<tr>
<td>123(1)</td>
<td>A Committee member must not intentionally misuse their position to:</td>
</tr>
<tr>
<td></td>
<td>a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or</td>
</tr>
<tr>
<td></td>
<td>b) Cause, or attempt to cause, detriment to the Council or another person</td>
</tr>
<tr>
<td>123(3)</td>
<td>Circumstances involving misuse of a position by a member of the Committee include:</td>
</tr>
<tr>
<td></td>
<td>a) Making improper use of information acquired as a result of being a member of the Committee; or</td>
</tr>
<tr>
<td></td>
<td>b) Disclosing information that is confidential information; or</td>
</tr>
<tr>
<td></td>
<td>c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or</td>
</tr>
<tr>
<td></td>
<td>d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or</td>
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<tr>
<td></td>
<td>e) Using public funds or resources in a manner that is improper or unauthorised; or</td>
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<tr>
<td></td>
<td>f) Participating in a decision on a matter in which the member has a conflict of interest</td>
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</tbody>
</table>

| **Confidential Information** | |
| 125 | A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available. |

| **Conflicts of Interest** | |
| 126 | A member of the Committee has a conflict of interest if the member has: |
| | a) A general conflict of interest as described in Section 127; or |
| 127 | A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee. |
| 128 | A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. |

**Please Note**

The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.
Executive summary

Purpose and background
The purpose of this report is to seek Council adoption of the reviewed and updated Media Policy and associated guidelines.

The intent of the Media Policy is to provide a clear framework for engaging with all media organisations to ensure that Council meets the community’s expectations for accuracy, relevance and accountability.

The review of the policy has clarified roles and expectations for Councillors, Council employees, contractors and volunteers when engaging with media channels.

The policy will be reviewed again within the first 12 months of the new council term. The changes to the policy are highlighted below.

Key issues

Media Policy 2020

The key changes to the Media Policy include:

- clearer policy intent and purpose (section 1 and 2);
- references to both Staff and Councillor Codes of Conduct and draft Election Period Policy 2020 (section 4 and 5.6);
- Council Spokesperson scenarios expanded and clarified (section 5.1);
- responsibilities of the Mayor and Councillors expanded and clarified (section 5.2);
- roles of Communication and Engagement department noted (central point of contact, Mayoral support) (section 5.3); and
- new section about journalism/media student requests (section 5.7).

Recommendation

That Council adopts the Media Policy dated July 2020.

Support Attachments

1. Media Policy 2020
Considerations and implications of proposition

Liveable community

Social
Official Council communication will be a positive reflection of Council’s commitment to informing the community in a manner that is timely, accessible clear, concise, accurate, non-political and consistent with Council decisions and policies.

Natural Environment
The transition of media output away from printed material and collateral to a focus on digital communication has a positive environmental outcome.

Built Environment
There are no direct built environment considerations with this report.

Customer Service and Community Engagement
Our customers expect access to information via the channels they prefer and at a time that is convenient.

Strong and proactive relationships with the media helps Council to provide this information in a timely way and drives engagement with our community.

Engaging with all media organisations, including metropolitan and local print, radio, television and digital media, will ensure that Council meets the community’s expectations for accuracy, relevance and accountability.

Human Rights
The human rights implications of these policies have been properly considered and the policies has been found to comply with Charter of Human Rights and Responsibilities Act 2006 (Victoria).

Legal
The legal implications of both of these policies have been considered and noted in each policy, further details regarding legal responsibility of using social media are outlined in the associated guidelines.

Finance
There are no cost implications with the review of these policies and associated guidelines.

Links to Council policy and strategy
Both of these polices align with Goal 8 Governance in the Council Plan. All related council policies and strategies have been noted and referenced in each document.
Organisation Policy

For internal use only

<table>
<thead>
<tr>
<th>Organisation policy title</th>
<th>Media Policy 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation policy owner</td>
<td>Director, Community and Customer Experience</td>
</tr>
<tr>
<td>Approved by</td>
<td>Mick Cummins Chief Executive Officer</td>
</tr>
<tr>
<td></td>
<td>______________________________</td>
</tr>
<tr>
<td></td>
<td>on ______________________________</td>
</tr>
<tr>
<td>Council meeting date approval</td>
<td>28 July 2020</td>
</tr>
<tr>
<td>Scheduled review</td>
<td>November 2021 (will be reviewed within the first 12 months of each new Council term)</td>
</tr>
<tr>
<td>Document reference</td>
<td>DOC/20/92035</td>
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</table>

Policy intent

The Media Policy 2020 (the policy) provides a clear framework for engaging with all media organisations, including metropolitan and local print, radio, television and digital media, to ensure that Council meets the community’s expectations for accuracy, relevance and accountability. The policy will enhance and protect the good reputation of Bayside City Council and facilitate its effective voice within, and on behalf of, the community.

1. Policy purpose

The intent of this policy is that all official Council communication will be a positive reflection of Council’s commitment to informing the community in a manner that is timely, accessible clear, concise, accurate, non-political and consistent with Council decisions and policies.

The objectives of the policy are to:
- ensure all information provided to the media is consistent, accurate, timely and appropriate
- build the reputation of the organisation within the community
• provide clear guidance for employees, contractors, Councillors and volunteers regarding the relevant Council spokesperson for a range of scenarios
• provide clarity for Councillors regarding the spokesperson role of the Mayor and Deputy Mayor (or Councillor as delegate)
• ensure appropriate authorisation and responsibility for information provided.

2. Glossary - Definitions and Abbreviations

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Media</td>
<td>A means or channel of mass communication (including broadcast, publishing, and online/social media)</td>
</tr>
<tr>
<td>Spokesperson</td>
<td>The person with approval to speak to a media outlet on behalf of Council</td>
</tr>
<tr>
<td>Electronic and online</td>
<td>Any communication channel that is transmitted electronically, for example emails and e-newsletters or a channel that uses communication</td>
</tr>
</tbody>
</table>

3. Scope

The policy applies to Councillors, Bayside City Council employees, volunteers, and contractors of Bayside City Council. The policy also applies to agencies and individuals who provide services to Bayside City Council. This policy relates to all verbal, printed, electronic and online communications.

The responsibilities of Council employees, contractors, Councillors and volunteers regarding the use of social media is outlined in the organisational policy Social Media Policy 2020 and Social Policy Media Guidelines 2020. During a Council election this policy must be read in conjunction with the Election Period Policy.

4. Policy statement

Bayside City Council will use a variety of communication channels to inform, educate, engage and consult with the community on Council decisions, initiatives, policies, programs, activities and events.

Communication should reinforce the reputation and values of Council and its organisation, and be accurate, timely, impartial and consistent with legislation and policies. All communications will be written, produced and distributed in an accessible manner. Council will maximise the use of electronic and online communication to reduce printed material where practicable and appropriate.

Effective engagement with the media enables Council to:
• facilitate transparent, open and accountable government
• explain Council decisions and the impact of those decisions
• increase awareness of Council services, events, facilities and opportunities for involvement and participation
• advocate for the needs of the Bayside community
• encourage and support behaviour change for social and environmental benefit
• promote local tourism and the local economy.
5.1 Roles and Responsibilities including Council Spokespersons

In all communications, the Mayor and/or Chief Executive Officer (or their delegates) are Council’s official spokespersons on behalf of Bayside City Council and its organisation.

The following table outlines the relevant Council spokesperson, further information is available at Attachment 1 – Media Relations Protocol.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Spokesperson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major decisions made by Council and associated issues*</td>
<td>Mayor</td>
</tr>
<tr>
<td>Major decisions made by Council and associated issues* - when the Mayor</td>
<td>Deputy Mayor</td>
</tr>
<tr>
<td>is unable to perform his/her duties</td>
<td></td>
</tr>
<tr>
<td>Other Council decisions and associated issues* - as delegated by The</td>
<td>Councillor</td>
</tr>
<tr>
<td>Mayor</td>
<td></td>
</tr>
<tr>
<td>Council decisions or policy matters - as delegated by the Mayor</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Organisational, operational or administrative matters</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Declared municipal emergency (as defined in the Municipal</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Emergency Management Plan)</td>
<td></td>
</tr>
<tr>
<td>Activated Business Continuity Plan including all high-level</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>administrative, operational, sensitive and management issues.</td>
<td></td>
</tr>
<tr>
<td>Organisational, operational or administrative matters specific to a</td>
<td>Executive Team member</td>
</tr>
<tr>
<td>department or service area (delegated by the Chief Executive Officer)</td>
<td></td>
</tr>
<tr>
<td>Promotion of specific Council services, events or facilities, when</td>
<td>Employees with specialist or technical knowledge</td>
</tr>
<tr>
<td>delegated by the relevant Executive Team member and Manager</td>
<td></td>
</tr>
<tr>
<td>Communications and Engagement</td>
<td></td>
</tr>
<tr>
<td>Matters of fact or clarification only, in response to approved media</td>
<td>Council’s Media Officer</td>
</tr>
<tr>
<td>statements</td>
<td></td>
</tr>
</tbody>
</table>

* except in circumstances where section 5.3.1 of the Policy applies.

Individual Councillors wishing to initiate their own communication, through any channel, must make it clear that they are expressing their ‘individual’ view and not the ‘official’ view of Council. Councillors are responsible for ensuring that information they are commenting on, or providing is accurate and consistent with legislation and policies.

Council employees are not authorised to speak on behalf of Council or the organisation, without first seeking permission through the Manager Communication and Engagement and/ or the Chief Executive Officer.

Public comments made as private citizens need to be clearly reflected that they are personal opinions only.
5.2 Responsibilities of the Mayor and Councillors

All Councillors must comply with the policy and respect the respective roles of the Mayor, Deputy Mayor and Chief Executive Officer as spokespersons for the Council. When engaging with the media, the Mayor (or Deputy Mayor) must comply with the Councillor Code of Conduct Principles, Values and Behaviours.

As spokespersons, the Mayor (or Deputy Mayor) must represent and respect Council decisions, regardless of their personal views. Councillors must also comply with the requirements of Part 6 – Council Integrity of the Local Government Bill 2020.

5.2.1 Spokesperson on Council decisions - Conflict of Interest

In circumstances where a Council decision is made and any Councillor/s are absent due to a declared conflict of interest, that Councillor cannot act as the Council spokesperson on the Council decision or associated issues.

5.2.2 Personal Statements

Councillors must advise the Chief Executive Officer and/or Manager Communications and Engagement of any contact with the media, prior to providing any statement that may be reported in the public domain.

Councillors must not promote any private business interests, in their role as delegated Council spokesperson. Councillors must not promote their political or personal interests as a registered candidate in a State or Federal Government election.

5.2.3 Training and Support

Information on Councillors’ responsibilities under this Policy will be included in the Councillor Induction program. Mandatory media training will be provided to the Mayor and Deputy Mayor as required following election. Media training will be provided to other Councillors as delegated by the Mayor.

During the Mayoral term, ongoing support will be provided to the Mayor including liaison with media and ensuring the Mayor is appropriately briefed.

5.2.4 Election Period Policy

The Election Period Policy for General Elections will take precedence over this policy, for the declared local government election period.

5.3 Role of the Communications and Engagement Department

All media enquiries must be referred to, coordinated and managed, by the Communication and Engagement Department. The Communication and Engagement Department will write, and seek necessary approvals, for media releases and statements. The Communications and Engagement Department will liaise directly with the media to follow up and coordinate enquiries.
The Communication and Engagement Department will provide advice and support to other departments to create newsworthy opportunities and target media appropriately. Council-initiated news stories must be coordinated and managed by the Communication and Engagement Department.

The Communication and Engagement Department will support the Mayor in their role as Council spokesperson. This includes liaison with media and ensuring the Mayor is appropriately briefed/supported as spokesperson. See Attachment 1 – Media Relations Protocol for further information.

5.4 Media Relations

Council will maintain good working relationships with all media organisations including metropolitan and local print, radio, television and digital media.

It will achieve this through:
- Providing clear, consistent and reliable information to the media in a timely manner at all times;
- Issuing regular media releases and statements;
- Responding promptly to media questions and working to meet mutually agreed deadlines - where this is not possible we will keep the media outlet advised of the timeline for our response;
- Initiating, developing and implementing positive media strategies that inform the community about Council activities and services, and enhance the reputation and image of the Bayside City Council.

In return, Council expects fair and balanced reporting, with an opportunity to represent Council’s position on issues.

5.5 Promoting Council business

The Communication and Engagement Department is responsible for developing, approving and implementing Council’s media and external communications strategies with the relevant Senior Officer authorisation.

Council media and external communication strategies and resources will be used only to promote and disseminate the decisions, intentions, activities and actions of Council, and will not be used to promote individual Councillor or officer views or agendas that are inconsistent with or contrary to those of Council.

State or Federal politicians will only be represented through Council’s media and external communication strategies where necessary to reasonably inform the community of important news.

5.6 Provision of Information

All employees, volunteers and contractors are expected to take responsibility for information provided to the Communication and Engagement Department and observe the protocols for appropriate authorisation set out in this Policy, to ensure communication with the media is well informed, accurate, timely and appropriate.
Council employees are expected to identify opportunities to proactively obtain media coverage to support achievement of Council’s goals and objectives, within the scope of a broader communications plan.

Any employees delegated to represent Council (in accordance with section 5.2 of the Policy) must comply with the standards of behaviour outlined in the Staff Code of Conduct. As delegated Council spokespersons, employees must represent and respect Council decisions or operational matters regardless of their personal views. Employees will not promote their personal, business or political interests, including interests as a candidate in an election, in their role as delegated Council spokesperson.

5.7 Media Requests from Students

Students at all levels (primary, secondary, post-secondary) routinely request media statements or interviews with the Mayor or Councillors, as part of their journalism or media studies. Content produced by students may be published across a variety of channels and subsequently re-published by major news outlets. The policy and any associated procedures must be followed for any media requests from students.

5. Monitoring, evaluation & review

Media coverage of Bayside City Council will be reported to the Executive Team on a quarterly basis. Compliance with, and the effectiveness of, the policy will be included as part of this quarterly reporting process.

Executive Team and Councillor feedback will be collected on an ongoing basis and will inform the evaluation. The policy will be reviewed within the first 12 months of each new Council term, or as a result of organisational changes.

6. Roles & Responsibilities

The policy is to be implemented, monitored and evaluated by the Manager Communication and Engagement.

7. Related documents

Staff, volunteers, Councillors and contractors are expected to demonstrate standards of conduct and behaviour that are consistent with the following relevant legislation, policies and procedures.
<table>
<thead>
<tr>
<th>Legislation</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Defamation Act 2005 (Victoria)</td>
<td>Freedom of Information Act 1982 (Victoria)</td>
</tr>
<tr>
<td>Local Government Act 2020 (Victoria)</td>
<td>Information Privacy Act 2000 (Victoria)</td>
</tr>
<tr>
<td>Privacy and Data Protection Act 2014 (Victoria)</td>
<td>Racial and Religious Tolerance Act 2001 (Victoria)</td>
</tr>
<tr>
<td>Wrongs Act 1958 (Victoria)</td>
<td>Privacy Act 1988 (Commonwealth)</td>
</tr>
<tr>
<td>The human rights implications of this policy have been properly considered</td>
<td>The policy has been found to comply with Charter of Human Rights</td>
</tr>
<tr>
<td>and the policy has been found to comply with Charter of Human Rights and</td>
<td>and Responsibilities Act 2006 (Victoria).</td>
</tr>
<tr>
<td>Responsibilities Act 2006 (Victoria).</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Privacy and Data Protection Policy 2017 DOC/17/252752</td>
<td>Community and Stakeholder Engagement Policy 2017 DOC/18/2297</td>
</tr>
<tr>
<td>Election Period Policy DOC/19/346767</td>
<td>Governance Charter 2018 DOC/18/117228</td>
</tr>
<tr>
<td>Customer Experience Policy 2018 DOC/18/131506</td>
<td>Disciplinary Policy 2018 DOC/18/160713</td>
</tr>
<tr>
<td>Records Management Policy 2011 DOC/15/8767</td>
<td>Social Media Policy 2020</td>
</tr>
<tr>
<td>Social Media Guidelines DOC/20/134236</td>
<td>Bayside Brand Guidelines DOC/18/301341</td>
</tr>
<tr>
<td>Writing Style Guide</td>
<td>Election Period Policy DOC/19/346767</td>
</tr>
<tr>
<td>Election Period Communication Guidelines</td>
<td>Code of Conduct</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Strategies/Plans</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td>Procedures and Processes</td>
<td>Attachment 1 – Media Relations Protocol</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Promap - Media Release Process</td>
</tr>
<tr>
<td>Other</td>
<td>Councillor Code of Conduct 2017</td>
</tr>
</tbody>
</table>

**Please note:** This policy is current as at the date of approval. Refer to Council’s website to ensure this is the latest version.
Attachment 1: Media Relations Protocol

This document seeks to provide guidance to Councillors and Council employees regarding the application of the Media Policy 2020 and should be read in conjunction with the policy.

Protocols

All Council media enquiries are to be directed to the Communication and Engagement Department, which will liaise with the Mayor and/or Chief Executive Officer to determine an appropriate response on behalf of Council.

Individual Councillors contacted directly by the media for an 'official Council comment' should refer the journalist to the Communication and Engagement Department. Individual Councillors can initiate or respond to media but must make it clear they are expressing their 'personal' view and not the 'official' view of Council.

As a courtesy, Councillors who provide personal comments to the media, or who initiate their own media involvement, are requested to notify the Communication and Engagement Department so that any necessary support or follow up can occur, and the Mayor can be informed.

Councillors can participate in official media relations activities by suggesting ideas for stories and/or photo opportunities about Council achievements, innovations, programs, services or events to the Communication and Engagement Department;

Council employees will promptly provide background information to the Communication and Engagement Department to assist in preparing responses. All responses will be prepared in collaboration with the relevant Executive Team member (or Manager) and approved by the Executive Team member/Chief Executive Officer and/or Mayor as per the delegated spokesperson guidelines.

Responses are to be in the best interest of the Council organisation and not for the personal advantage of any individual Councillor, or Council employee.

An official Council media release/response cannot be altered without the permission of the delegated spokesperson.

If there are factual inaccuracies the delegated spokesperson in conjunction with the Communication and Engagement Department will rectify the inaccuracy.

Regular summaries of media coverage will be provided to Councillors and employees including transcripts and videos as required.
Executive summary

Purpose and background

The purpose of this Report is to provide details of a Tennis Australia proposal to redevelop the current Dendy Park Tennis Club facility into the Dendy Tennis Park and the submission of a funding application to support the proposed project.

On 4 June 2020, the Victorian Government announced a $68 million Community Sports Infrastructure Stimulus Program inviting councils to submit applications for shovel ready projects valued at $1 million to $10 million. Submitters were provided two weeks to complete quite detailed applications.

Tennis Australia (TA) approached Council staff regarding a redevelopment opportunity of the Dendy Park Tennis Club. Given the tight timeframes for submitting an application staff have worked with TA to submit an application for funding for the Dendy Tennis Park project ‘subject to final Council approval’.

Dendy Park Tennis Club is a nineteen court en-tout-cas venue in Bayside that is currently leased by Council to Dendy Park Tennis Club. The club has a rich history and is well located, but is in need of significant renewal and upgrades. Despite years of hard work and a reasonably strong membership base, the Club is unable to fund the required renewals and upgrades due mainly to the overall large scale of the facility.

As part of the Bayside Tennis Strategy, Council had determined to develop an EOI process to explore possible investment and management models for the venue.

Prior to the release of this EOI, TA has been working with stakeholders including Council and the Dendy Park Tennis Club on a proposed management solution that includes capital investment to uplift the venue to modern standards and provide greater benefit to the community and the sport of tennis.

Key issues

Funding application

Council staff worked with TA to compose and compile all necessary documentation for an application that involves a $6.59 million redevelopment of the entire Dendy Park Tennis Club facility, including courts, lighting, fencing and clubhouse with a $659,000 contribution from Tennis Australia and $291,748 of in-kind Project Management as Council’s contribution. The application does not include any cash contribution from Council and was submitted on 18 June 2020.

The outcome of the funding application for the Dendy Tennis Park project will likely be announced in early August 2020 with an expectation that projects will commence within six months of signing any funding agreement.

Project proposal

The proposed Dendy Tennis Park project includes significant changes to the current 19 en-tout-cas court configuration of the facility. A concept plan of the proposed project is set out in Attachment 1 and includes the following elements:
• 12 Italian (European) clay courts;
• 5 hard courts;
• 4 Padel courts; and
• 4 Pickleball courts.

Tennis Australia believe the new configuration provides a range of tennis offerings that will attract a broad range of ages and abilities to the facility. Pickleball is particularly aimed at older people, a growing cohort in Bayside, while Padel tennis is a new fast-actioned more social type of tennis aimed at the younger market.

The Italian Clay courts will provide a facility for squad training for elite tennis players prior to the European summer clay season, while also providing high-end courts for Club activities including Club Championships and Senior and Junior Pennant.

The current Dendy Park Tennis Club pavilion is outdated, requires significant refurbishment and upgrade and as a two-storey building is non-accessible with no lift to the first floor. The Dendy Tennis Park project includes significant refurbishment/upgrade and a minor expansion of approximately 120 square metres of the current pavilion facility. A concept plan is set out in Attachment 2 and shows the pavilion redevelopment would include:

• using Universal Design Principles as required by the State Government, making the pavilion 100% DDA (Disability Discrimination Act) compliant;
• new/refurbished players’ lounges on the ground and first floors;
• new gymnasium (ground floor) and cardio theatre (first floor) for use by Club members and elite player squads (note this is not a commercial/public access gym);
• complete refurbishment of changerooms and new male and female toilets on the ground floor; and
• new function/meeting room on the first floor.

Officers support the proposed redevelopment and expansion of the current pavilion facility.

Leasing and management considerations

As part of their proposal and in recognition of the $6.5 million investment, TA have proposed a 21 year lease term. Such a term provides significant benefit to TA and allows it to improve its assets at another location. The key consideration for Council relates to the significant investment, ongoing site maintenance costs, future rental return and ensuring the ongoing community use and benefits are retained in any lease considerations. It is officers’ opinion that a 21 year lease term as provided to other lease holders that have invested in their sites is appropriate.

The TA proposal also includes the following annual rental payments (plus annual CPI increase):

• Years 1 – 5: $20,000 (Yr 1)
• Years 6 – 10: $40,000 (Yr 6)
• Years 11+: $65,000 (Yr 10).

Officers engaged a valuer to undertake an assessment of the potential commercial return from the site. This looks at the site on an unencumbered basis. The anticipated market rental return for the site is $60,000 per annum. It is acknowledged that the proposal by Tennis Australia includes the retention of Dendy Park Tennis Club as a community tenant and a range of community based (non-commercial) tennis activities within the redevelopment. On this basis officers believe a 40% reduction in market value is warranted to acknowledge the reduced
potential commercial return. This 40% reduction results in an adjusted market value of $36,000 and takes into account the following conditions:

- Existing Dendy Park Tennis Club to remain with club based activities impacting number of courts available at any one time for commercial based activities.
- Existing Dendy Park TC members to retain priority and benefits at the current membership rate for an agreed period.
- Tennis Australia to be responsible for site operations (either directly or through a suitable appointed operator).
- Tennis Australia to manage all routine and preventative maintenance throughout the life of the lease.
- National Academy and Performance based programming to have access to clay court and club house facilities, booked and managed through Tennis Australia’s venue management entity.

The area currently leased by the Dendy Park Tennis Club is set out in Attachment 3. The leased area required to deliver the proposal is slightly larger than that currently occupied by Dendy Park Tennis Club. The area occupied by the existing unsealed carpark is proposed to be used to allow construction of the Padel Ball courts. Officers support the proposed facility expansion into the current car park site.

Council’s four year Capital Works Program includes Stage 3 Implementation of the Dendy Park Masterplan including the design (2020/21) and construction (2021/22) of a new sealed and line-marked car park to service the tennis facility. If necessary, construction of this car park can be brought forward as part of the overall Dendy Tennis Park redevelopment project.

Dendy Park Tennis Club – Project support

TA has done significant work with the Club committee over the last few months resulting in the Club strongly supporting the proposed redevelopment project and TA lead management model.

At its monthly meeting held 10 June 2020, the Dendy Park Tennis Club Committee unanimously agreed to support the Dendy Tennis Park project proposed by Tennis Australia in collaboration with Council. A letter of support from Club President, Tim O’Shannassy is set out in Attachment 4.

Conclusion and next steps

Dendy Park Tennis Club courts, lighting and fencing are in need of renewal and the 40 year old pavilion is in need of refurbishment and upgrade. The scale of a 19 court facility results in renewal cost estimates of in excess of $2.5 million, costs the Club is unable to finance. The Tennis Australia proposal provides an opportunity for Council to secure external (TA and State Government) funding for the renewal of this highly valued and prominent community sporting asset.

The proposed rental return is short of estimated commercial market returns; however, with TA taking over management of the facility, ongoing maintenance and renewal costs and facilitating existing Club usage this proposal should be attractive to Council.

The unanimous Dendy Park Tennis Club committee support for the Dendy Tennis Park proposal cannot be underestimated and puts Council and TA in a strong position to deliver the project and the foreshadowed community benefits. This is a rare opportunity for Council to have one of its largest community facilities upgraded and managed by an industry leading national sporting body.
Officers believe there are two options for Council moving forward:

1. Endorse the Dendy Tennis Park proposal including a 21 year lease and the funding application submitted to the Community Sports Infrastructure Stimulus Program; or

2. Reject the Dendy Tennis Park proposal, withdraw the funding application made to the Community Sports Infrastructure Stimulus Program and commence preparations for an open Expression of Interest process with would be operators.

**Recommendation**

That Council:

1. endorses Council’s application for funding of the Dendy Tennis Park project to the State Government’s Community Sports Infrastructure Stimulus Program;

2. authorises the Chief Executive Officer to sign any subsequent funding agreement if the application to the State Government’s Community Sports Infrastructure Stimulus Program is successful;

3. endorses the Dendy Tennis Park project as proposed by Tennis Australia and set out in Attachments 1 and 2;

4. commences discussions to develop a 21 year lease agreement with Tennis Australia for use of upgraded court and pavilion facilities at the Dendy Park tennis facility in Brighton East;

5. engages with Dendy Park Tennis Club to ensure that the Club receives reasonable access to the upgraded facilities to support Club tennis activities;

6. develops a Memorandum of Understanding that details Tennis Australia’s financial commitment to upgrade the courts and pavilion at the Dendy Park tennis facility in Brighton East and that this agreement includes a clause that Tennis Australia are responsible for any reasonable cost overruns;

7. abandons the Expression of Interest process for the future management of the Dendy Park tennis facility as recommended in the Bayside Tennis Strategy; and

8. advises Tennis Australia and the Dendy Park Tennis Club of the outcome of this report.

**Support Attachments**

1. Attachment 1 - Dendy Tennis Park Site Plan (separately enclosed)
2. Attachment 2 - Dendy Tennis Park Pavilion Concept Plan (separately enclosed)
3. Attachment 3 - Dendy Park Tennis Club Current Leased Area (separately enclosed)
4. Attachment 4 - Dendy Park Tennis Club Letter of Support
Considerations and implications of recommendation

Liveable community

Social
The proposed Dendy Tennis Park project will provide positive social benefits for young people and adults through their participation and engagement in sport and recreation activities.

Natural Environment
The replacement of up to seven porous en-tout-cas courts with hard court surfaces not requiring for dust suppression will significantly reduce the use of potable water.

Built Environment
A facility assessment conducted as part of a previous Regional Tennis Centre Feasibility Study identified that all 19 courts will require replacement over a range of time from three to ten years. The renewal of courts, lighting, fencing and the refurbishment and upgrade of the pavilion will extend the life of these assets by 30+ years.

Customer Service and Community Engagement
Council staff have collaborated with and provided feedback to Tennis Australia regarding the composition of the proposed Dendy Tennis Park. Part of this feedback required Tennis Australia to consult directly with the Dendy Park Tennis Club to gauge the Club’s support or otherwise for the proposed Dendy tennis Park project.

Tennis Australia has consulted with Committee members of the Dendy Park Tennis Club, including the Club President.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
If Council’s application to the State Government’s Community Sports Infrastructure Stimulus Program is successful Council will be required to sign a funding agreement setting out the project budget and outcomes. It is proposed to present a report to the 28 July 2020 Ordinary Meeting of Council seeking endorsement of the application and authorising the CEO to sign any subsequent funding agreement.

If the application is successful Council will also be required to enter into a Memorandum of Understanding and a future lease with Tennis Australia. Again this matter will be presented for consideration at the 28 July 2020 Ordinary Meeting.
Finance
The following table details the Dendy Tennis Park project budget:

<table>
<thead>
<tr>
<th>Funding source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Sports Infrastructure Stimulus Program</td>
<td>$5,639,252</td>
</tr>
<tr>
<td>Tennis Australia</td>
<td>$659,000</td>
</tr>
<tr>
<td>Bayside City Council (In-kind Project Management)</td>
<td>$291,748</td>
</tr>
<tr>
<td><strong>Total Project Budget</strong></td>
<td><strong>$6,590,000</strong></td>
</tr>
</tbody>
</table>

The Dendy Tennis Park proposal does not require Council to make any financial contribution, however Council will be required to provide in-kind project management resources.

Links to Council policy and strategy
Improvement to sport and recreation facilities is supported by a number of key strategy and policy documents including Council Plan 2017 - 2021, Bayside 2025 Community Plan, Open Space Strategy 2012, Recreation Strategy 2013, Sportsground Pavilion Improvement Plan 2013 and Wellbeing for All Ages and Abilities Strategy 2017 - 2021.

The sustainability of sports clubs is in line with a number of Key Principles included in the Bayside ‘Active by the Bay’ Recreation Strategy (2013-2022) including:

1. the provision of recreational opportunities for all;
2. providing great places for people to recreate in, and to be socially connected; and
3. responding to identified recreational needs of the community.
Options considered

Option 1 (Recommended)

<table>
<thead>
<tr>
<th>Summary</th>
<th>Endorse the Dendy Tennis Park proposal including a 21 year lease and the funding application submitted to the Community Sports Infrastructure Stimulus Program.</th>
</tr>
</thead>
</table>
| Benefits | Provides an opportunity for Council to have the Dendy Park Tennis facility renewed and upgraded without Council contribution and to have its premier community sporting facility managed by an internationally regarded national sporting body.  
  
The proposal is strongly supported by the current tenant, Dendy Park Tennis Club. |
| Issues | Does not meet the action of conducting an EOI process as set out in the Bayside Tennis Strategy. |

Option 2 (Not Recommended)

<table>
<thead>
<tr>
<th>Summary</th>
<th>Reject the Dendy Tennis Park proposal, withdraw the funding application made to the Community Sports Infrastructure Stimulus Program and commence preparations for an open Expression of Interest process with would be operators.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Meets the action of conducting an EOI process as set out in the Bayside Tennis Strategy and provides an opportunity for Council to gauge market interest in the site.</td>
</tr>
<tr>
<td>Issues</td>
<td>Council may not attract interest offering suitable commercial returns. Negative response from Dendy Park Tennis Club that do not support this proposal.</td>
</tr>
</tbody>
</table>
DENDY PARK Tennis Club Inc.

A.R.B.N.A0018040L   A.B.N. 85 045 860 916

Breen Drive,            Tel: (03) 9592 2431
Brighton East, Victoria, 3187    Email: dendypark@bigpond.com

Web: www.dendyparktc.com.au

16 June 2020

To Whom It May Concern:

LETTER OF SUPPORT
BAYSIDE CITY COUNCIL, TENNIS AUSTRALIA AND
DENDY PARK TENNIS CLUB RE-DEVELOPMENT

The Dendy Park Tennis Club Committee at its monthly meeting held 10 June 2020 unanimously agreed its support for the project proposed by Bayside City Council working with Tennis Australia on the re-development of the Club.

The Club has a strong relationship with Tennis Australia and there is some excitement among our membership on the proposed re-development that has been carefully planned to deliver significant tennis and community benefit.

The Club understands the project will deliver upgraded court surfaces including international standard clay courts, cushioned acrylic courts, Padel and Pickleball courts. This will diversify the tennis offering to current users and the community at large.

Further significant upgrades to the site include court lighting renewal, a refurbishment of the existing building, the addition of a two-story building to support community events and functions, athlete development facilities, plus improved car park safety improving access and the sport and recreation outcomes on the site.

The Club is very pleased that its history and presence at the venue will be respected and maintained and looks forward to the development being delivered to create an enhanced family-friendly community hub with modern, quality facilities we can enjoy.

This is a very important project for Bayside residents, we anticipate completion will create tremendous social capital for the Club and the Bayside community.

Yours sincerely

[Signature]

Dr Timothy (Tim) O’Shannassy, PhD, FAIM
President
Dendy Park Tennis Club
10.9 RECONCILIATION ACTION PLAN - IMPLEMENTATION

Environment, Recreation & Infrastructure - Open Space, Recreation & Wellbeing
File No: PSF/20/18 – Doc No: DOC/20/191867

Executive summary

Purpose and background
The purpose of this report is to present an update on the implementation of the Reconciliation Action Plan (RAP) (Attachment 1) and a recommended approach for developing the next stage of the RAP.

A RAP is a strategic document that outlines practical actions that will drive an organisation’s contribution to reconciliation both internally and in the communities in which it operates.

The RAP contributes to advancing the five dimensions of reconciliation by supporting Council to develop respectful relationships and create meaningful opportunities with Aboriginal and Torres Strait Islander peoples.

Key issues

Achievements of the RAP
Council has invested significant staff time and resources to implement the 46 deliverables outlined in the RAP. The COVID-19 pandemic has had an impact on the ability to complete all activities within the original timeframes. Currently 28 activities have been completed, 10 are in progress and eight have been deferred (see Attachment 2). Key highlights over the past 12 months include:

- Relationships:
  - Established the RAP Advisory Group
  - Delivered online flag-raising and Ellen Jose Reconciliation Awards ceremony for Reconciliation Week;
- Respect:
  - Installed acknowledgement mural and plaque at the Corporate Centre
  - Provided Cultural Awareness Training, facilitated by a local Indigenous person;
- Opportunities
  - Registered an Indigenous catering company with procurement
  - Reviewed and made improvements to Council’s Indigenous section on the website; and
- Governance and Tracking Progress
  - Developed systems to track and monitor the development of the RAP
  - Defined the resource needs for RAP development and implementation.

Timing for the development of the Innovate RAP
The current RAP is a ‘Reflect’ RAP which generally lasts for a 12 month period. The Reflect RAP allows Council to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on a vision for reconciliation and exploring its sphere of influence. After 12 months it is expected that a new ‘Innovate’ RAP is developed. The Innovate RAP allows the organisation to be aspirational and innovative to establish the best approach to advance reconciliation.
With the reprioritisation of Council’s budget due to the COVID-19 pandemic, the planned funding for the development of the Innovate RAP and associated Indigenous Project Worker is no longer available. The organisation has received strong feedback from the Local Aboriginal Network and stakeholders that it is best practice to hire an Indigenous person to lead the RAP journey. Without funding, this is not possible.

In order to develop a meaningful Innovate RAP that is backed by proper resourcing, it is recommended that the organisation postpone developing the Innovate RAP and extend the Reflect RAP for an additional 12 months. Council has spoken with Reconciliation Australia (who endorse organisations RAPs) and the RAP Advisory Group, with both supportive of this approach and have asked that there is commitment from Council to continue in the following financial period (2021/22).

This does not mean that the organisation will not be undertaking reconciliation activities, there is still work to be done within the current RAP and many of the activities will continue each year (e.g. Reconciliation Week and NAIDOC Week activities, signage, staff training, etc.). The RAP Advisory Group will also continue to support this important work.

**Recommendation**

That Council:

1. postpones the development of the Innovate RAP to the 2021/22 financial year;
2. continues delivering the activities outlined in the Reflect RAP for an additional 12 months; and
3. considers the allocation of funding towards the development of the Innovate RAP in the 2021/22 budget deliberations.

**Support Attachments**

1. Attachment 1 - Reflect Reconciliation Action Plan
Considerations and implications of recommendation

Liveable community

Social
The RAP allows Council to better support and celebrate the Indigenous community and culture. The RAP is an investment in the community, which seeks to provide accessible activities and services that strengthen community capacity, increase the overall quality of life, foster community cohesion and meet community needs.

Natural Environment
Some of the actions within the RAP may result in environmental benefits to the Bayside community.

Built Environment
There are no built environment implications associated with the recommendations contained in this report.

Customer Service and Community Engagement
There is active community engagement undertaken to assist with the implementation of the RAP, specifically through the RAP Advisory Group, Local Aboriginal Network and Reconciliation Australia. Council also works closely with the Boon Wurrung Foundation and Boonwurrung Land and Sea Council.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006. The Charter specifically outlines that: Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community (a) to enjoy their identity and culture; and (b) to maintain and use their language; and (c) to maintain their kinship ties; and (d) to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Legal
There are no legal implications associated with the recommendation included in this report.

Finance
The implementation of the RAP has been accommodated in the existing 2019/20 operational budget and will be accommodated in the 2020/21 operational budget.

The development of the Innovate RAP would require additional funding costed at $85,000 that was to be available in 2020/21 but will now be recommended for 2021/2022.

Links to Council policy and strategy
The RAP supports the implementation of the:

- Wellbeing for All Ages and Abilities Strategy 2017-2021, particularly objective 1.2 ‘support opportunities that build social networks and community connections’; and
- Council Plan 2017-2021, particularly the Council Plan strategies to ‘encourage the planting of local indigenous vegetation’ and ‘improve public health and wellbeing’.
Reflect
Reconciliation Action Plan

June 2019–June 2020
Adopted by Council on 25 June 2019
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Photo on front cover: Mural (detail)
Beaumaris 3YO Kindergarten students with Baruk Arts, 2016
Indigenous Introduction and Welcome

As a descendant of Melbourne's First people, the Boon Wurrung of the greater Kulin Nation, we are pleased to endorse the Reconciliation Action Plan of Bayside City Council.

We believe that it is important for all citizens to understand and appreciate the history and culture of the First People of this region.

This is the traditional country of the Boon Wurrung people, one of the five language groups who made up a larger nation called the Kulin. At the time of the first European settlement, this area was the traditional country of the Yaluk-ut Wielam clan of the Boon Wurrung.

It is over 180 years since Europeans first entered our Country – surrounded by the great Bay, which we called Naarm. What we have learnt from our ancestors' achievements still resonates with us. This includes the core values of Learning, Showing Respect, Celebrating Life and Honouring Sacred Ground.

The Importance of Learning – We have always valued a commitment to learning and it has been part of every generation since – and is one of the reasons we are strong today.

Showing Respect – We respect our traditional laws and customs, but also accept the different ways of the Europeans. In this same way, we all share a respect for each other's culture and religion today.

To Celebrate – We must all remember the celebration of life – the arrival of new children, the coming of the seasons, visiting clans – was an important part of our traditional life. Today we support the celebration through modern Indigenous art and culture. This is our ancestors' legacy.

Respecting Sacred Ground – We should all acknowledge the sacred ground on which we stand. Today we are host to many people from different nations and countries – and we call upon you to continue to respect the sacred ground, the history and heritage of our Country.

The struggle to preserve our culture and traditions began with our ancestors in the 1830's. One of the most important lessons we should take from this struggle is the way they forged an alliance that led to many of the achievements that we take for granted today.

We look forward to the day when we can all celebrate our shared history and pride in our traditional lands and history.

Gheran Steel
Chief Executive Officer
Boon Wurrung Foundation

Above: Smoking Ceremony at launch of draft Reconciliation Action Plan, Ricketts Point, Beaumaris, May 2019
Bayside City Council’s Indigenous Welcome

Bayside acknowledges that the original inhabitants of this land that we call Bayside are the Boon Wurrung people of the Kulin nations, and we pay our respects to their Elders past and present and emerging leaders.

They love this land and care for it and consider themselves to be part of it.

We acknowledge that together we share a responsibility to nurture this land and sustain it for future generations.

PLEASE NOTE:

- Throughout this document, the term ‘Indigenous’ may be used and is inclusive of both Aboriginal and Torres Strait Islander people. Aboriginal and Torres Strait Islander stakeholders have been consulted on the use of this term.

- Differences in interpretation of Bayside cultural heritage exists. The content contained in this document does not wish to confirm one interpretation over another, but aims to reference and consolidate existing information from a variety of sources.
Our Statement of Commitment to Indigenous Australians

Indigenous culture and heritage is respected and appreciated by the Bayside community who will work together to create a better future for all Australians.

Bayside City Council:

- Recognises that the Boon Wurrung people are the traditional inhabitants of the local area that now comprises the City of Bayside;
- Acknowledges that the land was colonised without the consent of the original inhabitants;
- Recognises the distinctive relationship that Indigenous people have with local land and waters, including trees, hills and valleys, creeks and foreshore of Bayside;
- Regrets past misunderstandings and injustices experienced by Australia’s Indigenous communities including the confiscation of traditional lands, and the implementation of policies which had the effect of extinguishing Indigenous practices, language and culture;
- Supports people of Australia working together for the development of a formal instrument of reconciliation;
- Acknowledges the right of the Indigenous people of Australia to live, subject to Australian law, according to their own values and customs and is committed to respecting Indigenous sacred sites and significant places;
- Acknowledges the value, significance, diversity and strength of Indigenous cultures to the heritage of all Australians, and is committed to working with Indigenous people to research local stories and sites of significance to Indigenous people, assisting them to record and present their histories;
- Records its appreciation of the initiatives already undertaken by Indigenous and non-Indigenous people in assisting Council and the community to understand and appreciate Indigenous heritage and culture; and
- Commits to consultation on matters of mutual concern with representatives of the Boon Wurrung people and any other legitimately constituted group representing Indigenous culture and heritage.

Above: The Ancient Yerre River with Bunji’s eggs-
Sculpture by Glenn Romani, 2008. Bayside City Council collection. The 6 eggs represent the 6 clans of the
Kulin Nations.
Background Information

Reconciliation Australia outlines that a Reconciliation Action Plan (RAP) is a strategic document that outlines practical actions that will drive an organisation’s contribution to reconciliation both internally and in the communities in which it operates.

Reconciliation Australia

Reconciliation Australia’s RAP Program contributes to advancing the five dimensions of reconciliation by supporting organisations to develop respectful relationships and create meaningful opportunities with Indigenous Australians. The five dimensions of Reconciliation:

2. Equality and Equity: Indigenous Australians participate equally and equitably in all areas of life and the distinctive individual and collective rights and cultures of Indigenous peoples are universally recognised and respected.
3. Institutional Integrity: Political, business and community institutions actively support all dimensions of reconciliation.
4. Unity: Indigenous histories, cultures and rights are a valued and recognised part of a shared national identity and, as a result, there is national unity.
5. Historical Acceptance: There is widespread acceptance of our nation’s history and agreement that the wrongs of the past will never be repeated — there is truth, justice, healing and historical acceptance.

![Diagram showing the five dimensions of reconciliation](image)

Figure 1: Dimensions of Reconciliation
Council’s RAP has followed the development process outlined by Reconciliation Australia and has utilised the “Reflect” template to demonstrate the start of Council’s journey towards Reconciliation. This focuses on Relationships, Respect and Opportunities.

**Korin Korin Balit-Djak: Aboriginal health, wellbeing and safety strategic plan**

This plan provides an overarching framework for action to improve the health, wellbeing and safety of Aboriginal Victorians now and over the next 10 years to 2027. It sets out the vision and direction for ensuring positive outcomes for Aboriginal Victorians across the breadth and depth of its activities.

Korin Korin Balit-Djak covers five domains:

- Aboriginal community leadership;
- Prioritising Aboriginal culture and community;
- System reform across the health and human services sector;
- Safe, secure, strong families and individuals; and
- Physically, socially and emotionally healthy Aboriginal communities.

Council’s RAP aligns with the domains of the Korin Korin Balit-Djak and describes how Council can contribute to the State vision.

*Figure 2: Korin Korin Balit-Djak*
United Nations Declaration on the Rights of Indigenous Peoples

The Declaration sets out how existing human rights standards apply to the recognition and protection of Indigenous peoples’ rights internationally. It provides a framework for countries with different histories and circumstances to help reduce levels of disadvantage and discrimination experienced by many of the world’s 370 million Indigenous people. The Australian Government officially endorsed the Declaration on 3 April 2009.

The RAP will be consistent with the General Assembly and principles of the Declaration.

Council Plan 2017-2021

The RAP will assist Council to achieve its vision to work together with the community to ‘make Bayside a better place’. The RAP will specifically assist Council to achieve the following strategic objectives under of the Council Plan:

- Where we are a strong and supportive community and people of all ages are engaged;
- Where the community is healthy, active and feels safe; and
- Where the community engages in advocacy, transparent decision making and is part of the solution.

Bayside Community Plan 2025

The RAP will contribute to achieving the community aspiration ‘By 2025, members of Bayside’s community will feel supported and engaged to live an active and healthy lifestyle regardless of age, geographical location, personal circumstance or physical ability’. Wellbeing for All Ages and Abilities Strategy 2017-2021 (WAAA)

The RAP will assist Council to meet objective 1.2 of the WAAA - Support opportunities that build social networks and community connections. The Healthy Community Action Plan which supports the implementation of the WAAA includes an action to “Develop an action plan to recognise and promote the Indigenous culture of Bayside”.

Item 10.9 – Reports by the Organisation
Our Services

Bayside City Council is a Local Government located in Melbourne’s inner-southern suburbs. Council’s vision is to work together with the community to ‘make Bayside a better place’. To achieve this goal, Council provides services across a wide range of areas including:

| • Aged care and disability;  | • Local laws and permits; |
| • Arts and culture;         | • Parks and gardens;     |
| • Cleaning and waste;       | • Pets and animals;      |
| • Community development;    | • Planning and building; |
| • Emergency management;     | • Roads and transport;  |
| • Environment;              | • Sport and recreation; and |
| • Family and children;      | • Youth services.        |

Council employs an estimated 623 staff members, none of which have self-identified as Indigenous. Council has one main Corporate Centre with various other work locations throughout the municipality including: libraries; maternal and child health centres; Indigenous plant nursery; and activity delivery centres.

The municipal area is an estimated 37 km² with an estimated residential population of 104,030. There are 180 people who have identified as Indigenous within Bayside the last Census (2016).
Our Partnership and Activities

Current activities that Council has in place include:

- Developing the Indigenous cultural trail. This walking trail includes works of contemporary Indigenous artists and is based on stories authored by Boon Wurrung Elder Carolyn Briggs. The trail outlines the close relationship between the Boon Wurrung culture and the coastal environment;
- Acquiring Indigenous artwork (in line with the Bayside Art and Heritage Collection Policy);
- Providing cultural and medicinal information on Indigenous plants through the Bayside Community Nursery and Council’s ‘Friends of’ Environmental Groups;
- Providing opportunities for Indigenous artists and Indigenous works to be displayed in Bayside art venues;
- Providing the Indigenous resource garden which includes information on Indigenous plants and their uses and the local history;
- Celebrating Reconciliation Week with an annual flag raising ceremony and additional events where there is capacity;
- Providing financial support to Koori Kids for NAIDOC week school initiatives;
- Partnering with Indigenous organisations to develop Cultural Heritage Management Plans to manage and protect Aboriginal cultural heritage in the activity area in line with the Aboriginal Heritage Act (2008) and the Aboriginal Heritage Regulations 2018; and
- Providing funding for activities that celebrate Indigenous culture through Council’s Community Grants Program.
Our Reconciliation Action Plan

Bayside City Council is committed to developing and implementing a RAP with the aims of:

- Building relationships between Council, the Indigenous community and the broader Bayside community;
- Celebrating and acknowledging the unique Indigenous heritage of Bayside; and
- Improving Council services for Indigenous people.

Partnerships are a key principle of the RAP with a focus on building the capacity of a wide range of sectors, delivering high quality actions, and reducing duplication and fragmentation of effort. Partners included in this action plan include representatives from internal Council services and the community.

Internal Council Departments
- Arts and Culture
- Communications
- Community Engagement
- Community Wellbeing
- Environmental Sustainability
- Community Services
- Governance
- Libraries
- Open Space

External Partners
- Boori Wurrung Foundation
- Bunurong Land Council
- Connect Health and Community
- Local Aboriginal Network
- Star Health
- Schools
- Southern Melbourne Primary Care Partnership

Aim of the Reconciliation Action Plan
Council’s RAP is aligned with Reconciliation Australia and takes into consideration the Korin Korin Baat-Djak domains. The RAP focuses on actions which protect and promote Indigenous cultural heritage and the wellbeing of Indigenous people in Bayside.

Reconciliation Action Plan Working Group
A key action of the RAP is to establish a Reconciliation Action Plan Working Group (RAPWG). This will be achieved within the first 12 months of Council endorsing the RAP.

The RAPWG will actively monitor RAP development and implementation of actions, track progress and approve reporting. The RAPWG will be made up of representatives from relevant Council departments, Indigenous people, Indigenous organisations and key stakeholders.
How to Read the Action Plan

- **Actions**: Broad action that includes the objective that Bayside will focus on achieving.
- **Deliverable column**: activities/initiatives that will achieve the objective in the action column.
- **Responsibility and Partners**: This area identifies who will be involved in the delivery of actions either in a lead or supporting role. Council officers are identified with an asterix (*).
- **Timeline**: The estimated start and completion date for each action.

### Measuring Success
The Reconciliation Action Plan will be reviewed annually and reported to Council, to ensure relevance and to respond to the changing needs of the Bayside community. Reconciliation Australia is clear that the RAP is just the first step in the reconciliation journey. Reconciliation is an ambitious goal, the journey to reconciliation is a cycle of continuous learning and reviewing.
## Reconciliation Action Plan
### June 2019 – June 2020

### Relationships

<table>
<thead>
<tr>
<th>Actions</th>
<th>Deliverable</th>
<th>Timeline</th>
<th>Responsibility and Partners</th>
</tr>
</thead>
</table>
| 1. Establish a RAP Working Group | • Form a RAP Working Group that is operational to support the implementation of our RAP, comprising of Indigenous people, community leaders and decision-making staff from across our organisation. | December 2019 | • Community Wellbeing Coordinator*  
• Governance Manager*  
• Indigenous Organisations |
| 2. Build internal and external relationships | • Develop a list of Indigenous communities and organisations within our local area or sphere of influence that we could approach to connect with on our reconciliation journey.  
• Develop a list of RAP organisations and other like-minded organisations that we could approach to connect with on our reconciliation journey.  
• Ensure attendance at a minimum of four Local Aboriginal Network Meetings | December 2019 | • Community Wellbeing Coordinator*  
• RAP Working Group Chair |
| 3. Participate in and celebrate National Reconciliation Week (NRW) | • Encourage our staff to attend a NRW event.  
• Circulate Reconciliation Australia’s NRW resources and reconciliation materials to our staff.  
• Ensure our RAP Working Group participates in an external event to recognise and celebrate NRW (e.g., flag raising ceremony)  
• Implement the Reconciliation Week bursary competition for students | June 2020  
27 May – 3 June (annually) | • Governance Manager*  
• Library Services Manager*  
• Open Space Coordinator*  
• Arts and Culture Program Coordinator*  
• Elen Jose Memorial Foundation  
• Community Wellbeing Coordinator* |
| 4. Raise internal awareness of our RAP | • Develop and implement a plan to raise awareness amongst all staff across the organisation about our RAP commitments.  
• Develop and implement a plan to engage and inform key internal stakeholders of their responsibilities within our RAP.  
• Include information on the RAP within the staff induction process | December 2019  
August 2019 | • Community Wellbeing Coordinator*  
• Executive Manager People and Strategy*  
• RAP Working Group Chair |
Reconciliation Action Plan June 2019 – June 2020
Relationships continued.

<table>
<thead>
<tr>
<th>Actions</th>
<th>Deliverable</th>
<th>Timeline</th>
<th>Responsibility and Partners</th>
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</table>
| 5. Consideration of an urban/rural city relationship with an indigenous community or remote art centre. | • Investigate opportunities to establish an urban/rural relationship with an indigenous community or remote art centre | June 2020 | • Community Wellbeing Coordinator*  
• Governance Manager*  
• Curator Art and Culture*                                              |
| 6. Raise external awareness of our RAP and build relationships with Indigenous community | • Investigate opportunity for a celebration event to highlight the development of the RAP | July 2019 | • Community Wellbeing Coordinator*               |
| 7. Promote positive race relations through anti-discrimination strategies | • Research best practice and policies in areas of race relations and anti-discrimination.  
• Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs. | December 2019 | • Executive Manager People and Strategy*          
August 2019
Reconciliation Action Plan June 2019 – June 2020

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<th>Respect</th>
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<tr>
<td><strong>Actions</strong></td>
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</table>
| 6. Investigate Indigenous cultural learning and development | • Develop a business case for increasing awareness of Indigenous cultures, histories and achievements within our organisation.  
• Capture data and measure our staff's current level of knowledge and understanding of Indigenous cultures, histories and achievements.  
• Conduct a review of cultural awareness training needs within our organisation. | December 2019  
December 2019  
December 2019 | • Community Wellbeing Coordinator*  
• Executive Manager People and Strategy*  
• RAP Working Group Chair |
| 9. Participate in and celebrate NAIDOC Week | • Raise awareness and share information amongst our staff of the meaning of NAIDOC Week which includes information about the local Indigenous people and communities.  
• Introduce our staff to NAIDOC Week by promoting community events in our local area.  
• Ensure our RAP Working Group participates in an external NAIDOC Week event. | First week in July (annually) | • Community Wellbeing Coordinator*  
• RAP Working Group Chair |
| 10. Raise internal understanding of Indigenous cultural protocols | • Explore who the Traditional Owners are of the lands and waters in our local area.  
• Scope and develop a list of local Traditional Owners of the lands and waters within our organisations sphere of influence.  
• Develop and implement a plan to raise awareness and understanding of the meaning and significance behind Acknowledgement of Country and Welcome to Country protocols (Including any local cultural protocols).  
• Provide Indigenous Cultural Awareness training to all staff.  
• Develop electronic acknowledgement for signatures | August 2019  
August 2019  
December 2019  
February 2020  
February 2020 | • Community Wellbeing Coordinator*  
• Governance Manager*  
• RAP Working Group Chair |
| 11. Promote buildings, reserves, pavilions, lanes as a safe place for Indigenous people and to recognise the Traditional Owners of the land | • Investigate appropriate traditional Indigenous names.  
• Develop acknowledgment signage for Council buildings.  
• Provide information on the Indigenous history of Sandringham Park | June 2020 (ongoing)  
June 2020  
May 2020 | • Governance Manager*  
• Registered Aboriginal Party  
• Open Space Coordinator* |
## Opportunities

<table>
<thead>
<tr>
<th>Actions</th>
<th>Deliverable</th>
<th>Timeline</th>
<th>Responsibility and Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Investigate Indigenous employment</td>
<td>• Develop a business case for Indigenous employment within our organisation.</td>
<td>December 2019</td>
<td>• Executive Manager People and Strategy*</td>
</tr>
<tr>
<td></td>
<td>• Identify current Indigenous staff to inform future employment and development opportunities.</td>
<td>July 2019</td>
<td></td>
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<tr>
<td></td>
<td>• Develop an understanding of the mutual benefits of procurement from Indigenous owned businesses.</td>
<td>January 2020</td>
<td>• Community Wellbeing Coordinator*</td>
</tr>
<tr>
<td></td>
<td>• Develop a business case for procurement from Indigenous owned businesses.</td>
<td>May 2020</td>
<td>• Procurement*</td>
</tr>
<tr>
<td>13. Investigate Indigenous supplier diversity</td>
<td>• Review potential pathways to Indigenous employment and provide recommendations for organisation to consider</td>
<td>December 2019</td>
<td>• Executive Manager People and Strategy*</td>
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<tr>
<td></td>
<td>• Review and improve Council’s website</td>
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<td></td>
<td>• Review the dedicated Indigenous section within Bayside libraries</td>
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<td></td>
<td>• Improve information and signage for the Indigenous Resource Garden</td>
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<tr>
<td>15. Provide accurate cultural information on the Indigenous heritage of Bayside and links to further resources for Indigenous people</td>
<td>• Vacant positions disseminated to Indigenous Networks</td>
<td>May 2020, March 2020</td>
<td>• Community Wellbeing Coordinator*</td>
</tr>
<tr>
<td></td>
<td>• Include a sentence encouraging Indigenous people to apply in job advertisements</td>
<td>May 2020, October 2019</td>
<td>• Library Services Manager*</td>
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<td></td>
<td></td>
<td></td>
<td>• Open Space Coordinator*</td>
</tr>
<tr>
<td>16. Actively encourage Indigenous people to apply for staff positions and for Council</td>
<td>• Establish a triennial visual art award and exhibition for female artists (Indigenous and non-Indigenous) 35 years and under to celebrate reconciliation</td>
<td>December 2019, October 2019</td>
<td>• Executive Manager People and Strategy*</td>
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<td></td>
<td>• Governance Manager*</td>
</tr>
<tr>
<td>17. Promote Reconciliation through the arts</td>
<td></td>
<td>June 2020</td>
<td>• Arts and Culture Program Coordinator*</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>• Eleni Josa Memorial Foundation</td>
</tr>
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</table>

**Left:** Mike Shankster, Bunjil and the Creation of the Bay (2019). The Sandy Street Art Project, a local community group, in conjunction with the Boon Wurrung Foundation, created two murals in Sandringham Village which have provided the opportunity for the first peoples of Melbourne to share their stories with the greater public.
Reconciliation Action Plan June 2019 – June 2020

### Governance and Tracking Progress

<table>
<thead>
<tr>
<th>Actions</th>
<th>Deliverable</th>
<th>Timeline</th>
<th>Responsibility and Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. Build support for the RAP</td>
<td>• Define resource needs for RAP development and implementation.</td>
<td>March 2020</td>
<td>• Community Wellbeing Coordinator*</td>
</tr>
<tr>
<td></td>
<td>• Define systems and capability needs to track, measure and report on RAP activities.</td>
<td>March 2020</td>
<td>• RAP Working Group Chair</td>
</tr>
<tr>
<td></td>
<td>• Complete the annual RAP Impact Measurement Questionnaire and submit to Reconciliation Australia.</td>
<td>September (annually)</td>
<td></td>
</tr>
<tr>
<td>19. Review and Refresh RAP</td>
<td>• Liaise with Reconciliation Australia to develop a new RAP based on learnings, challenges and achievements.</td>
<td>March 2020</td>
<td>• Community Wellbeing Coordinator*</td>
</tr>
<tr>
<td></td>
<td>• Submit draft RAP to Reconciliation Australia for review</td>
<td>April 2020</td>
<td>• RAP Working Group Chair</td>
</tr>
<tr>
<td></td>
<td>• Submit draft RAP to Reconciliation Australia for formal endorsement.</td>
<td>May 2020</td>
<td></td>
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</tbody>
</table>

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**Contact details for public enquiries**

**Lauren Waycott**  
Community Wellbeing Coordinator  
(03) 9599-4686  
lwaycott@bayside.vic.gov.au
Item 10.9 – Reports by the Organisation
Reconciliation Action Plan - Progress - June 2019 – June 2020

<table>
<thead>
<tr>
<th>Relationships</th>
<th>Actions</th>
<th>Deliverable</th>
<th>Timeline</th>
<th>Progress</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Establish a RAP Working Group</td>
<td>• Form a RAP Working Group that is operational to support the implementation of our RAP, comprising of Indigenous people, community leaders and decision-making staff from across our organisation.</td>
<td>December 2019</td>
<td>RAP Advisory Group established October 2019. This group comprises of local Indigenous community members, local health service providers; department representatives; sporting clubs; traditional owners and interested community members.</td>
<td>Complete</td>
<td></td>
</tr>
<tr>
<td>2. Build internal and external relationships</td>
<td>• Develop a list of Indigenous communities and organisations within our local area or sphere of influence that we could approach to connect with on our reconciliation journey. • Develop a list of RAP organisations and other like-minded organisations that we could approach to connect with on our reconciliation journey. • Ensure attendance at a minimum of four Local Aboriginal Network (LAN) Meetings</td>
<td>December 2019 • December 2019 • June 2020</td>
<td>A comprehensive list of engaged stakeholders who we can communicate with regarding RAP activities has been developed. A list has been developed of local RAP and other relevant organisations. Council has approached these organisations to start partnership opportunities. Council attended three LAN meetings prior to the COVID-19 pandemic and was scheduled to attend further.</td>
<td>Complete • Complete • Deferred</td>
<td></td>
</tr>
<tr>
<td>Actions</td>
<td>Deliverable</td>
<td>Timeline</td>
<td>Progress</td>
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<tr>
<td>3. Participate in and celebrate National Reconciliation Week (NRW)</td>
<td>• Encourage our staff to attend a NRW event. &lt;br&gt;• Circulate Reconciliation Australia’s NRW resources and reconciliation materials to our staff. &lt;br&gt;• Ensure our RAP Working Group participates in an external event to recognise and celebrate NRW (e.g. flag raising ceremony) &lt;br&gt;• Implement the Reconciliation Week bursary competition for students</td>
<td>27 May-3 June (annually)</td>
<td>• All staff were encouraged to view the virtual flag raising ceremony &lt;br&gt;• NRW resources were circulated to staff. &lt;br&gt;• The RAP working group planned to participate in a partnership event with SMPCP and Kingston City Council in March 2020 for National Close the Gap campaign. This was postponed due to COVID-19 pandemic. &lt;br&gt;• The Ellen Jose Reconciliation Awards (student bursary competition) was delivered and presented during the flag raising ceremony.</td>
<td>Complete</td>
<td>Complete</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actions</th>
<th>Deliverable</th>
<th>Timeline</th>
<th>Progress</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Raise internal awareness of our RAP</td>
<td>• Develop and implement a plan to raise awareness amongst all staff across the organisation about our RAP commitments. &lt;br&gt;• Develop and implement a plan to engage and inform key internal stakeholders of their responsibilities within our RAP. &lt;br&gt;• Include information on the RAP within the staff induction process</td>
<td>• December 2019 &lt;br&gt;• August 2019 &lt;br&gt;• December 2019</td>
<td>• Activities have been undertaken to raise awareness these include: &lt;br&gt;• Internal communications; new Indigenous art work in corporate foyer; and new electronic email signature with acknowledgement. &lt;br&gt;• Internal RAP Working Group was developed to actively engage internal stakeholders. &lt;br&gt;• Planning for the integration of the RAP into Council’s regular induction will commence post COVID-19 pandemic.</td>
<td>Complete</td>
</tr>
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<th>Actions</th>
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</thead>
<tbody>
<tr>
<td>5. Consideration of an urban/rural city relationship with an Indigenous</td>
<td>• Investigate opportunities to establish an urban/rural relationship with an Indigenous community or remote art centre</td>
<td>June 2020</td>
<td>• Three options for an arts partnership will be presented for discussion with the RAP Advisory Group in September 2020.</td>
<td>In Progress</td>
</tr>
<tr>
<td>Item 10.9 – Reports by the Organisation</td>
<td>Community or Remote Art Centre</td>
<td></td>
<td></td>
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<td>----------------------------------------</td>
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<tr>
<td>6. Raise external awareness of our RAP and build relationships with Indigenous community members</td>
<td><strong>Investigate opportunity for a celebration event to highlight the development of the RAP</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 7. Promote positive race relations through anti-discrimination strategies | **Research best practice and policies in areas of race relations and anti-discrimination.**  
**Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs.** |
| | **July 2019**  
**Public engagement event held at Ricketts Point including a Welcome to Country and Smoking Ceremony. Over 90 residents attended.** |
| | **February 2020**  
**March 2020**  
**Review completed and used to inform the policy and procedure review.**  
**Workplace policies and procedures including anti-bullying, anti-discrimination, equal employment opportunities and disciplinary have been reviewed, rewritten and communicated to the organisation. These policies will be reviewed every 2 years.** |
| | **Complete**  
**Complete** |
<table>
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<tr>
<th>Actions</th>
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<th>Timeline</th>
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<th>Status</th>
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</table>
| 8. Investigate Indigenous cultural learning and development            | • Develop a business case for increasing awareness of Indigenous cultures, histories and achievements within our organisation.  
• Capture data and measure our staff's current level of knowledge and understanding of Indigenous cultures, histories and achievements.  
• Conduct a review of cultural awareness training needs within our organisation.                                                                                                                   | December 2019  | • An internal Diversity and Inclusion group formed and are exploring options to increase staff awareness of Indigenous culture and history. The group decided there was no need for a business case as Council is committed to Reconciliation. 
• Planning is underway to align with other internal organisational surveys 
• Training has been provided in November 2019 and February 2020. Further research into training needs to be complete post COVID-19 pandemic.                                                    | Complete   |
|                                                                        |                                                                                                                                                                                                          | December 2019  |                                                                                                                                                                                                       | In Progress |
|                                                                        |                                                                                                                                                                                                          | First week in July (annually) |                                                                                                                                                                                                       | In Progress |
| 9. Participate in and celebrate NAIDOC Week                              | • Raise awareness and share information amongst our staff of the meaning of NAIDOC Week which includes information about the local Indigenous people and communities.  
• Introduce our staff to NAIDOC Week by promoting community events in our local area.  
• Ensure our RAP Working Group participates in an external NAIDOC Week event.                                                                                                                     |                | • Internal communications provided to staff about NAIDOC week (July 2019).  
• Promoted three Indigenous community events to staff, hosted by: Bayside Libraries, Hightest Neighbourhood Community House (HNCH) and Beaumaris Soccer Club  
• Staff participated and co-hosted the community dinner with HNCH to celebrate NAIDOC week and attended a NAIDOC week celebration at Central Bayside Community Health Services. | Complete   |
<p>|                                                                        |                                                                                                                                                                                                          |                |                                                                                                                                                                                                       | Complete   |
|                                                                        |                                                                                                                                                                                                          |                |                                                                                                                                                                                                       | Complete   |</p>
<table>
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<th>Deliverable</th>
<th>Timeline</th>
<th>Progress</th>
<th>Status</th>
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</thead>
</table>
| 10. Raise internal understanding of Indigenous cultural protocols | • Explore who the Traditional Owners are of the lands and waters in our local area.  
• Scope and develop a list of local Traditional Owners of the lands and waters within our organisations sphere of influence.  
• Develop and implement a plan to raise awareness and understanding of the meaning and significance behind Acknowledgement of Country and Welcome to Country protocols (including any local cultural protocols).  
• Provide Indigenous Cultural Awareness training to all staff  
• Develop electronic acknowledgment for signatures | • August 2019  
• August 2019  
• December 2019  
• February 2020  
• February 2020 | • Research conducted and Council report prepared. Council resolved to acknowledge the Boon Wurrung as the Traditional Owners.  
• List developed of local Traditional owners.  
• Information sent to Communication Team about the difference between an Acknowledgement and Welcome when writing speeches. Information was provided to staff about the meaning and significance between these.  
• Cultural Awareness Training occurred in February 2020 and was delivered by a local Indigenous woman. Estimated 65 staff members attended. The RAP working group members also complete an additional half day training session in partnership with Glen Eira.  
• Electronic acknowledgment was developed and rolled out in September 2019. | • Complete  
• Complete  
• Complete  
| | | |
| 11. Promote buildings, reserves, pavilions, lanes as a safe place for indigenous people and to recognise the Traditional Owners of the land | • Investigate appropriate traditional Indigenous names  
• Develop acknowledgment signage for Council buildings  
• Provide information on the Indigenous history of Landcox Park | • June 2020 (ongoing)  
• June 2020  
• May 2020 | • Consultation workshop held December 2019 with local Indigenous community members and stakeholders in regards to Elsternwick Park Nature Reserve.  
• The purchase and installation of signage across Council buildings is progressing with Sandringham | • Complete  
• In Progress |
| Item 10.9 - Reports by the Organisation | Library to receive signage. Further signage roll out will occur in 2020/21. Council provided a grant to the Boon Wurrung Foundation to undertake research on culturally significant sites in Bayside. | • In Progress |
### Opportunities

<table>
<thead>
<tr>
<th>Actions</th>
<th>Deliverable</th>
<th>Timeline</th>
<th>Progress</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Investigate Indigenous employment</td>
<td>• Develop a business case for Indigenous employment within our organisation.</td>
<td>• December 2019</td>
<td>• Contact has been made with various organisations seeking guidance on the approaches and issues faced in implementing Indigenous employment programs.</td>
<td>In Progress</td>
</tr>
<tr>
<td></td>
<td>• Identify current Indigenous staff to inform future employment and development opportunities.</td>
<td>• July 2019</td>
<td>• Internal communication and expression of interest circulated to all staff.</td>
<td>Complete</td>
</tr>
<tr>
<td>13. Investigate Indigenous supplier diversity</td>
<td>• Develop an understanding of the mutual benefits of procurement from Indigenous owned businesses.</td>
<td>• January 2020</td>
<td>• Council has a local Indigenous catering company registered with procurement.</td>
<td>Complete</td>
</tr>
<tr>
<td></td>
<td>• Develop a business case for procurement from Indigenous owned businesses.</td>
<td>• May 2020</td>
<td>• Council cannot change procurement processes, however where appropriate the organisation will use an Indigenous owned business.</td>
<td>Complete</td>
</tr>
<tr>
<td>14. Investigate Indigenous employment pathways (e.g. traineeships or internships).</td>
<td>• Review potential pathways to Indigenous employment and provide recommendations for organisation to consider</td>
<td>• December 2019</td>
<td>• This action has been delayed to ensure the organisation is appropriately culturally aware to encourage Indigenous job applicants.</td>
<td>Deferred</td>
</tr>
<tr>
<td>15. Provide accurate cultural information on the Indigenous heritage of Bayside and links to further resources for Indigenous people</td>
<td>• Review and Improve Council's website</td>
<td>• May 2020</td>
<td>• First review completed and new website page developed including the promotion of the RAP</td>
<td>Complete</td>
</tr>
<tr>
<td></td>
<td>• Review the dedicated Indigenous section within Bayside libraries</td>
<td>• March 2020</td>
<td>• Library staff met the Koori Unit of the State Library of Victoria to review Bayside's collection in May 2019. The collection was determined to</td>
<td>Complete</td>
</tr>
<tr>
<td></td>
<td>• Improve information and signage for the Indigenous Resource Garden</td>
<td>• May 2020</td>
<td></td>
<td>Complete</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Due Date</td>
<td>Status</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>16.</td>
<td>Actively encourage Indigenous people to apply for staff positions and for Council</td>
<td>December 2019, October 2019</td>
<td>Deferred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Vacant positions disseminated to Indigenous Networks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Include a sentence encouraging Indigenous people to apply in job advertisements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Promote Reconciliation through the arts</td>
<td>June 2020</td>
<td>In Progress</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Establish a triennial visual art award and exhibition for female artists (Indigenous and non-Indigenous) 35 years and under to celebrate reconciliation</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Actions</td>
<td>Deliverable</td>
<td>Timeline</td>
<td>Progress</td>
<td>Status</td>
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</tbody>
</table>
| 18. Build support for the RAP | • Define resource needs for RAP development and implementation.  
• Define systems and capability needs to track, measure and report on RAP activities.  
• Complete the annual RAP Impact Measurement Questionnaire and submit to Reconciliation Australia. | • March 2020  
• March 2020  
• September (annually) | • Resources needs have been identified to complete the next phase of RAP implementation.  
• Council’s internal tracking system (Cammsstrategy) is utilised for measuring and reporting on the RAP.  
• As Council commenced its first RAP in the second half of 2019, Council does not need to complete the questionnaire yet. | Complete  
Complete  
In Progress |
| 19. Review and Refresh RAP | • Liaise with Reconciliation Australia to develop a new RAP based on learnings, challenges and achievements.  
• Submit draft RAP to Reconciliation Australia for review  
• Submit draft RAP to Reconciliation Australia for formal endorsement. | • March 2020  
• April 2020  
• May 2020 | • Council has liaised with Reconciliation Australia about the timing and process for developing the new RAP.  
• This has been postpone due to funding reallocation in light of the COVID-19 pandemic. | In Progress  
Deferred  
Deferred |
Executive summary

Purpose and background
The purpose of this report is to seek Council endorsement of a Regional Local Government Charter (Attachment 1) to respond to homelessness and to advocate for an increased supply of social housing across Victoria. The Charter has been developed through the collaboration of 13 eastern and south-eastern councils over the last six months.

On 26 November 2019, Bayside participated with CEOs and/or executive staff representing eastern and south-eastern councils in a forum focused on homelessness and social housing. It was hosted by Monash City Council in response to an increase in homelessness and rough sleeping across the region.

It was acknowledged that there had been an increase in homelessness across the eastern and south-eastern metropolitan communities and that local government staff are often first-hand responders to these situations. Councils representing these municipalities identified their reduced access to resources and support services compared to inner metro Councils. This limits the ability to adequately respond to increased homelessness and people experiencing rough sleeping.

There was strong consensus from participants that the local government sector must come together urgently to champion the issue of homelessness as a collective and work to find a solution.

The CEO Forum: Local Government Regional Response to Homelessness reached consensus that adopting a Regional Charter with three clear leverage points (commitments) for local government would create the power and pressure for systemic change.

The Charter recognises that housing is a human right for every person, that housing solves homelessness, and that social housing is core infrastructure for local communities. The 13 metropolitan councils representing more than 2 million residents are united in seeking to influence the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

Key issues
The agenda established by the coalition of councils acknowledged the critical importance and value of community education as well as service and crisis interventions in response to homelessness, however, it determined to focus on and prioritise the most impactful strategic levers available to the local government sector to achieve large-scale change.

Social Housing
The emphasis on social housing in the Charter is informed by research that Monash Council had commissioned through the Council to Homeless Persons in October 2019: ‘Making a Difference – effective local government responses to homelessness’ (Attachment 2).

Council to Homeless Persons recommends that the most powerful action that local governments can undertake to reduce homelessness is to support the delivery of homes that people can afford. For the lowest income households most vulnerable to homelessness, this requires the provision of social housing.
Social housing refers to housing owned either by the state government or by not-for-profit community housing providers that is rented to low income households at either 25% (public housing) or 30% (community housing) of household income. Social housing does not generally include crisis or rooming houses (Attachment 3).

Regional Charter Working Group

Following the forum in November 2019, councils nominated ‘charter champions’ to represent them on a Working Group.

The development of the draft Charter by the Working Group has included significant partnership support by the Eastern Region Group of Councils, Eastern Affordable Housing Alliance, Municipal Association of Victoria (MAV) and the Department of Health & Human Services (DHHS).

For more information on the terms of reference of the Working Group, please refer to ‘Terms of Reference’ (Attachment 4).

COVID-19

During the drafting of the Charter, the COVID-19 pandemic emerged. The Working Group re-pivoted the Charter to capture the COVID-19 pandemic and the 2019-20 bushfires impact on homelessness and social housing.

The economic and health and wellbeing implications of COVID-19 means that now more than ever, the local government sector needs to be a powerful champion in advocating for public health infrastructure in permanent, safe and timely housing for those experiencing homelessness or those at-risk of homelessness.

Purpose of the Charter

The Charter’s purpose is for the 13 councils to collectively act to address the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

The Charter recognises that housing is a human right for every person, that housing solves homelessness and that social housing is core infrastructure for local communities.

The Charter represents a powerful example of the local government sector’s ability to come together in a relatively short period of time to unite agendas and timelines with the fundamental commitment to solve homelessness through social housing.

Policy Implications

The Charter will be used as a local government sector platform and partnership tool with federal and state governments, and public and private sector partners.

By endorsing the Charter, each of the 13 councils commit to implementing the three strategic commitments in their municipalities, guided by its core principles.

The Charter requires each Council to take on the challenge by ensuring their decisions align with the intent and the principles of the Charter.

The Working Group will re-convene at key intervals over the next 12 months, should the Charter be endorsed, to ensure it is prioritised, progressed and implemented at a regional and local level.

Each Council may wish to include the Charter’s principles and strategic commitments in their relevant policies and plans associated with housing, human rights and health and wellbeing.
Recommendation

That Council:

1. endorses the Regional Local Government Charter Homelessness and Social Housing; and

2. commits to an implementation process that integrates and aligns organisational planning, health planning, and housing advocacy platforms with the purpose of the Charter.

Support Attachments

1. Regional Local Government Charter Homelessness and Social Housing
2. Making a difference - effective local government responses to homelessness (CHP)
3. Homelessness in Eastern and Southern Melbourne
4. Terms of Reference - Regional Local Government Charter Homelessness Social Housing
Considerations and implications of proposition

Liveable community

The intentions outlined in this report will support and improve the resilience and safety of the community and surrounding region.

Social

The Charter represents the commitment of 13 east and south-east councils to collectively act to address the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

Natural Environment

There are no natural environment implications associated with this report.

Built Environment

The Charter seeks systemic change to increase the supply of permanent, safe, appropriate and timely housing for the most vulnerable members of our community and to embed ‘Housing First’ as key foundational principle, fundamental to health, recovery and safety.

Customer Service and Community Engagement

The intentions outlined in this report will support the delivery of essential services and engagement with our community.

Human Rights

The Charter recognises that housing is a human right for every person and that housing solves homelessness. It adopts a ‘Housing First’ approach which is a strategic response that prioritises permanent and stable housing for people experiencing homelessness. The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal

There are no legal implications associated with this report.

Finance

There are no financial implications associated with this report.

Links to Council policy and strategy

The Charter will be used as a local government sector platform and partnership tool with federal and state governments, and public and private sector partners. It should align with all policies and plans associated with planning, housing, human rights, resilience, health and wellbeing. These include but not limited to:

- Planning Scheme;
- Housing Strategy;
- Affordable and Social Housing Advocacy Action Plan;
- Consolidated Local Law No. 2 ‘Neighbourhood Amenity’;
- Strategic Advocacy Framework; and
Regional Local Government
HOMELESSNESS AND SOCIAL HOUSING
CHARTER

Purpose
Address the urgent need for increased social housing and a more effective, integrated and supported homelessness service system.

Regional Commitments
Councils will cooperate regionally and take local actions that align with the intent and the principles of this Charter.

The 13 Councils commit to:
1. Working in partnership with federal and state government, public and private sector partners to coordinate our approach and deliver meaningful outcomes to increase the provision of social housing and respond to homelessness in south and east Melbourne
2. Scoping land within each LGA that has the potential to be re-purposed for adaptable housing needs, and to share these insights on a regional scale with the intention of identifying suitable sites for the development of social housing
3. Advocating together for inclusive housing growth including mandatory inclusionary zoning.

Principles

- Shared responsibility, accountability and success
  » We will partner, leverage our strengths and be accountable to the commitments of this Charter.

- Housing as core infrastructure
  » We recognise that housing solves homelessness
  » We consider social housing as core infrastructure that can strengthen communities
  » We understand the ability of local government to influence infrastructure outcomes.

- Human rights and ‘Housing First’
  » We recognise that housing is a human right for every person
  » We recognise the ability of local government to influence an increase in social housing in our region
  » We will work with the homelessness sector to deliver a housing first response to homelessness.

- Urgency, innovation and collaboration
  » We recognise and commit to act on the urgency of the situation which has been compounded by COVID-19
  » We reflect this urgency in a well-considered, innovative and timely collective action to deliver outcomes for our region.
**Context**

**Victoria has a homelessness and housing affordability crisis**, made more acute by COVID-19 and the 2019/20 bushfires. A collaborative effort across all tiers of government and partners is required: one that embeds a ‘Housing First’ approach aligned to the fundamental principle that housing solves homelessness.

The Council to Homeless Persons (CHP) recommends that the **most powerful action local governments can take** to reduce homelessness is to support the delivery of homes that people can afford. For the lowest income households most vulnerable to homelessness, this means the provision of social housing.1**

The housing ‘bottleneck’ keeps individuals and families trapped in homelessness and suffering negative health outcomes and trauma.

**To leverage the collective strengths of regional partnerships**, the City of Monash brought together 13 councils in Melbourne’s east and south east to set a regional agenda. The 13 councils represent more than 2 million residents and are united in striving for an improved homelessness policy-setting and service sector.

These **councils seek systemic change** to increase the supply of permanent, safe, appropriate and timely housing for the most vulnerable members of our community and to embed ‘Housing First’ as a key foundational principle, fundamental for health, recovery and safety.

---

**REFERENCES**

2. Ibid., p.6
3. Ibid., p.5

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In Victoria **44,152 households are waiting for social housing**.2 In south east and east Melbourne, the situation is dire as **32%** of Victorians experiencing homelessness and **40%** of people on the social housing waiting list live in this region.3
Making a difference – effective local government responses to homelessness

Executive Summary

City of Monash have sought Council to Homeless Persons’ advice about how local governments in eastern and southern Melbourne can most effectively take action to reduce the numbers of people living in those areas without a home. This report aims to give local governments the tools they need to develop effective homelessness and housing strategies to achieve this objective. It includes:

- a demographic profile of people living without a home in eastern and southern Melbourne
- data about the reasons people are seeking assistance from homelessness services
- local information about the housing market drivers of homelessness, including rental affordability and availability of social housing
- an outline of mechanisms that local government can use to develop the housing people need to end homelessness
- a framework for effective local government responses to homelessness that complement housing responses, and
- local examples of non-housing responses to homelessness.

The report highlights that the main driver of growing homelessness is rising rents in the private rental market, and inadequate supply of social housing\(^1\).

These challenges in the housing market, mean that more Victorians are unable to find a home, and more low income households are cycling between marginal forms of accommodation, like rooming houses and overcrowded dwellings, and homelessness, all of which have serious consequences for health and wellbeing.

The solution to this problem is to create more social housing to provide an effective safety net for people unable to afford private rental housing.

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\(^1\) Social housing refers to housing owned either by the state government or by not-for-profit community housing providers that is rented to low income households at either 25% (public housing) or 30% (community housing) of household income. For more information about housing terms refer to the [infographics](#).
This paper explores how local government can support the objective of increasing social housing, as well as how local government can strengthen access to services and attainment of human rights for people without a home.

**Homelessness in Eastern and Southern Melbourne**

**Demographic profile**

ABS Census data indicates that homelessness in eastern and southern Melbourne is only slightly less than the Victorian average, with 34 per cent of all Victorians, and 32 per cent of Victorians without a home, living in eastern and southern Melbourne.

The nature of homelessness varies across the region, with relatively more people sleeping rough in Frankston and the Mornington Peninsula, and more people living in severely overcrowded dwellings in Dandenong.

Across Melbourne, people living in severely overcrowded dwellings – where the home needs at least an additional four bedrooms to accommodate residents – represents a growing and very significant proportion of those counted as homeless. This form of homelessness includes both related family groups sharing a home, and properties where multiple unrelated individuals or families all have separate tenancies. Each put significant pressure on residents’ health and wellbeing. For more on the impact of overcrowding see CHP’s Blog.

**ABS Census 2016, People in each homeless operation group by SA3**

<table>
<thead>
<tr>
<th></th>
<th>Persons living in improvised dwellings, tents, or sleeping out</th>
<th>Persons in supported accommodation for the homeless</th>
<th>Persons staying temporarily with other household(s)</th>
<th>Persons living in boarding houses</th>
<th>Persons in other temporary lodgings</th>
<th>Persons living in ‘severely overcrowded dwellings’</th>
<th>All homeless persons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dandenong</strong></td>
<td>24</td>
<td>355</td>
<td>65</td>
<td>368</td>
<td>0</td>
<td>1,284</td>
<td>2,103</td>
</tr>
<tr>
<td><strong>Casey - South</strong></td>
<td>14</td>
<td>65</td>
<td>57</td>
<td>17</td>
<td>0</td>
<td>679</td>
<td>838</td>
</tr>
<tr>
<td><strong>Monash</strong></td>
<td>0</td>
<td>193</td>
<td>76</td>
<td>232</td>
<td>0</td>
<td>256</td>
<td>755</td>
</tr>
<tr>
<td><strong>Whitehorse - West</strong></td>
<td>7</td>
<td>124</td>
<td>53</td>
<td>215</td>
<td>3</td>
<td>170</td>
<td>568</td>
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<tr>
<td><strong>Frankston</strong></td>
<td>75</td>
<td>179</td>
<td>89</td>
<td>143</td>
<td>0</td>
<td>59</td>
<td>546</td>
</tr>
<tr>
<td><strong>Casey - North</strong></td>
<td>0</td>
<td>107</td>
<td>38</td>
<td>36</td>
<td>0</td>
<td>266</td>
<td>447</td>
</tr>
</tbody>
</table>

2 NB. The 2016 Census provides important indicative data for comparison between regions and across time, but does not capture every resident living in every situation, particularly those sleeping rough in locations where they may not be visible to Census takers. Reports of zero people sleeping rough in some SA4s should be understood in this context.
Another form of data used to understand the local profile of homelessness is the data collected by homelessness services about people who are seeking homelessness support. Analysis of this data in Melbourne’s east and south shows that women and children, and young people are the most common clients of homelessness services.

**AIHW Specialist homelessness data 2017-18, People using homelessness services in the eastern and southern local area service network**

<table>
<thead>
<tr>
<th>Boroondara</th>
<th>Persons living in improvised dwellings, tents, or sleeping out</th>
<th>Persons in supported accommodation for the homeless</th>
<th>Persons staying temporarily with other householders</th>
<th>Persons living in boarding houses</th>
<th>Persons in other temporary lodgings</th>
<th>Persons living in ‘severely crowded’ dwellings</th>
<th>All homeless persons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4</td>
<td>56</td>
<td>35</td>
<td>250</td>
<td>0</td>
<td>87</td>
<td>426</td>
</tr>
<tr>
<td>Knox</td>
<td>12</td>
<td>138</td>
<td>70</td>
<td>39</td>
<td>0</td>
<td>104</td>
<td>365</td>
</tr>
<tr>
<td>Yarra Ranges</td>
<td>24</td>
<td>96</td>
<td>115</td>
<td>51</td>
<td>4</td>
<td>77</td>
<td>360</td>
</tr>
<tr>
<td>Maroondah</td>
<td>9</td>
<td>173</td>
<td>27</td>
<td>35</td>
<td>4</td>
<td>69</td>
<td>321</td>
</tr>
<tr>
<td>Mornington Peninsula</td>
<td>47</td>
<td>121</td>
<td>103</td>
<td>5</td>
<td>0</td>
<td>23</td>
<td>298</td>
</tr>
<tr>
<td>Kingston</td>
<td>5</td>
<td>142</td>
<td>52</td>
<td>61</td>
<td>3</td>
<td>12</td>
<td>275</td>
</tr>
<tr>
<td>Cardinia</td>
<td>4</td>
<td>39</td>
<td>52</td>
<td>0</td>
<td>0</td>
<td>126</td>
<td>220</td>
</tr>
<tr>
<td>Whitehorse - East</td>
<td>0</td>
<td>88</td>
<td>17</td>
<td>16</td>
<td>0</td>
<td>50</td>
<td>179</td>
</tr>
<tr>
<td>Manningham - West</td>
<td>0</td>
<td>65</td>
<td>24</td>
<td>28</td>
<td>0</td>
<td>59</td>
<td>176</td>
</tr>
<tr>
<td>Manningham - East</td>
<td>0</td>
<td>26</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>1,947</strong></td>
<td><strong>883</strong></td>
<td><strong>1,496</strong></td>
<td><strong>14</strong></td>
<td><strong>3,321</strong></td>
<td><strong>7,916</strong></td>
</tr>
<tr>
<td>Victoria</td>
<td><strong>1,119</strong></td>
<td><strong>7,172</strong></td>
<td><strong>3,080</strong></td>
<td><strong>4,413</strong></td>
<td><strong>108</strong></td>
<td><strong>8,930</strong></td>
<td><strong>24,828</strong></td>
</tr>
<tr>
<td>Percentage of Victoria</td>
<td>20%</td>
<td>27%</td>
<td>29%</td>
<td>34%</td>
<td>13%</td>
<td>37%</td>
<td>32%</td>
</tr>
</tbody>
</table>

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**Homelessness clients - gender**

- Women and girls: 18,369 (60%)
- Men and boys: 12,225 (40%)

**Homelessness clients - Age/gender**

- 0-9: 1,000
- 10-19: 1,500
- 20-29: 2,000
- 30-39: 2,500
- 40-49: 3,000
- 50-59: 3,500
- 60+: 4,000

- Men and boys: n.p.
What is driving growing homelessness?

Homelessness services also record information about the reasons people are seeking help. This reveals that the most common reasons for seeking homelessness assistance across Victoria are housing issues (50%) and financial reasons (38%), and domestic and family violence (38%).

<table>
<thead>
<tr>
<th>Main reason for seeking assistance¹</th>
<th>Per cent of clients</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing issues</td>
<td>39</td>
</tr>
<tr>
<td>Domestic and family violence</td>
<td>38</td>
</tr>
<tr>
<td>Financial</td>
<td>11</td>
</tr>
<tr>
<td>Interpersonal relationships</td>
<td>4</td>
</tr>
<tr>
<td>Health</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
</tr>
</tbody>
</table>

This highlights the significance of lack of access to affordable housing as a driver of homelessness.

Lack of access to affordable housing is also a significant barrier to exiting homelessness, and it results in a bottleneck in crisis accommodation and refuges. These emergency options are intended for short stays, but people often end up staying for months, or even years, with the result that crisis beds are frequently unavailable.

Long stays in congregate crisis accommodation result in poor health, wellbeing and educational outcomes for children. These environments are also highly stressful for adults, both because living in close proximity with many highly vulnerable people creates its own challenges and stress, and because people can’t move on with their lives while they don’t know where they’ll be living longer-term.

The solution to the bottleneck in crisis accommodation is not to make the bottle bigger by creating more unsuitable temporary accommodation options, but to make the neck of the bottle wider by building more housing that people can afford to make their homes.

¹ Housing crisis includes inadequate or inappropriate dwelling conditions; Housing affordability stress; Transition from custodial arrangements; Transition from foster care and child safety residential placements; Transition from other care arrangements; Discrimination including racial discrimination; Itinerant; Unable to return home due to environmental reasons; Disengagement with school or other education and training; Previous accommodation ended

² Financial includes insufficient money for rent; Employment difficulties, Unemployment
What is the problem of rental affordability?

It has become harder over the past two decades for low income households to find affordable rentals in eastern and southern Melbourne because rents have risen faster than people’s wages.

The Chart below uses data from the DHHS Rent Report,\(^a\) to illustrate that while local rents in eastern and southern Melbourne have more than doubled since the year 2000, low wages (represented by the retail wage index\(^b\)) have only increased by 70%. This means low waged workers, and people on Centrelink benefits, living in eastern and southern Melbourne are either forced out of the rental market into homelessness or into overcrowded dwellings, or are forced to pay far more than they can afford to secure housing, meaning other necessities of life are foregone.

![Local rents rising faster than low incomes](image)

Most people accessing homelessness services are living on extremely low incomes; 76 per cent are reliant on a Centrelink benefit; and 14 per cent have no income at all. Only 10 per cent of people seeking homelessness support derive their income predominantly from paid employment.\(^c\) For most of these households private rental housing is not affordable. Many households experiencing homelessness are also experiencing discrimination in the rental market, in addition to affordability issues.

Data from the DHHS Rent Report\(^a\) shows that in the three months to June 2019, just five properties were rented at a price that a single person on a Centrelink income could afford across the entire south and east of Melbourne. More properties were rented at affordable rates for larger households in south eastern Melbourne, but still far fewer than is needed to meet the need from households on very low incomes.
Affordable lettings for indicative households on Centrelink incomes, DHHS rent report June 2019

<table>
<thead>
<tr>
<th>Region</th>
<th>1 Bedroom</th>
<th></th>
<th>2 Bedroom</th>
<th></th>
<th>3 Bedroom</th>
<th></th>
<th>4+ Bedroom</th>
<th></th>
<th>Total</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>Inner Eastern Melbourne</td>
<td>1</td>
<td>0.2%</td>
<td>19</td>
<td>1.1%</td>
<td>18</td>
<td>1.2%</td>
<td>24</td>
<td>2.5%</td>
<td>62</td>
<td>1.3%</td>
</tr>
<tr>
<td>Southern Melbourne</td>
<td>1</td>
<td>0.2%</td>
<td>9</td>
<td>0.6%</td>
<td>5</td>
<td>0.5%</td>
<td>4</td>
<td>0.9%</td>
<td>19</td>
<td>0.5%</td>
</tr>
<tr>
<td>Outer Eastern Melbourne</td>
<td>2</td>
<td>3.1%</td>
<td>15</td>
<td>2.5%</td>
<td>18</td>
<td>1.9%</td>
<td>20</td>
<td>5.2%</td>
<td>55</td>
<td>2.7%</td>
</tr>
<tr>
<td>South Eastern Melbourne</td>
<td>1</td>
<td>0.8%</td>
<td>22</td>
<td>2.9%</td>
<td>144</td>
<td>8.0%</td>
<td>355</td>
<td>28.5%</td>
<td>522</td>
<td>13.3%</td>
</tr>
<tr>
<td>Mornington Peninsula</td>
<td>-</td>
<td>0.0%</td>
<td>24</td>
<td>4.9%</td>
<td>88</td>
<td>8.7%</td>
<td>23</td>
<td>7.1%</td>
<td>135</td>
<td>7.1%</td>
</tr>
</tbody>
</table>

In order to provide housing that very low and low income households can afford, it is necessary to provide social housing that is rented at an affordable proportion of income. Housing options delivered as ‘Affordable Housing’, which are typically rented at a 20 per cent discount to market rent, do not deliver housing that households at risk of or experiencing homelessness can afford, and so do not reduce homelessness.

Despite the critical importance of social housing for prevention of homelessness for low income households, it has become progressively more difficult to get into social housing, because the proportion of all Victorian housing that is social housing has been reducing as Victorian investment in new social housing has not kept pace with population growth. There are now 44,152 Victorian households on the wait list for social housing, including 17,717 households in the South and East of Melbourne.\(^{[9]}\)

![Social housing as a proportion of all dwellings](image)
Local government and social housing

The most impactful activity that local governments can undertake to reduce homelessness is to support the delivery of homes that people can afford. For the lowest income households most vulnerable to homelessness this means provision of social housing.

Council to Homeless Persons engaged planning academic Professor Carolyn Whitman to prepare a paper to inform this report on policy options to increase social housing for Councils in southern and eastern Melbourne. The full paper, which also outlines principles to underpin a local government housing policy, is available from the City of Monash.

Current policy context for social housing

The Victorian Government receives funding for social housing and homelessness services from the Federal Government through the National Housing and Homelessness Agreement. The Victorian Government also contributes additional resources. Funding received by the Federal Government and funds spent by the Victorian Government are illustrated in the Chart below (figures from Victorian State Budget papers).^1

This chart highlights that funding from the Federal Government has been falling, while Victorian Government spending has been increasing. However, it is also the case that the Victorian Government spends only half as much per capita on social housing as the national average. There is both capacity, and an urgent need, for both the Victorian and Federal Government to do more to deliver social housing infrastructure.
Recent research by the Australian Housing and Urban Research Institute (AHURI) identified a shortfall of social housing for Melbourne’s south east, outer east and the Mornington Peninsula of 25,700 properties, and projected this shortfall to grow to 42,200 by 2036.45

In 2017, the Victorian Government released a housing strategy Homes for Victorians, and updated the metropolitan planning strategy Plan Melbourne 2017-2050.46 Homes for Victorians committed new funding and loans for social and affordable housing. This includes the $1 billion Social Housing Growth Fund, which makes an annual allocation through a competitive process and prioritises projects that are partnerships between the Victorian Government and other parties including local government. The State Government also committed other funding to bring the total of new social housing units expected to be delivered by 2022 to 6,000 new social housing homes, including the renewal of 2,500 existing public housing residences.

In 2018, the Victorian Government (DEWLP, 2018) introduced a definition of affordable housing for use in the planning process, and in 2019, made provision of affordable housing a goal of the Planning and Environment Act (DEWLP, 2019b).47

The Act defines affordable housing as housing affordable at 30% of household income for very low, low and moderate income households. ‘Very low’ incomes are defined as less than 50% of Area Median Income (AMI, with Area being Greater Melbourne); ‘low’ as 50-80% of AMI, and ‘moderate’ as 80-120% of AMI.

The Victorian Government has also provided guidance to local government about how to enact voluntary ‘Section 173’ agreements for inclusion of affordable housing with developers (DEWLP, 2018). However, very little other guidance – on assessing need, using other mechanisms to create and preserve affordable housing, or measuring success – has been provided by the state government. A Ministerial Advisory Committee on Planning Mechanisms for Affordable Housing has recently (October 2019) been convened to address these problems.

At the local government level, most councils have housing strategies (e.g. City of Monash, 2014). Many have not been refreshed since Plan Melbourne, Homes for Victorians, to incorporate the new definitions and mechanisms.
Using local government levers to increase social housing

1. Developing a local government housing strategy

Even if State and Commonwealth policy and financing commitments remain inadequate, local governments can lead the way in providing more housing that is affordable to those who need it most, through adopting best practice housing strategy principles and mechanisms. In developing a local government housing strategy there are five key principles that should be included:

1. **Housing is a right**: As recognised by international human rights conventions and sustainable development goals. This means that housing for those most vulnerable to homelessness must be prioritised.

2. **Greater Melbourne is an integrated region**: There needs to be a coordinated approach to needs assessments and mechanisms by its 32 local governments, and state and federal governments should also try to align their policies with those led by local government.

3. **Homeless and inadequately housed people’s voices must be heard**: Empowering and giving voice to inadequately housed people is vital to raise public understanding about problems and solutions.

4. **Comprehensive whole-of-government approach**: Not only must local governments be aligned, but all levels of government should be coordinating their health, planning, and housing services.

5. **Not-for-profit rental alternatives to speculative housing are prioritised**: Scaling up not-for-profit housing is the only way to meet the unmet needs of lower-income households. The private market cannot provide affordable housing for the poorest households without subsidy.

2. Local and state government land for social housing

Well located land is one of the biggest costs of delivering social housing, and is the most powerful tool that Councils can use to increase local social housing availability.

There are four stages to achieve this: (1) local government identifying suitable land; (2) identifying not-for-profit housing and service partners; (3) together with the partners, identifying sources of funding; (4) construction.

**Land**: The University of Melbourne Transforming Housing Project has developed an online Housing Access Rating Tool (HART) for Greater Melbourne. Maps produced using
this tool, which provide details of government-owned vacant or underutilized ‘lazy’ land sites, suggest infrastructure-rich areas particularly suitable for affordable housing development (Palm, Raynor and Whitzman, 2018).

In the Southern region, these include Oakleigh South, Dingley Village, Mentone, Mordialloc, Chelsea (Kingston); Springvale, Noble Park, Dandenong; Cranbourne, Hampton Park, Narre Warren; Carrum Downs and Frankston Centre.
In the Eastern region, infrastructure and government land-rich sites include Bulleen (Manningham); Box Hill (Whitehorse); Mount Waverley, Clayton (Monash); Wantirna South, Rowville, Ferntree Gully (Knox); Lilydale (Yarra Ranges).

**MAP 11: EASTERN MELBOURNE SITES**

*East metropolitan HART scores and government land sites*

A number of Melbourne Councils, including Melbourne, Port Phillip and Darebin, have provided council land at a peppercorn lease (that is, a negligible land rent such as $1/year) to social housing providers to support new provision of social housing.

An example of local government land use might be three large (at least 15,531 square metres, according to HART) Monash Council-owned parking lots south and north of Winbourne Road, serving shops just to their east on Stephenson Road and a train station. The sites are less than 200 metres from Mount Waverley Station, close to parkland, a library, a community centre, and Mount Waverley Primary School. Housing could be built above the lot, or part of the lot could be repurposed for residential purposes.

In addition to identifying land owned by Councils that can be used for social housing, local government can also identify ‘lazy’ state or federal government land in their municipality, and seek to partner with these levels of government to achieve new social
housing supply. Local MPs can be useful allies in the process of advocacy necessary to realise these partnerships.

Council land and redeveloped public housing are not the only sources of free or low-cost land and buildings. In Vancouver, there are also local and senior government supports that build partnerships with churches with surplus land, including 400 units on four United Church sites (BC Housing, 2018)⁷⁶. Working with the State Government to free up as much of their land as possible for not-for-profit development, and encouraging partnerships and ‘asset bundling’ amongst not-for-profit groups in order to access better financing terms and serve a broader segment of at-risk populations, are within the remit of local government.

Selecting a not-for-profit housing partner or partners: There are 10 registered not-for-profit housing associations which develop housing in Victoria (DTF, 2019), all with slightly different mandates. There are also 29 registered not-for-profit housing providers which manage housing, and often provide associated supportive social services. It would be possible to encourage partnerships between housing providers on a larger site, with for instance, an indigenous or women-specific service provider.

Funding: The Victorian Government’s $1 billion Social Housing Growth Fund (2019) prioritises social and affordable housing on donated “non-Victorian government land”. Councils can also present options to the Victorian Government for partnerships to deliver social housing independently of the Growth Fund.

The Lord Mayor’s Charitable Foundation (2019) provides funding to projects serving very low income households, and is likely to favour projects where local councils contribute land. Financing from the Commonwealth Bond Aggregator or improvements to nearby infrastructure using the federal Infrastructure Contributions fund would also be possible if this vicinity is seen as a Growth Area (as is certainly the case at nearby Monash University).

3. Inclusionary zoning

Local Government can enact voluntary ‘Section 173’ agreements for inclusion of affordable housing with developers (DEWLP, 2018). However, these voluntary inclusionary zoning mechanisms are cumbersome to administer, are vulnerable to being overridden by VCAT, and are only able to achieve a small increase in social housing.

Advocating for the State Government to legislate for mandatory inclusionary zoning, at much higher proportions than the current 3-5% voluntary mechanisms, is necessary to obtain a critical mass of social housing. Local government would then be responsible for forming local agreements with developers.
Montreal has recently replaced a weaker and more cumbersome project-by-project negotiated inclusionary zoning regime with a ‘20/20/20’ By-Law for a Diverse Metropolis. In these new inclusionary zoning rules, 20% of any new development over five units must be social housing for very low-income households (the rent is 25% of household income in Quebec), 20% must be affordable rental (at a regulated rent that is affordable to low-income households at 80% of AMI) and 15-20% must be family-friendly (3 or more bedrooms). They expect a cash contribution for developments of 5 to 49-units (which goes into a designated fund for affordable housing) and then a turn-key arrangement in larger developments.

A turn-key arrangement simply means that the developer builds the units (usually on one part of the site) and then hands over the management to a social housing provider (the household is eligible for further rent assistance). The affordable rental apartments can either be managed by the developer (if it is a purpose-built rental building, with rents inspected annually for compliance), or handed over as well to a social housing provider in a turn-key arrangement. The family units can be social or market dwellings but the expectation is that at least half of the larger units will be social and/or affordable. While there are some slightly different requirements outside the central city area (more family-friendly housing), the by-law applies across the City (which has 1.7 million of the metropolitan population of four million).

4. Local government action to preserve low-cost rentals

Local councils can help prevent homelessness using simple low-cost measures. They can publicise emergency loans for renters, such as the state government’s RentAssist bond loans (DHHS, 2019a), as well as tenants’ rights against steep rent increases. Given that most people interact with local councils in council-owned spaces such as libraries and town halls, information on local low-cost housing and interventions to prevent homelessness can be publicised in these spaces.

The City of Port Phillip (2016), one of the most experienced Greater Melbourne councils when it comes to affordable housing, works with not-for-profit providers (DTF, 2019) which buy up and maintain rooming houses and other low cost accommodation options. The local government role identifies existing rooming houses, especially those that are contravening local health or safety by-laws, and encourages and assists not-for-profit providers to purchase these when they are under threat of sale or demolition.

Local government can also have an impact on the use of rental property for short-term rentals like AirBNB. See work by the West Australian Local Governance Association, which has explored regulation options in detail (WALGA, 2019).
5. Delivery of affordable housing

The focus of this paper is on the delivery of social housing, as this is the housing form needed to reduce homelessness. However, in a broader housing strategy that also aims to ensure that low-moderate income households can afford local housing opportunities, there is also a role for local government to support affordable housing delivery.

Options to achieve an increased supply of affordable housing include:

**Community Land Trusts:** The Community Land Trust (CLT) model involves creating a not-for-profit entity created to acquire and hold land for the benefit of a community and provide secure affordable access to housing and sometimes commercial and community services for residents. The CLT acquires land in a community—either by purchasing land directly or through donations of land, land and buildings, or money to purchase land. This land is held in perpetuity (for instance, on a 99-year lease) so that it can always be used for affordable housing. Access to this land is often limited to very low- to moderate-income households. The Cities of Sydney and Port Phillip are in the process of developing an Australian model of a Community Land Trust (Crabtree and Twill, 2019)⁷⁹.

Council land and redeveloped public housing are not the only sources of free or low-cost land and buildings. In Vancouver, there are also local and senior government supports that build partnerships with churches with surplus land, including 400 units on four United Church sites (BC Housing, 2018). Encouraging partnerships and ‘asset bundling’ among not-for-profit groups in order to access better financing terms and serve a broader segment of at-risk populations, are within the remit of local government. A target of 1,200 units over 10 years using this mechanism is feasible for Monash, especially working in concert with other Greater Melbourne councils through establishment of a CLT.

**Build-to-rent:** With vacancy rates (DHHS, 2019b) well below the 3% required for a healthy rental market (Kerr, 2018), Melbourne needs more well-located affordable purpose built rental dwellings to serve low to moderate-income households, and prevent them from “crowding out” lower cost private rental options.

One idea being tested to scale up build-to-rent in the Greater Vancouver municipality of Burnaby is rental-only zoning in areas close to trains and other frequent public transit (Gawley, 2019)⁸⁰. As part of legislative reforms, developers who demolish rental buildings would need to construct low-cost replacement units, and all new multi-unit developments would be required to provide 20% affordable rental. Preserving low-cost rental is much less expensive than building new low-cost rental, so mechanisms to preserve and expand low-cost market rental should be advocated for by local governments as part of planning reform.
Local government reducing the harm of homelessness

Although the most effective way local government can respond to homelessness is by contributing to social housing growth, there are also other levers for local government to reduce the harm of homelessness, and to better include local residents living without a home. This section outlines the stages for local government in developing a homelessness strategy and profiles best practice in responding to homelessness in Melbourne.

Other useful resources include Prance F, Beer A & Home S. The Role of Local Government in Addressing Homelessness: A Tool Kit for Local Government, and the October 2013 Local Government and Homelessness edition of Parity, which showcases activity across a range of local government areas.5

To take effective action to respond to homelessness, Councils need to:

1. understand homelessness in the Local Government Area
2. identify what Council is doing and could be doing to respond to homelessness, and
3. develop strategies to fill the gaps.

These three themes are explored below with examples.

1. Understand homelessness in the Local Government Area

Developing an evidence base around homelessness in the LGA provides an understanding of the extent of local homelessness and the different target groups affected. The evidence base should include:

- homelessness and housing data to identify how many people don’t have a home or are living in marginal or unaffordable housing, the types of accommodation in which they are staying, and trends in homelessness and service usage (refer AIHW and ABS)
- data from services that support people experiencing homelessness, including internal departments and the relevant local area service network, which will have local service data, and qualitative information about local services and service gaps
  - Eastern Homelessness Network
  - Southern Homelessness Network

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5 Individual editions of Parity are available to order from Council to Homeless Persons, or can be accessed by subscribers in the online archive.
• input from people living without a home locally
• an analysis of local government’s interface points with people experiencing homelessness, including
  o by laws and parks staff or contractors interacting with people sleeping rough using public land and facilities
  o people at risk of homelessness receiving council run services, such as Home and Community Care or Maternal and Child Health
  o people without a home or at risk of homelessness requesting assistance from council staff
  o community members wanting “to do something”
  o local traders
  o councillors, and
  o boarding house and caravan park regulations.

Sometimes, additional research may be needed to fill knowledge gaps.

• Local government can undertake a Street Count to count people sleeping rough. This Street Count counts people sleeping rough in five metropolitan Melbourne councils and was last held in 2018.

2. Identify what Council is doing and could be doing to respond to homelessness

This includes specific activities to address homelessness and broader preventative or early intervention strategies such as in early childhood, youth and aged care. A comprehensive analysis will look at access to Council services and spaces, advocacy and support, affordable housing, implementation issues and monitoring. Starting points include thinking about:

• policies and other processes that affect people without a home, for example, heat wave policies, social justice charters, reconciliation action plans and public health and wellbeing plans
• direct supports that have as part of their target group people who may be marginalised and/or at housing risk, for example, the Commonwealth Home Support Program or a mother’s group supporting vulnerable single young mothers
• programs and facilities that homeless people may or can use, such as public libraries or public toilets and shower blocks
• regulation of boarding houses or caravan parks
by laws, which may exclude homeless people, or which impact negatively on people who are homeless, for example use of public spaces or parking infringements

- consultation processes and how they include or exclude people who are homeless

- including the experience of homelessness in the evidence base or strategic planning information for Municipal Public Health and Wellbeing Plans. Councils with better housing and homelessness data appear to be more likely to identify people who don’t have a home as a priority group and develop actions.

**Best practice examples**
- City of Port Phillip Health and Wellbeing Background Report. This report includes housing and homelessness as part of its health and wellbeing profiles.
- City of Port Phillip Homelessness Action Strategy 2015-2020
- Inner West Council (NSW) Homelessness Policy

3. Develop strategies to fill the gaps

Ultimately this would result in a homelessness policy or strategy that might include:

**Policy, protocols and procedures**

- To provide advice and direction for council and council staff to respond to people who are homeless, and ensure that council services are inclusive. For example, designing internal work-flow processes for when people without a home present at council offices or come in contact with council staff, or for when a community member raises a concern.

- Some Councils have a designated staff member or role to coordinate and streamline responses, and/or referral email addresses, on line submission forms and phone numbers.

**Best practice examples:**

- Rough sleeping protocols: these should be informed by the Victorian Charter of Human Rights and Responsibilities and promote support and assistance, rather than a penalties/ enforcement, approach.
- City of Yarra: How to respond to rough sleeping and squatting in Yarra protocol
- City of Port Phillip: Protocol for assisting people who sleep rough
- City of Melbourne: Protocol to address rough sleeping
- City of Yarra: Library Services Policy, which actively encourages vulnerable people to use libraries, spaces and services and supports staff to engage with vulnerable library users, including people without a home.
Partnerships and support of local services

Partnerships with, and support to, local services is an effective way to improve the type and level of support for people without a home. While investing in direct service delivery is generally outside the scope of local government responsibility, many larger Councils with significant rough sleeping populations use this as an effective way to immediately strengthen local responses. In areas without a local entry point for homelessness services, local council can play a valuable role supporting people to access the nearest homelessness entry point.

Taking a leadership role in service planning and coordination can reduce duplication, support access and promote better integration and coordination with council services. Working in partnership also supports good advocacy.

Best practice examples:

- Engaging a homelessness support agency to provide first line support to homeless people who are sleeping rough and to whom Council needs to respond in relation to issues of public or personal safety, for example to children who are homeless or adults who are unwell.
- Working with local homelessness support agencies to establish and promote clear referral pathways for people who contact Council for assistance or who Council identify as needing assistance. This might include protocols for sharing information. Eg. City of Melbourne protocol
- Convening relevant groups for planning and advocacy purposes. For example: City of Melbourne Services Coordination Project
- Supporting the targeting of health and community support services to people who are homeless. This could include providing low cost or in-kind use of consulting or community spaces.

Advocacy to other levels of government, business and philanthropy

This can include partnership arrangements to promote and develop options to address homelessness. Good data and a good understanding of homelessness in the municipality will support the development of clear advocacy messages.
Best practice examples:

For example: Several local governments including the City of Moreland, Melton and Port Phillip have partnered with the national Everybody's Home campaign to advocate to the state and federal government around the need to invest in social housing. The Council of Capital City Lord Mayors have also partnered with Everybody's Home in a series of high profile public events, including in this message to supporters from Federal Parliament.

- The City of Melbourne is partnering with the Lord Mayor’s Charitable Foundation to establish a giving account within the Foundation’s tax deductible Fund to take pledges and accept donations for a new homelessness initiative to repurpose buildings to provide appropriate accommodation and house essential services.

Increasing community awareness and understanding of homelessness

Councils can develop local projects that aim to build empathy for local residents without a home.

Best practice examples:

- Comprehensive information on website about homelessness, people's rights, homelessness support services and Council’s approach to homelessness. Can include links to service providers and Council to Homeless Persons
- Grants programs which resource programs that demystify homelessness or provide a voice for people without a home, such as an art exhibition. Eg: Yarra Grants
- City of Melbourne Connect Respect provides free training to business to build their understanding of, and support, their response to homelessness in the city.

Increase responsiveness of Council facilities and services to the various needs of people experiencing or at risk of homelessness

This can include:

- providing information to people experiencing homelessness or at risk of homelessness about where they can access housing and support
- having a clear contact point of contact within Council for community members to report concerns about homelessness (who can make appropriate referrals and/or address concerns)
- providing facilities which support people who are homeless (such as showers)
training for staff to improve awareness and understanding of homelessness, to
identify a person at risk of homelessness and knowledge of support options for
referral.

Best practice example:

City of Melbourne: Homelessness and extreme weather program identifies people who
are homeless as a priority group.

Endnotes

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2 Australian Institute of Health and Welfare, 2019, Specialist Homelessness Services Collection data
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3 Victorian Government, Department of Health and Human Services, 2019, ‘Moving annual rents
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6 Victorian Government, Department of Health and Human Services, 2019, Rental Report; June
quarter 2019
7 Victorian Government, Department of Health and Human Services, 2019, Victorian Housing
Register and Transfer List by local area, September 2019
8 Figures for social housing from Victorian Government State Budget Papers, and for ‘all housing’
from Victorian Government, Victoria in Future, data for occupied dwellings
9 Council to Homeless Persons analysis, figures from State Budget Papers
10 Productivity Commission, 2019, Report on Government Services, Part G: Housing and
Homelessness, Table 18A.1 State and Territory Government real expenditure on social housing
(2017-18 dollars)
Infrastructure: an investment pathway, AHURI Final Report 306, Australian Housing and Urban
Research Institute Limited, Melbourne
13 DEWLP (Department of Environment, Water, Land and Planning, Victorian State Government)
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15 Crabtree, Louise and Twill, Jason (2019) Foundations of Equity: A Metropolitan Land Trust
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Burnaby Now, May 28, 2019. Retrieved 8 October 2019 from
https://www.vancouveritawesome.com/2019/05/28/rental-only-zoning-housing-burnaby-bc/
ATTACHMENT THREE

Homelessness in Eastern and Southern Melbourne

ABS 2016 Census data indicates that there are 7,916 homeless persons across Eastern and Southern Melbourne. 32% of Victorians without a home, live in Eastern and Southern Melbourne. 1

Homelessness figures are likely to be higher as the Census is not able to capture every resident, living in every situation, particularly those sleeping rough in locations where they may not be visible to Census takers. 8

Reasons people are seeking homelessness services help

The most common reasons people are seeking homelessness services help in Victoria are housing issues and financial reasons (50%) and domestic and family violence (38%). 9

The gendered nature of homelessness East and South

Data collected by homelessness services in Melbourne’s East and South in 2016 – 17, highlight that women and children, and young people are the most common clients of homelessness services. 18,369 (60%) of women and girls accessed homelessness services during this time, compared to 12,225 (40%) men and boys. 8

Types of homelessness in East and South

The types of homelessness experienced across the Eastern and South-Eastern region include, people sleeping rough, supported in accommodation for the homeless, boarding houses, severely overcrowded dwellings, temporary staying with other households and other temporary lodgings. 6

Main driver of growing homelessness

The main driver of growing homelessness is rising rents in the private rental market and the inadequate supply of social housing. 9

This means that more Victorians are unable to find a home, and more low income households are cycling between marginal forms of accommodation likes rooming house and overcrowded dwellings, and homelessness. 9

Bottleneck in crisis accommodations and refuges

Lack of access to affordable housing is a significant barrier to exiting homelessness and it results in a bottleneck in crisis accommodation and refuges.

Long stays in congregate crisis accommodation result in poor health, wellbeing and educational outcomes for children.

These environments are highly stressful for adults, both because living in close proximity with many highly vulnerable people creates its own challenges and stress, and because people can’t move on with their lives while they don’t know where they will be living longer-term.

The solution to this is to provide an effective safety net for people unable to afford private rental housing. 8

* These datasets were taken prior to the COVID-19 pandemic

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Item 10.10 – Reports by the Organisation
TERMS OF REFERENCE

Working Group - Regional Local Government Charter Homelessness & Social Housing

Chair
Fée Harrison, Manager Community Strengthening, Monash Council
All meetings to be hosted and coordinated by Monash Council on Microsoft Teams.

Secretariat
Emily Halliburton, Coordinator Social Policy & Health Planning, Monash Council
Emily.Halliburton@monash.vic.gov.au & 9518 3073 (Part-time: Mon, Wed & Thurs)

Background
On November 26 2019, CEOs and executive staff representing 14 Eastern and South-Eastern Councils came together in a forum focused on homelessness and social housing by Monash Council. The explicit objective of this forum was to develop a unified, local government response to homelessness and to advocate for major reform to increase the supply of social housing across Victoria.

The CEO Forum: Local Government Regional Response to Homelessness reached consensus that adopting a regional charter with three clear leverage points for local government would create the power and pressure for systemic change. The systemic change sought by the coalition of Councils is to influence an increase to the supply of permanent, safe, appropriate and timely housing for the most vulnerable members of our community and to seek the move towards housing first as a key foundational principle. The 14 metropolitan Councils representing more than 2 million residents are united in propelling an improved homelessness policy-setting and service sector.

Purpose
The purpose of this short and intensive time-specific regional agenda piece is to develop a Regional Local Government Charter for Homelessness & Social Housing. The Charter will outline a unified, local government response to homelessness and advocate for major reform to increase the supply of social housing across Victoria. The Charter will articulate clear leverage points for local government to create the power and pressure for systemic change. The Charter is to represent the position of 14 Eastern & South-East Councils.

Membership
- 14 Eastern & South-East Councils: Bayside, Boorondara, Casey, Cardinia, Frankston, Dandenong, Knox, Kingston, Manningham, Maroondah, Monash, Mornington, Whitehorse & Yarra Ranges
- Eastern Region Group of Councils [ERG]
- Eastern Affordable Housing Alliance [EAHA]
Supported By
- Municipal Association of Victoria
- Department of Health & Human Services

Reporting & Resourcing
Monash Council has been nominated to lead the governance and coordination of Charter meetings for this action-oriented, time-specific piece of work. Agenda and minutes to be circulated by Monash Council to members with collective input by all members.

Term of Group
February 2020 – August 2020
Meetings to now be held monthly via videoconferencing on Microsoft Teams due to COVID-19 adjustments.

Meeting Schedule 2020
- Meeting 1, Monday 10 February 2020, 10am – 11.30am (Monash Council)
- Meeting 2, Monday 2 March 2020, 10am – 12pm (Monash Council)
- Meeting 3, Thursday 23 April 2020, 11am – 12.30pm (Microsoft Teams)
- Meeting 4, Thursday 21 May 2020, 11.30am – 1pm (Microsoft Teams)
- Meeting 5, Thursday 11 June 2020, 11am – 12.30pm (Microsoft Teams)
- Meeting 6, Thursday 9 July 2020, 11am – 12.30pm (Microsoft Teams)
- Meeting 7, Thurs 6 August 2020, 11am – 12.30pm (Microsoft Teams)

Scope
The scope of the Charter Working Group will be to develop a Regional Local Government Charter for Homelessness & Social Housing to be endorsed by the 14 Councils represented in the Charter at July 2020 Council meetings and to ensure its implementation in each Council’s respective strategic policies and planning going forward.

Quorum
All 14 Councils must have representation at each meeting and be in agreement with finalised Charter product before it is submitted to July 2020 Council meetings.

Role of Members
- Each Council’s CEO to nominate Council Charter Champions to attend Charter meetings
- Charter Champions to attend each meeting to actively contribute to the development of the Charter
- Charter Champions to coordinate the required response from the executive leadership team of each of the respective Councils
- Charter Champions to ensure Charter is submitted to July Council 2020 Council meeting
- Each Council Charter Champion to ensure that the Charter is implemented into each Council’s respective strategic policies and planning following endorsement at July 2020 Council meetings
- Original CEO group to be invited to attend final meeting of Charter

Priorities and Timelines
- Jan 2020: ‘Towards a Regional Local Government Charter for Social Housing Uplift in Melbourne’s South and East’ paper sent to nominated ‘Champions’ representing the 14 Councils and date set for the first meeting in Feb
- Feb & Aug 2020: Collaborative partnership consultation with all 14 Councils and relevant government and service sector partners through action-based milestone meetings
- July 2020: Charter taken to Council meeting for endorsement
- Aug-Oct 2020: Meetings with State Government officials
- July – Dec 2020: Charter implemented by 14 Councils
- Dec 2020: Determination of state-wide engagement and take-up of Charter’s agenda and identification of long-term ownership of Charter

For further background to this regional piece, please review:

- ‘Towards a Regional Local Government Charter for Social Housing Uplift in Melbourne’s South and East January 2020’ Stimulus Paper (Attached)
- Video (3:40 mins duration): Highlights Video - CEO Forum: Local Government Regional Response to Homelessness
- Making a Difference – effective local government response to homelessness, Council to Homeless Persons, commissioned by Monash Council, October 2019
- Local Government Regional Response to Homelessness Survey Results – 14 South and South-East Councils, designed and prepared by Andrew Hollio, Workwell, Commissioned by Moash Council, November 2019
- Stimulus Paper – Housing Targets for Regions: How Feasible is this for Melbourne’s South and East, Professor Carolyn Whitzman, Phd, Fellow, Planning Institute for Australia, October 2019
Executive summary

Purpose and background
The purpose of this report is to provide details of discussions held with senior executives of Sandringham Hospital/Alfred Health regarding the potential to formalise a relationship and harness the strategic opportunities this may present.

An informal arrangement has existed over many years that has resulted in benefits to individual community members. A more formal arrangement will strengthen Bayside City Council’s and Alfred Health’s historic relationship and create collaborative opportunities within the local geographic footprint (the precinct). Council’s Corporate Centre is part of the diverse precinct hosting crucial community health and wellbeing services that support community members to access the care they need, when they need it.

In addition to services provided by Council, the precinct houses Alfred Health’s Sandringham Hospital, Fairway Bayside Aged Care and Family Life. In the near future, the nearby Fern Street Children’s Centre development will expand opportunities to collaborate in the precinct area.

By solidifying ties within the precinct through a strategic, rather than just an operational approach, Council will be able to use this as a platform to strengthen health and wellbeing outcomes for the entire community through strengthened planning and potential to pursue funding opportunities.

Key issues

Consultation
Council officers have received in-principle support from senior executives of Alfred Health to explore working more strategically with Council and to establish a more structured and formal relationship. In addition to the City of Bayside, Alfred Health covers the cities of Melbourne, Glen Eira, Port Phillip, Kingston and Stonnington. This creates an opportunity to explore common themes and issues across these municipalities, including those that may be identified through upcoming Municipal Public Health and Wellbeing planning.

Council officers were approached by Fairway Bayside Aged Care who were keen to discuss operational opportunities with Council and potential precinct prospects more broadly. This meeting is scheduled for Wednesday 22 July 2020.

Council officers will facilitate a meeting with the newly appointed Family Life Chief Executive Officer to gauge their interest in exploring a formalised precinct relationship.

Relationships
To date, the relationships between Council, Sandringham Hospital and Family Life have been largely operational and reasonably ad hoc. A more formal relationship with all precinct organisations would provide opportunities to align more strategically.
Recommendation

That Council:

1. undertakes further discussions regarding opportunities to formalise relationships with Alfred Health, Fairway Bayside Aged Care and Family Life; and

2. provides a further report to Council by June 2021 detailing the outcome of these discussions.

Support Attachments

Nil
Considerations and implications of proposition

Liveable community

Social
The intentions outlined in this report will support and improve the resilience, health and safety of the precinct, the municipality more broadly and the surrounding region.

Natural Environment
There are no natural environment implications associated with this report.

Built Environment
There are no built environment implications associated with this report.

Customer Service and Community Engagement
The intentions outlined in this report will support and enhance the delivery of essential services and engagement with our community and partner organisations.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
There are no legal implications associated with this report.

Finance
There are no financial implications associated with this report.

Links to Council policy and strategy
The intentions in this report link to our purpose, vision, goals and values to create extraordinary places, thriving communities and better futures; particularly the goal area “we are connected”.

10.12 SUBMISSION TO MOORABBIN WEST DRAFT URBAN DESIGN FRAMEWORK

City Planning & Amenity - Urban Strategy
File No: PSF/20/17 – Doc No: DOC/20/202137

Executive summary

Purpose and background
To present Councillors with the officer submission to the City of Kingston on their draft Moorabbin West Urban Design Framework.

In May 2011, Kingston Council adopted the Moorabbin Activity Centre Structure Plan to provide an integrated response to the change envisaged for the centre over two decades. The structure plan area was purposely limited to land within 400m walking distance of the railway station within the City of Kingston. The Structure Plan nominated Precinct E, known as the ‘Moorabbin West Precinct’, as a future mixed-use commercial precinct.

In 2018, Kingston City Council appointed a consultant to develop an Urban Design Framework (UDF) for the Moorabbin West Precinct of the Activity Centre. The UDF is intended to establish a more explicit roadmap for the preferred development outcomes within the precinct, expanding on the objectives and requirements set out within the current controls and having considered changes in the development market, housing affordability and environment arenas. A draft of the UDF has now been completed and is out on consultation to the public.

Key issues
The Moorabbin West UDF seeks to achieve the following things:

1. Establish 3 new east west connections to enable rear building access, pedestrian permeability and separation between new building forms.
2. Consolidate vehicle access via a new signalised intersection at Exley Drive limiting the need for the service lane vehicle access.
3. Create a green corridor along the Nepean Highway creating a buffer to new buildings and a high amenity walking and cycle connection back to the core of the activity centre.
4. Create a cohesive public realm including a new park, high amenity streets and laneways with broad pedestrian spaces and canopy tree cover.
5. Establish two sub-precincts and interfaces for new built form to respond to. Encourage consolidated, taller forms to establish along the robust interface of the highway (8-12 storeys) whilst tapering down to the more intimate Ewar Street and residential precinct within Bayside (5 storeys).
6. Celebrate the heritage fabric by retention of the protected façade and establishing separation and view lines to the key elements. Utilise a landscape setback requirement along the Nepean Highway to align with the heritage buildings.
7. Frame the public realm with well-designed built form that continues the language of the activity centre to the north-east. Landmarks at the north and south are proposed to visually connect the centre across the highway with consistent street edges to define and activate the streets.
Bayside’s Submission to the UDF

Bayside City Council has been invited to provide a submission to Kingston City Council on the Moorabbin West Urban Design Framework. The submission includes the following points:

- Bayside City Council officers should be consulted throughout the process, particularly when the project progresses to the Planning Scheme Amendment stage, to ensure any future planning provisions for the site do not negatively impact Bayside residents and future infrastructure needs.

- Safety and noise management during the construction phase needs to be carefully considered and addressed to protect the amenity of Bayside residents.

There are opportunities to maximise integration between the Moorabbin West precinct, Hampton East Activity Centre and the Moorabbin Activity Centre, which is spread between the municipalities of Kingston, Glen Eira and Bayside through:

- traffic and movement management initiatives that improve safety and connectivity;
- public realm improvements;
- way finding signage; and
- local Economy opportunities.

The full officer submission is contained at Attachment 1.

Recommendation

That Council endorses the attached submission to the Moorabbin West Draft Urban Design Framework. Contained in Attachment 1.

Support Attachments

1. Moorabbin West Draft Urban Design Framework - Officer Submission ↓
Considerations and implications of recommendation

Liveable community

Social
The renewal of the precinct creates greater opportunities for housing, employment and recreation within a 20-minute neighbourhood. Greater intensity of mixed uses within walkable distance of public transport and services supports healthy and active movement.

Natural Environment
The draft Urban Design Framework seeks to encourage increased development density within a designated Activity Centre close to public transport and services, encouraging sustainable and active transport choices. The design of streets and new connections are proposed to favour walking and cycling by creating safe, comfortable and attractive environments. Reducing reliance on private vehicles supports objectives to reduce carbon emissions and reliance on fossil fuels.

Built Environment
Activity Centres are identified as locations for future housing growth in both State and Local Planning Policies. The Urban Design Framework includes built form objectives and strategies to help guide built form in the future.

Customer Service and Community Engagement
In mid-April 2020, letters were sent by Kingston officers to approximately 900 Bayside owners and occupiers in Hampton East to notify them of the project and advise how they can be involved. To date Kingston has received three submissions that refer to Hampton East. Bayside residents will continue to be notifying and have opportunities to be involved as the project progresses.

Human Rights
The implications of this paper have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
An Urban Design Framework assist to ensure a coordinated approach is taken to the future redevelopment of the wider Activity Centre.

Finance
This project has no financial implications for Bayside City Council.

Links to Council policy and strategy
This submission to Kingston City Council has been informed by consultation undertaken as part of the Hampton East Structure Plan. It is therefore consistent with the following Council Plan strategies:

*Strategy 1.1: Ensuring decisions are informed by community input and clearly communicated what we decided and why.*
Strategy 3.1.1: Developing planning strategies and policies with our community that enhance Bayside’s liveability along with its natural and built environment.

Strategy 3.1.2: Engaging with our community to ensure we develop appropriate planning controls for Bayside.
SUBMISSION TO KINGSTON CITY COUNCIL– MOORABBIN WEST URBN DESIGN FRAMEWORK

PREPARED BY BAYSIDE CITY COUNCIL OFFICERS, JUNE 2020

1. Introduction

Bayside City Council welcomes the opportunity to provide a submission to Kingston City Council on the Moorabbin West Urban Design Framework.

2. Background

This submission details Council’s aspirations for the project. It is our view that while the site is within the Kingston municipal boundary, its proximity to Bayside means Council should be consulted throughout the process, particularly when the project progresses to the Planning Scheme Amendment stage, to ensure any future planning provisions for the site do not negatively impact Bayside residents or infrastructure. Safety and noise management during the construction phase also needs to be carefully considered and addressed.

3. Comments

In relation to the draft Moorabbin West Draft Urban Design Framework Bayside Council officers have the following comments. The site is part of the wider Moorabbin Major Activity Centre which is made up of Hampton-East, Bentleigh and Moorabbin Activity Centres. This unusual cross-municipal activity centre faces challenges due to the physical barrier of Nepean Highway. We request that the project considers at every opportunity how to integrate the Moorabbin West precinct with the rest of the centre. Through the background work undertaken by Bayside City Council for the Hampton East Structure Plan, analysis of demographics of the local area found that the most common household composition in Hampton East is lone person households and families with children. This is combined with an aging population, as is occurring across Bayside and Kingston. These diverse groups require different housing options than the traditional large detached house. We would encourage the final design of the residential component of the Moorabbin West precinct to include a range of dwelling sizes, including in the social housing component to meet the diverse needs of the local community.

This project has potential to act as a catalyst for urban renewal in this part of Moorabbin due to its contained borders and the advantage of Kingston Council as one of the primary landowners. The project has potential to achieve positive outcomes for both Bayside and Kingston residents by providing a range of housing, revitalising the public realm and broader community benefits such as affordable housing and a new public space.

Objectives that are of particular merit and should be carefully considered when the statutory planning mechanism are being developed are:

a) Enhancing the pedestrian connection from the core of the Moorabbin Activity Centre to the western precinct will improve connectivity across Nepean Highway in general which is vital to connecting the Hampton East Activity centre and associated residential areas with Moorabbin station.

b) Improving connectivity across the railway line from Exley Drive into the residential hinterland will improve overall connectivity for Hampton East residents.

c) The transitioned heights down to 5 storeys at the western interface (the Bayside interface) will is important for ensuring the amenity of residents in
d) The new public open space which aligns with improved connectivity at Ewar Drive will be an excellent resource for both Bayside and Kingston residents.

e) Ensuring that as many through-block pedestrian/cycle paths as possible are provided to ensure the area is permeable and accessible.

f) All opportunities for a shared path on the Frankston railway line should be pursued as this project provides an excellent opportunity to realise this shared goal Kingston and Bayside Councils. The Urban Design Framework has provision for a shared path alongside the Nepean Highway. A Nepean Highway corridor could link in with a future path along the rail corridor, with a transition space on Exley Drive for cyclists.

g) The mechanisms for achieving the social and affordable housing component (through a proposed uplift from 4 storeys up to 8 storeys) in many parts of the precinct should be considered in the Planning Scheme Amendment documentation to ensure this significant additional height is provided for its intended purpose.

h) The inclusion of the Better Apartment Design requirements at Clause 58 of the Victorian Planning Scheme should be interwoven wherever possible in the draft amendment documentation to ensure the residential components of the precinct mandate basic standards for universal access and best practice for adaptable housing.

Of some concern is the 12 storey height limit in the northern portion of the site without any transitional street walls of a lower height. Whilst the railway line offers a significant buffer from the footpaths and properties in Henrietta Street it will be vitally important that the other proposed measures for protecting the amenity of nearby residents are carried through in the Planning Scheme Amendment documentation. These measures include:

- Guidelines to limit overshadowing of residential lot boundaries and open space;
- Design quality requirements including details around façade design, modulation and breaking up form;
- The specific wording regarding ‘responding to immediate context and character of adjoining streetscapes’; and
- Building separation within the precinct to avoid a ‘walled’ effect.

4. Conclusion

Bayside City Council welcomes the opportunity to provide a submission on the draft Moorabbin West Urban Design Framework.

Based on the reasons outlined in this submission, Bayside supports the overall direction of the Urban Design Framework as a positive opportunity for renewal and revitalisation of this part of Moorabbin and asks that the above points are considered as the project progresses to the Planning Scheme Amendment stage in order to ensure the new precinct integrates seamlessly with the rest of the activity centre.
Executive summary

Purpose and background

The purpose of this report is to appoint a Head Contractor for the Design and Construction of the Hurlingham Kindergarten Refurbishment under Contract CON/20/57.

Bayside City Council endorsed the Early Years Infrastructure Plan 2018 – 2028 at the 21 August 2018 Council Meeting. The 10 year Plan recommends required infrastructure works that respond to current and future early years’ service needs. Council has two kindergartens in the northern part of the municipality and, unlike the central and southern areas of Bayside, relies heavily on church owned facilities to meet kindergarten demand.

Hurlingham Kindergarten is well utilised and demand exceeded supply for 3-year-old kindergarten places in 2019 and 2020 with enrolment over-subscription of 17 places. This has impacted operations from a service delivery perspective and the amenity functionality needs to be addressed. The project will increase the licenced capacity of the kindergarten through an extension which will expand the current indoor play area, provide a meeting room for parents and teachers and improve the staff bathroom amenities.

The planned expansion and upgrade of Hurlingham Kindergarten will increase the licensed capacity of the current centre for 3-year-old and 4-year-old programs and expand the existing infrastructure, resulting in improved functionality that better supports the ongoing delivery of high quality early childhood education. Included in the works will be the introduction of a purpose built indoor/outdoor child friendly demonstration kitchen to support and expand the preschool’s kitchen-garden curriculum which studies natural eco-systems and sustainable, healthy food practices.

Key issues

Five companies were invited to tender for the works through a selective tender process utilising the State Government Construction Supplier Register. All invited tenderers had the experience and resources to undertake the project. The following companies submitted tenders:

1. Fimma Constructions Pty Ltd
2. Stokes Rousseau Pty Ltd
3. May Constructions Pty Ltd
4. Circon Constructions Pty Ltd
5. Alchemy Construct Pty Ltd.

Each submission was reviewed by the Tender Evaluation Panel including advice from Council’s appointed Quantity Surveyor and Architect.

From the initial evaluation, Alchemy Construct Pty Ltd were shortlisted based on the evaluation criteria and invited for an interview.

Alchemy Construct Pty Ltd has an extensive list of relevant construction projects of similar size and complexity which align well with the Hurlingham Kindergarten Refurbishment project. They have an extensive list of successfully completed local government projects and have
completed a number of successful Child Care Facilities and Community Learning Centres for
the likes of Monash University, City of Wyndham and Melton City Council. Their submission
showed a strong understanding of the required relevant aspects of early years childhood
education and care facilities fitout and a sound understanding of working in community
environments.

At interview, Alchemy Construct Pty Ltd demonstrated an in-depth understanding of the
technical requirements of the works and thorough experience on this scale of project. They
confirmed they have the resources to deliver the works within the nominated scheduled
timeframe.

As shown in Confidential Attachment 1 – Evaluation Matrix, the Tender Evaluation Panel
concluded that Alchemy Construct Pty Ltd offered the best value for money. After post tender
clarifications were confirmed and with the inclusion of all the non-financial evaluation criteria,
Alchemy Construct Pty Ltd is best placed to undertake the works and the Tender Evaluation
Panel recommends the contract be awarded to Alchemy Construct Pty Ltd.

Recommendation

That Council:

1. awards Contract CON/20/57 Head Contractor for the Design and Construction of the
   Hurlingham Kindergarten Refurbishment to Alchemy Construct for the lump sum price
   of $697,675.00 (excl. GST) and $767,442.50 (including GST);

2. authorises the Chief Executive Officer to sign all necessary documentation related to
   Contract CON/20/57 Head Contractor for the Design and Construction of the
   Hurlingham Kindergarten Refurbishment; and

3. advises the unsuccessful tenderers accordingly.

Support Attachments

1. Confidential Attachment 1 - CONTRACT CON/20/57 Hurlingham Kindergarten Tender
   Evaluation Matrix (separately enclosed) (confidential)
Considerations and implications of recommendation

Social
It is well evidenced that the early years lay the foundation for the long term outcomes of our children, who our children become and what kind of life they will go on to lead. Providing a fit for purpose building and environment facilitates and enhances children to learn and grow.

Natural Environment
The new building has the following Environmental Sensitive Design (ESD) features:
- New roofing with high rating insulation will achieve best possible energy standards
- Existing brickwork from the demolition will be cleaned and reused in the new extension
- Highlight windows provide natural light into spaces reducing the need for artificial lighting
- Motion sensor lights switch lights off when rooms are vacant
- Latest LED lighting throughout the building for maximum energy efficiency
- Building materials have low emissions and low VOC
- Building materials, fitting and fixtures are robust and long lasting
- Latest technology roof mounted solar panel installation to reduce power consumption.

Built Environment
The proposed refurbishment works have been designed in consultation with the key stakeholders and incorporate requirements such as an expansion to the existing playroom facility resulting in an increased licencing capacity. A new confidential meeting room for parents and teachers and new staff and children’s bathroom amenities designed to the latest DDA code compliance.

Customer Service and Community Engagement
The Hurlingham Kindergarten Management and staff have been involved in the facility upgrade design from the project inception and the proposal has received their endorsement.

Together with the contractor, Council will provide further updates to stakeholders prior to commencement of the work and will maintain contact with key stakeholders throughout the projects construction period.

Human Rights
The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal
This Request for Tender was undertaken in accordance with the Bayside City Council’s Quotation and Tendering Procedure and section 186 of the Local Government Act 1989.

Finance
The Capital Works Budget for 2018/19 and 2019/20 has an allocation of $390,000 (ex GST) plus a State Government funding grant of $500,000 (ex GST). This provides a total budget of $890,000 (ex GST) for the project. The following table summarises the project budget.
## Project Budget

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<tr>
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<th>Amount</th>
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<tr>
<td>Construction Contingency (5%)</td>
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<tr>
<td>Consultant fees and other costs</td>
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<td>Total contracts and commitments</td>
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All costs declared in the table above are GST exclusive.

The expected project cost is $889,675 (ex GST) which is within the allocated project budget.

### Links to Council policy and strategy

This project is consistent with the Early Years Infrastructure Plan 2018-2028 and the 2017-2021 Council Plan as identified under Goal 1 – Infrastructure – Council will work together with the Bayside community to plan and deliver community infrastructure that responds to the changing needs of the Bayside community. The 10 year Plan recommends required infrastructure works that respond to current and future early years’ service needs.

A key objective of this goal is to have a Bayside where infrastructure is fit for purpose for today and into the future.
10.14 COUNCIL ACTION AWAITING REPORT

Executive summary

Purpose and background
This report presents to Council a schedule of actions pending for the period to 28 July 2020.

Key issues
This report contains resolutions of Council that require a further report to Council.

Recommendation
That Council notes the Council Action Awaiting Report.

Support Attachments
<table>
<thead>
<tr>
<th>DATE OF MEETING</th>
<th>ITEM</th>
<th>COUNCIL RESOLUTION</th>
<th>DIVISION</th>
<th>COMMENTS/STATUS</th>
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<td><strong>Childrens’ Sensory Garden Investigation</strong>&lt;br&gt;That Council:&lt;br&gt;1. notes the typical elements of a suburban sensory garden;&lt;br&gt;2. proposes the CSIRO site is the preferred location for the establishment of a sensory garden in Bayside;&lt;br&gt;3. seeks community feedback regarding the concept of establishing a sensory garden in Bayside to inform future decisions on this matter; and&lt;br&gt;4. receives a further report detailing the financial implications associated with the establishment of a sensory garden.</td>
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<tr>
<td>ERI</td>
<td>A report will be provided to a future Council meeting detailing the implications of including a sensory garden in the planning of the one hectare passive open space in the CSIRO site. The timeline of this report will be subject to the transfer of land (one hectare passive open space) is confirmed and planning can commence.</td>
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<td>24/10/17</td>
<td>10.16</td>
<td><strong>HMVS Cerberus – Heritage Works Permit Update</strong>&lt;br&gt;That Council:&lt;br&gt;2. Receives a further report once Heritage Victoria has assessed the permit application for conservation and stabilisation of the HMVS Cerberus.</td>
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<td>ERI</td>
<td>A future report will be presented to Council if the permit approved method concrete infill proves problematic or beyond the current Council approved budget.</td>
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<td>21/8/18</td>
<td>10.7</td>
<td><strong>Early Years Infrastructure Plan</strong>&lt;br&gt;That Council:&lt;br&gt;4. receives a further report detailing options for the long term use of the Brighton South Playhouse, once temporary relocations for displaced services undergoing redevelopment works are completed;&lt;br&gt;7. receives a further report following a review of the Infrastructure Plan in year five.</td>
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<td>CCE</td>
<td>A report will be provided to Council on the completion of the development works.</td>
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| 25/6/19         | 10.17  | **Bayside Tennis Strategy**  
That Council:  
1. Receives a future report regarding the future of the Bodley Street Tennis Centre, Beaumaris.                                                                                                                                                                                      | ERI      | A report will be submitted to a future meeting.                                      |
| 25/6/19         | 10.20  | **Parking Technology, Church Street Major Activity Centre - Engagement Findings**  
That Council:  
3. Receives a report at a Council meeting at least 6 months after the signs and smartphone application are active on:  
   - the evaluation of the introduction of in-ground vehicle detection sensors in the Church Street Major Activity Centre; and  
   - if the project has proven successful, the development of a multi-year program to install parking management technology (i.e. parking sensors) in Bay Street, Hampton Street, Sandringham Village, Martin Street, Beaumaris Concourse and the Black Rock Activity Centres in both on and off-street parking spaces. | ERI      | A report will be submitted to a future meeting.                                      |
| 20/8/19         | 10.3   | **Brighton Secondary College Synthetic Hockey Facility - Management Committee Financials Update**  
That Council receives a further report by no later than 31 August 2020 from the Brighton Secondary College Hockey Facility Management Committee, summarising activities including the financial position of the Management Committee. | ERI      | A report will be submitted to Council no later than 31 August 2020.                  |
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<td>2. Receives a further report in the first quarter of the 2019/20 financial year detailing progress against targets, the overall success of actions and reviewing issues and risks.</td>
<td></td>
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<td>17/9/19</td>
<td>10.1</td>
<td><strong>Nursery and Bushland Maintenance - Service Delivery Model</strong>&lt;br&gt;That Council:</td>
<td>ERI</td>
<td>A report will be submitted to the December 2020 Ordinary Council Meeting.</td>
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<td>3. Receives a report on the performance of the Civil Infrastructure and Open Space Maintenance Contract in the areas related to the Nursery at its meeting in December 2020.</td>
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<td>15/10/19</td>
<td>10.3</td>
<td>Small Neighbourhood Activity Centres (SNACs) - Building Height Review &amp; Recommendations</td>
<td>CPA</td>
<td>A report will be submitted to Council following the approval of Amendment C126.</td>
</tr>
<tr>
<td>15/10/19</td>
<td>10.9</td>
<td>Wellbeing for All Ages and Abilities Strategy Progress Report on Implementation - Year 2</td>
<td>CCE</td>
<td>A further report will be submitted to a future Council Meeting.</td>
</tr>
<tr>
<td>18/02/20</td>
<td>10.1</td>
<td>Assessment of the potential heritage significance of the Beaumaris Memorial Community Centre</td>
<td>CPA</td>
<td>A report will be submitted to a future Council Meeting.</td>
</tr>
<tr>
<td>24/03/20</td>
<td>10.2</td>
<td>Elsternwick Park Nature Reserve Masterplan</td>
<td>ERI</td>
<td>A report will be submitted to a future Council Meeting. A further report will be submitted to the August 2020 Ordinary Council Meeting.</td>
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| 28/4/20         | 10.3 | Wilson Recreation Reserve - Brighton Grammar School  
That Council:  
6. Receives a report at a future Council meeting detailing the outcome of the Statutory Planning and license agreement negotiation processes. | ERI | A further report will be submitted to a future Council Meeting. |
| 19/5/2020       | 10.6 | Hampton Community Infrastructure Feasibility and Master Plan  
That Council:  
2. Seeks a further report on the broad masterplan development to be presented at the August 2020 Council Meeting. | CPA | A report will be submitted to the August 2020 Ordinary Council Meeting. |
| 19/5/2020       | 10.7 | Economic Development and Tourism Strategy Update  
That Council:  
| 23/6/2020       | 7.1  | Petition to construct a covered structure for all weather at Landcox Park  
That a report be presented to the 18 August 2020 Ordinary Meeting of Council outlining the feasibility and strategic alignment of the proposed shelter for Landcox Park in Brighton East | ERI | A report will be submitted to the August 2020 Ordinary Council Meeting. |
| 23/6/2020       | 10.3 | Update on translation to new format Planning Scheme  
That Council notes the report and receives a further report with the final new format Planning Scheme at or before the 18 August 2020 Ordinary Meeting of Council. | CPA | A report will be submitted at or before the August 2020 Ordinary Council Meeting. |
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<tr>
<td>23/6/2020</td>
<td>10.5</td>
<td><strong>Hydrotherapy/Warm Water Pool Feasibility Study</strong></td>
<td>ERI</td>
<td>A report will be submitted to a future Council Meeting.</td>
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<td>That Council: 3. Receives a future report detailing the outcomes of investigations into possible commercial partnerships to develop a warm water pool facility in Bayside.</td>
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<td>23/6/2020</td>
<td>10.7</td>
<td><strong>Public participation at Council and Committee meetings</strong></td>
<td>CORP</td>
<td>An update is included in this Agenda.</td>
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<td>That Council: 2. Makes no further changes at this time to the temporary meeting procedures enacted at the March 2020 Ordinary Meeting of Council and defers further consideration of this matter to the July 2020 Ordinary Meeting of Council.</td>
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<td>23/6/2020</td>
<td>13.2</td>
<td><strong>Notice of Motion - 296 - Protected bicycle lanes in Bayside</strong></td>
<td>ERI</td>
<td>A report will be submitted to the February 2021 Ordinary Council Meeting.</td>
</tr>
<tr>
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<td></td>
<td>That Council receive a report at the February 2021 Ordinary Meeting of Council on the feasibility, cost-benefit, suitability, possible locations and community support for protected bicycle lanes in the Bayside City Council municipality.</td>
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<tr>
<td>23/6/2020</td>
<td>13.3</td>
<td><strong>Notice of Motion - 297 - Feasibility for restoration of the Hampton Hill Mural</strong></td>
<td>CCE</td>
<td>A report will be submitted to the August 2020 Ordinary Council Meeting.</td>
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<td></td>
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<td>That Council receives a report at the August 2020 Ordinary Meeting of Council on the history, feasibility, level of support from the building owners and costs to restore the Hampton Hill Mural located above 464 to 476 Hampton Street, Hampton.</td>
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11. Reports by Delegates

1. Association of Bayside Municipalities – Cr Laurence Evans
2. MAV Environment Committee – Director Environment, Recreation & Infrastructure
3. Metropolitan Transport Forum – Director Environment, Recreation & Infrastructure
4. Municipal Association of Victoria – Cr Alex del Porto
5. Inner South Metropolitan Mayors’ Forum – The Mayor Cr Clarke Martin

12. Urgent Business

13. Notices of Motion

13.1 NOTICE OF MOTION - NO: 299 - PUBLIC / COMMUNITY BENEFIT OF HERITAGE

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/211808

I, Cr Michael Heffernan, hereby give notice that I intend to move at the Ordinary Council Meeting, to be held remotely via a teleconferencing application, on 28 July 2020 at 7pm, the following Notice of Motion:

Motion
That Council writes to the Minister for Planning to request an urgent review of the Planning and Environment Act 1987 from the perspective of balancing private property rights and the public / community benefit of heritage, and the issue of compensation to affected property owners.

Cr Michael Heffernan

Support Attachments
Nil
13.2 NOTICE OF MOTION - NO: 300 - PUBLICALLY ACCESSIBLE ELECTRIC CAR CHARGING STATIONS

Corporate Services - Governance
File No: PSF/20/12 – Doc No: DOC/20/212428

I, Cr Clarke Martin (Mayor), hereby give notice that I intend to move at the Ordinary Council Meeting to be held remotely via a teleconferencing application, on 28 July 2020 at 7pm, the following Notice of Motion:

Motion

That the Final Draft Climate Emergency Action Plan report to be considered at the September Council meeting, and includes a proposed approach to bring forward the installation of publically accessible electric car charging stations across the municipality.

Cr Clarke Martin (Mayor)

Support Attachments

Nil
14. Confidential Business

That pursuant to Section 66 (2)(a) of the Local Government Act 2020, the Council resolves that so much of this meeting be closed to members of the public, as it involves Council consideration of matters coming within some or all of the categories referenced in the definitions of Confidential Information under Section 3 and pursuant to Section 66(2)(a) of such Act.

14.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER’S EMPLOYMENT MATTERS COMMITTEE HELD ON 20 JULY 2020

(Local Government Act 2020)
3 Definitions (1) In this Act—

... confidential information means the following information—

... (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Mick Cummins
Chief Executive Officer