

# COUNCIL MEETING MINUTES



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**6:00 PM on Monday February 28, 2022**

Livestreaming at <https://www.bendigo.vic.gov.au>

Broadcast live on Phoenix FM 106.7 \*\*\*

## **VENUE:**

Reception Room, Bendigo Town Hall\*

*\* Council Meetings are now open to the public. In order to maintain physical distancing, the public gallery is limited to 25 persons. If you would like to attend, please register your interest through gotix online (<https://www.bendigoregion.com.au/arts-culture-theatres/event/city-of-greater-bendigo-council-meeting>) or call the box office on 5434 6100 no later than 5pm on the day of the meeting.*

## COMMUNITY VISION 2021–2031

*Greater Bendigo celebrates our diverse community.  
We are welcoming, sustainable and prosperous.  
Walking hand-in-hand with the Traditional Custodians of this land.  
Building on our rich heritage for a bright and happy future.*

The community vision is underpinned by five values – transparency, sustainability, inclusion, innovation and equity.

## COUNCIL PLAN (MIR WIMBUL) – OUTCOMES

The [Council Plan](#) (Mir wimbul) is based on seven outcomes, which are the main focus of the Council Plan.

Each outcome has a set of goals, objectives and actions that will help to achieve the community vision, and indicators to measure achievement against each goal:

1. Lead and govern for all
2. Healthy, liveable spaces and places
3. Strong, inclusive and sustainable economy
4. Aboriginal reconciliation
5. A climate-resilient built and natural environment
6. A vibrant, creative community
7. A safe, welcoming and fair community

## STAFF VALUES AND BEHAVIOURS

The City of Greater Bendigo's [values and behaviours](#) describe how Councillors and staff will work together to be the best we can for our community.

They are aligned to our strategic documents, such as the Council Plan, which ensures they are meaningful for Council and the organisation.

A shared commitment to living our values and behaviours will help us to build the type of culture we need to be able to work together and support each other to deliver the best possible outcomes for our community.



This Council Meeting is conducted in accordance with the

- Local Government Act 2020 as amended by the COVID19 Omnibus (Emergency Measures) Act 2020,
- [Governance Rules](#); and
- [Local Law Process of Municipal Government 2020](#)



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## **1. ACKNOWLEDGEMENT OF COUNTRY**

## **2. TRADITIONAL LANGUAGE STATEMENT**

## **3. OPENING STATEMENT**

## **4. MOMENT OF SILENT REFLECTION**

## **5. ATTENDANCE AND APOLOGIES**

Mayor, Cr Andrea Metcalf  
Deputy Mayor, Cr Matthew Evans  
Cr Jennifer Alden  
Cr Rod Fyffe OAM  
Cr Margaret O'Rourke  
Cr Greg Penna  
Cr Julie Sloan  
Mr Andrew Cooney, Acting Chief Executive Officer  
Mr Steve Hamilton, Director Strategy and Growth  
Ms Vicky Mason, Director Health and Wellbeing  
Mr Brian Westley, Director Presentation and Assets  
Mr Nathan Morsillo, Acting Director Corporate Performance  
Mrs Jessica Clarke-Hong, Manager Governance

### **APOLOGIES**

Cr David Fagg  
Cr Vaughan Williams  
Mr Craig Niemann, Chief Executive Officer

### **RESOLUTION**

Moved: Cr Penna  
Seconded: Cr O'Rourke

That the apologies from Cr Fagg and Cr Williams be accepted.

**CARRIED**



## 6. SUSPENSION OF STANDING ORDERS

That Standing Orders be suspended to allow the conduct of the Community Recognition Section and Public Question Time.

## RESOLUTION

Moved: Cr Fyffe

Seconded: Cr Alden

That Standing Orders be suspended to allow the conduct of the Community Recognition Section and Public Question Time.

**CARRIED**

## 7. COMMUNITY RECOGNITION

- We move to tonight's community section, with a few items to mention, starting with some recent award winners.
- The 2021 Victorian Health Promotion Awards last week acknowledged two Bendigo-based initiatives – Bendigo Community Health Service's *5 Ways to Wellbeing* program and the Centre for Non-Violence *You Are Not Alone* campaign.
- The *5 Ways to Wellbeing* program works with key community leaders to deliver mental health promotion and illness prevention in a range of places including schools, early learning centres, community organisations and workplaces.
- While the *You Are Not Alone* campaign provided information about how to seek help or support for someone experiencing abuse. It features voices of women with lived experiences, enabling others to draw strength and hope.
- Congratulations to both organisations on this well-deserved recognition.
- Congratulations are also in order for youth Councillor, Julia Hunt, who is an ABC Heywire winner, having written a piece about her experience of growing up in public housing.
- The Heywire competition invites young people in rural and regional Australia to write about where they live.
- Julia's story was beautifully written and a reminder of how our own pre-conceived ideas and bias can rub off on others, without having any real experience ourselves.
- Julia was proud of where she grew up but only became concerned when she noticed how other people reacted when she told them where she lived.
- Yet, in her experience, it was a community of loving, hard-working people, filled with positive role models - just like any other.
- Julia's story is a reminder we need leaders of all backgrounds and experiences contributing to shaping our community. Julia is currently studying and working in early childhood education and leads a local youth group in her community, and we thank her for her continued service as a Youth Councillor.
- I encourage everyone listening to visit the Heywire website to read her story.
- Tonight, we would also like to congratulate Kamarooka Resident, Helen O'Donohue, on winning a community service award.
- Helen has made a great contribution to her community over the years, serving as president of the Kamarooka Recreation Reserve, and is currently treasurer of the East Loddon Lions and on the board of the Dingee Bush Nursing Centre.
- During COVID lockdowns, she distributed hampers across the district, sourcing all items herself.

- Always ready to help, she is a very worthy recipient of the award and we acknowledge her outstanding service to her community – an inspiration for many in the Kamarooka, Huntly, Dingee and Calivil areas.
- Finally tonight, we acknowledge the passing of former Mayor, Julie Rivendell.
- Julie was Mayor in 2006/2007 and represented the then Flora Hill Ward. Julie moved to Bendigo in the mid-1980s and actively participated in a number of community and professional groups in paid and volunteer roles, and had broad experience across education, health and community services sectors.
- In Julie's term as Mayor, Bendigo was named a Child Friendly City, work started on the Epsom Huntly Recreation Reserve, the Dalai Lama visited and VCAT upheld a Council decision to develop the Epsom Village Shopping Centre.
- After leaving Council, Julie sat on the former Bendigo Community Sister Cities Committee and remained a keen commentator on Council business.
- Our thoughts are with Julie's family at this time.
- And that ends our community section for this month.

## **8. PUBLIC QUESTION TIME**

## **9. RESUMPTION OF STANDING ORDERS**

That Standing Orders be resumed.

## **RESOLUTION**

Moved: Cr Fyffe

Seconded: Cr Penna

That Standing Orders be resumed.

**CARRIED**

## **10. COUNCILLOR SLOAN'S REPORT**

Cr Sloan presented her report as outlined below:

"Thank you Mayor Metcalf and welcome everyone with us tonight in the public gallery, viewing on livestream and listening on Phoenix FM.

It is wonderful to get back to community events and meet with residents face-to-face. I appreciate each opportunity to meet with residents to discuss issues and concerns. I have been busy advocating on vegetation, residential planning, local laws and litter bins, with site visits to roads, drains, dog parks and walking paths. Councillor outreach activities are an important way for residents to connect with councillors and it is with some confidence that we plan this year's Community Engagements to ensure equitable distribution of events in GB.

In Whipstick Ward, Avery's Road footpath is now complete, kerb and channelling in Edwards Road being completed, and Woodvale Community Hub's multi-purpose space for residents will soon be finished. Council is currently considering community feedback on Stage 1 redevelopment concept plan for Peter Krenz Leisure Centre; I encourage residents to provide feedback on the plan by visiting the City's *Let's Talk* website by Friday March 25.



"I, along with Mayor Cr Metcalf and councillor colleagues, participated in a Conversation Circle with First Nations leaders, and proudly attended the ceremony returning the title of a parcel of land in Bendigo to Dja Dja Wurrung People by the State Government. The plan for Dja Dja Wurrung Corporate and Community Centre is to provide a base for land management, arts, culture and community spaces. We look forward to development of this great project.

I welcomed briefings on Managed Growth Strategy, Heritage Studies and Urban Design and thank City officers for their informative presentations. I observed a Victorian Civil and Administrative Tribunal hearing and submitted to the *Ministerial Review of Local Government Culture* Discussion Paper. Participating in events of this nature is one way to stay in touch with the local government sector more broadly.

The Budget Process is underway and in June, the 2022/23 Budget will come before Council for adoption. I wish to acknowledge the earlier community participation in the budget process this year, including submissions and presentations, that added great value to Council decision making. and thank everyone who contributed.

I attended the election of GB's Youth Council and congratulate incoming Youth Council Mayor Victoria Tangey, Deputy-Mayors Ryan Peterson and Remus Brasier, and youth council members. Thank you to outgoing youth council Mayor Jack Smith, his executive and councillors, for a fantastic year advocating for young people.

Along with hundreds of community members I was pleased to attend Huntly Family Fun Day yesterday, and caught up with **CFA Huntly** Volunteer Fire Brigade, a 100% volunteer brigade. The crew showed me the Brigade's new water pump obtained through a Council community grant; it's pumping rate of 1,450L/minute enables a quick tanker refill and team redeployment. A shout out all CFA volunteers and First Responders for your community service, thank you.

I am always proud when I see Council involved in projects looking after local biodiversity. During the recent summer, the remote-activated aerial sprinkler program in Rosalind Park was described by the World Wildlife Fund as a 'game-changer' to help threatened species like the Grey-headed Flying Fox survive a warming climate – congratulations to the City team and partners for implementing this valuable project protecting our threatened megabats.

I am pleased that our city centre is that much brighter thanks to the Progress Pride Flag painted on Bendigo Town Hall forecourt. GB continues to live up to its accreditation as a Welcoming City, with the Flag ready to welcome everyone to Bendigo PRIDE Festival during March and April.

Finally, I look forward to continuing to work on behalf of residents, animals and environments in Whipstick Ward and our Municipality. Thank you Mayor, that concludes my Cr Report".

## 11. DECLARATIONS OF CONFLICT OF INTEREST

Section 130 of the *Local Government Act 2020* (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

The procedure for declaring a conflict of interest at a Council Meeting is set out at rule 18.2.4 of the Governance Rules.

Section 126 of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** or a **material conflict of interest**.

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.

A relevant person 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.

Nil

## 12. CONFIRMATION OF PREVIOUS MINUTES

### RECOMMENDED MOTION

That the [Minutes](#) of the Council Meeting held on Monday January 24, 2022, as circulated, be taken as read and confirmed.

### RESOLUTION

Moved: Cr Sloan

Seconded: Cr Penna

That the recommended motion be adopted.

**CARRIED**



### 13. PETITIONS AND JOINT LETTERS

#### 13.1. Response to Petition for a Public External Independent Review of the City of Greater Bendigo

|                      |   |
|----------------------|---|
| Author               | Peter Hargreaves, Governance                  |
| Responsible Director | Andrew Cooney, Director Corporate Performance |

#### Purpose

To acknowledge and respond to the petition and supporting proposal tabled at the November 15, 2021 Council meeting requesting facilitation of a Public Independent External Review of the City of Greater Bendigo to be completed no later than June 30, 2023.

To provide further information on the 2013 Independent Review of Council's operations referred to in the petition.

To provide information on important changes since the 2013 Review to:

- Legislation and regulations governing Victorian Councils,
- Performance reporting obligations on Victorian Councils,
- Monitoring and oversight of Councils by government agencies, and
- The extent of information available to the public and interested parties as a result.

#### Summary

The resident petition (the Petition) dated 4 November 2021 contains 55 signatures and was accompanied by a proposal entitled *A 2022-23 Search for Improvements Ideas* supporting the petition.

"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal".

The supporting proposal included background information on the 2013 Independent Review conducted by Council including a summary of its achievements. The document also proposed:

- A process for the conduct of the new review including operational timeline and 10 items for possible investigation.
- The appointment of a Council Review Advisory Committee to oversee the review and an independent external accredited reviewer to undertake the work within approved terms of reference
- Public participation in the review.

The petition and supporting proposal are attached.

## **Recommended Motion**

That Council:

1. Thanks the petition organisers for their interest in the City of Greater Bendigo
2. Notes the report that has been provided and the performance improvements that the City has implemented and is continuing to commit to
3. Notes that the Audit and Risk Committee which comprises four independent community members and three Councillors has a multi-year program including a number of audits to identify and report publicly to Council on efficiencies, risks and service improvements for the organisation.

## **RESOLUTION**

Moved: Cr Fyffe

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

**Cr Fyffe called for a Division on the voting for the motion.**

**Those voting in favour of the motion:**

**Cr Andrea Metcalf (Mayor), Cr Jennifer Alden, Cr Rod Fyffe,  
Cr Margaret O'Rourke, Cr Julie Sloan**

**Those opposed to the motion:**

**Cr Matthew Evans (Deputy Mayor), Cr Greg Penna**

**ABSENT. DID NOT VOTE**

**Cr David Fagg, Cr Vaughan Williams**

**Cr Fyffe left the meeting at 6.52pm.**

## **Policy Context**

City of Greater Bendigo Council Plan *Mir Wimbul* 2021-25

Lead and govern for all

Goal 1 1. Accountable, financially responsible, equitable, transparent decision making

Goal 2. Commitment to innovation, systems improvement and learning

Goal 4. Leadership that sets a standard for good governance and integrity in action, working in partners

## **Background Information**

In early 2013 the newly elected Council (2012 elections) resolved to appoint consultants to conduct an Independent Review to identify improvements in Council's operations.



The 2013 Review occurred at a time when there was little or no publicly available information through which the Victorian public could compare or assess the performance of their Council.

Key monitoring bodies such as the Victorian Auditor General's Office, the Essential Services Commission and the Victorian Ombudsman which now publish extensive reports/data on the performance of Victorian municipalities were not so active in the local government sector in 2013.

The Independent Broad Based Commission Against Corruption (IBAC) was less than a year old.

Against this background the concept of an independent review drew support from those seeking reassurance that ratepayers were getting best value for money from services that reflected community need and that systems were in place to:

- Review and prioritise expenditure and achieve savings and efficiencies
- Plan, monitor, measure and continuously improve services and performance
- Achieve the best in transparency, accountability and reporting
- Ensure Greater Bendigo's performance compared favourably with other comparable municipalities

An Independent committee was appointed to oversee the review comprising:

- Three community members chosen for their experience in leading large businesses from candidates who responded to a public call for expressions of interest
- Three Councillors.

Independent management consultants Aurecon were appointed at a cost of \$250,000 to undertake the review under the Committee's direction.

The review comprised seven areas of focus:

- Income and expenditure
- Service delivery quality
- New approaches - management, staffing, structure
- Evaluating, prioritising capital and major works
- City's role in economic development
- Communication and community engagement, and
- Governance - which was added later

The review took four months, interviewed approx. 120 people and considered 129 written submissions. It was a public process with regular reports to open Council Meetings.

The committee's final report contained 69 recommendations covering:

- Governance
- Income and expenditure
- Economic development, tourism, cultural pursuits
- Quality of service delivery,
- Management and staffing, structure and innovation

- Prioritising capital works
- Communications and community engagement

The key recommendations centred around Improving budgeting and expenditure review processes, improving financial reporting, transparency, communications, community engagement and the governance framework.

The Review also concluded there were no grounds to indicate Council was overstaffed, that staff were overpaid or the organisation structure top heavy with management.

Council adopted in-principle all 69 recommendations and committed to completing all 69 before its term ended in 2016. Council closely monitored the implementation process through six weekly public reports.

All 69 recommendations were reported completed by July 2016. See attached Final Report on Implementing the Review.

Previous Council Decision(s) Date(s): The Petition was tabled at the Council Meeting on 15 November 2021 where Council resolved to have a report presented within three Council meetings.

## Report

### 2013 Review outcomes

The review embedded new practices of lasting benefit including: -

- New Performance Evaluation System to continuously improve performance of Directorates, Units and individuals
- Rolling program of service reviews to ensure Council services reflect community need, are delivered to an agreed standard and represent best value for money
- Greatly improved annual budget deliberation process which ensures ongoing savings through more rigorous, systemic assessment of expenditure
- New framework to evaluate, prioritise and fund capital works to ensure spending reflects agreed community needs and priorities
- Better systems for handling customer complaints
- New asset management process - reduce funding gap for asset renewal
- Major changes to statutory and strategic planning processes including
  - Complete Review and update of key aspects of the Greater Bendigo Planning Scheme to better reflect today's challenges and priorities regarding land use and development
  - Streamlined the planning application process, resulting in reduced processing timeframes and the creation of online applications
- Development of an Organisation Strategy that plans for our future workforce, promotes innovation and flexibility in working and prepares the organisation for the location to the new Govhub offices – now called Galkangu
- Structure reviews have reduced the number of directors from 6 to 4 and the number of managers from 31 to 24

The review cost \$2.37M to conduct and deliver and returned annual savings \$6.6M.

|  |                | <b>Costs (Conducting and delivering on Review)</b>  | <b>Savings</b> |
|--|----------------|---|----------------|
| Addition staff (short term positions)<br>\$1.2M        | \$1.2M         | Staff and on costs Aged & Disability and Early Childhood Service reviews                    | \$1.68M        |
| Staff redundancies and associated costs                | \$0.05M        | Operating costs – Early childhood Service review  | \$0.1M         |
| Consultants/contractors/legal fees (including Aurecon) | \$0.3M         | Consultants, contractors, external services (advertising, waste management, graphic design) | \$4.8M         |
| Software/communication equipment                       | \$0.4M         |   |                |
| Additional operating expenditure                       | \$0.2M         |   |                |
| <b>TOTALS</b>  | <b>\$2.37m</b> |   | <b>\$6.6m</b>  |

### Current circumstances

The petition now before Council is seeking a further review to, in part, ensure Council continues to identify improvements in:

- Transparency
- Services and systems
- Accountability
- Expenditure prioritisation and evaluation
- Operating efficiencies and ongoing savings
- Major projects through analysis (such as cost benefit evaluation), development and delivery
- Key plan, strategy and policy development and delivery
- Management structure and operations
- Public engagement and communications in Council decision-making
- Use of community satisfaction levels to measure performance and set targets

### Matters for consideration

When weighing a proposal for a further independent review it is reasonable to consider not only what could be achieved but also:

- What if anything has changed for local government since 2013?

- Has the legislative and regulatory environment that governs and monitors the operations and performance of Council changed?
- What changes or new standards of governance are in place?
- What, if any, new measures are in place to measure Council performance?
- What steps, if any, have been taken to mandate continuous improvement, contain costs and lock in efficiency savings?
- What information including data, including information comparing Council against its peers, can be obtained through other means – other systems of monitoring and oversight?
- Is information available to allow for a comparison of this Council against one or more of its peers?
- What other significant/transformational pieces of work, challenges or stresses lie ahead during the term of this Council?

The following seeks to address these questions.

### **Evolution of local government oversight since 2013**

One of the most significant changes since the 2013 Review has been the amassing of new regulatory oversight of Victorian municipalities including Greater Bendigo.

### **Performance reporting**

In 2014 the Victorian Government introduced the Local Government Performance Reporting Framework (LGPRF). The primary objective of the LGPRF is for Victorian Councils to provide comprehensive performance information so that:

- councils have information to support strategic decision-making and continuous improvement
- communities have information about council performance and productivity
- regulators have information to monitor compliance with relevant reporting requirements
- state and federal governments are better informed to make decisions that ensure an effective, efficient and sustainable system of local government.

The data generated by the LGPRF also gives an incentive to improve the performance of local government services by:

- enhancing measurement approaches and techniques
- helping councils identify where there is scope for improvement
- promoting greater transparency and informed debate about comparative performance.

Councils are required to report operational and strategic performance under four categories:

- Service provision
- Financial performance
- Sustainable capacity, and
- Governance and management

The amount and type of information Councils must provide is detailed and comprehensive. For example, under the 'Governance' heading alone Council must report quarterly on its performance against the following:

- Community engagement policy & guidelines
- Procurement policy
- Business continuity plan
- Disaster recovery plan
- Strategic resource plan
- Annual budget
- Asset management plans
- Rating strategy
- Risk policy
- Fraud policy
- Municipal emergency management plan
- Risk management frame work
- Audit committee activity
- Council plan reporting
- Financial reporting
- Risk reporting
- Councillor code of conduct
- Delegations
- Meeting procedure
- Governance rules

The results of the LGPRF are released publicly via two methods, Council's Annual Report and the Local Government Victoria (LGV) website Know Your Council via <https://knowyourcouncil.vic.gov.au/>

The data helps the reader assess whether Councils are meeting community expectations and evaluate the impact of council strategies on the community.

The *Know Your Council* website allows interested parties to compare the performance of one Council against one or more other municipalities.

According to the Victorian Government the public posting of comparative data subjects Councils to competitive pressures, provides greater accountability to the community and acts as an incentive for Councils to pursue continuous improvement.

### **Rate capping**

In 2016, the Victorian Government introduced rate capping to limit the amount that councils can raise their rates annually. Each year the Minister for Local Government sets a cap on rate increases based on that period's Consumer Price Index (CPI) and advice from the Essential Services Commission (ESC).



According to the Municipal Association of Victoria (MAV) Council costs usually exceed the CPI by one percentage point.

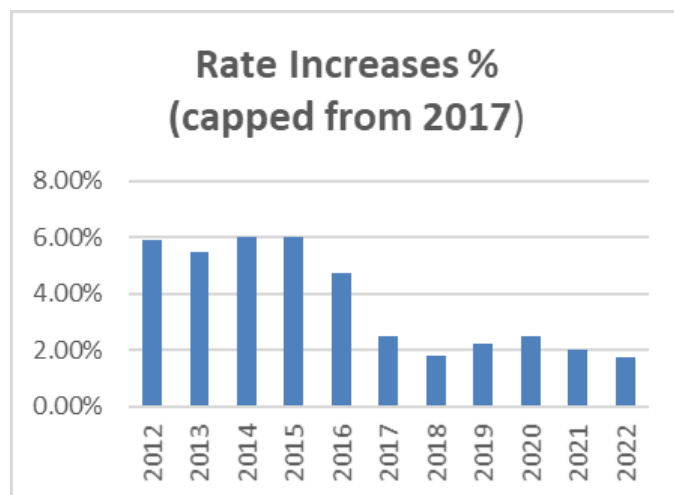
This is because the CPI measures price increases for a range of household items whereas the biggest costs for local government are non-household items such as wages, roads and bridge construction and non-residential building construction.

By limiting rate rises to household inflation and not the higher rate of municipal inflation Council is locked into a cycle of striving to maintain services, infrastructure and assets within a budget that is declining in real dollars.

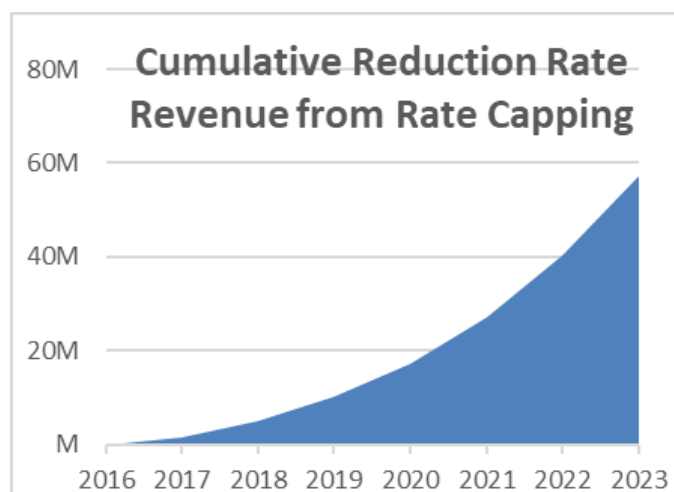
In other words, Councils are under continuous pressure each year to find the necessary savings and efficiencies to do the same or more with less.

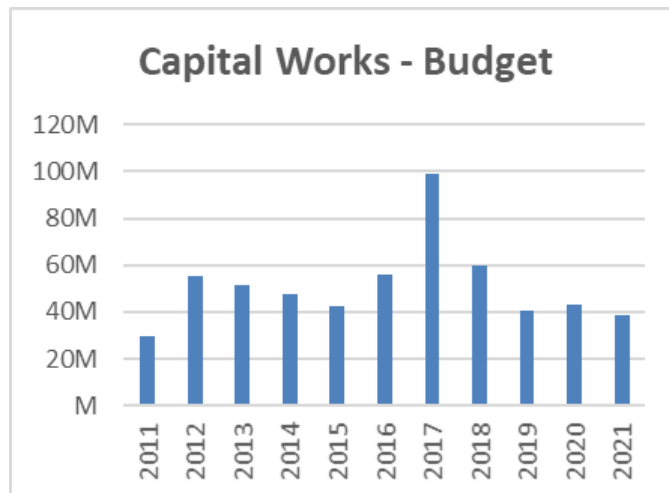
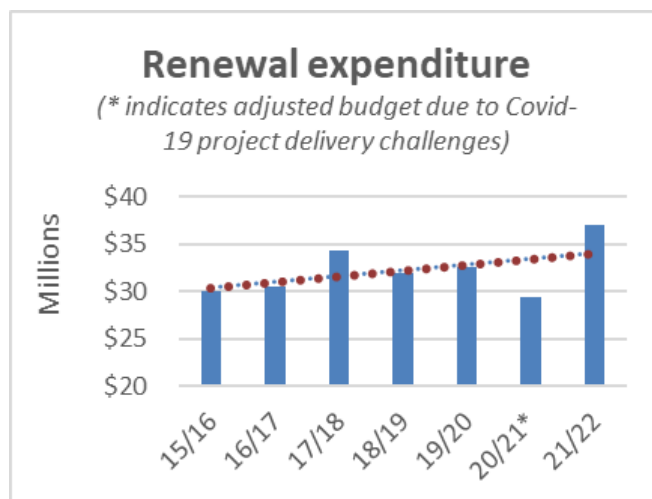
The graphs below show how rate capping has reduced the size of recent rate increases (Graph 1) and reduced rate revenue in real dollars (Graph 2). At the same time Council has maintained capital works spending above \$40M per year (Graph 3) and has even managed to increased spending on asset renewal (Graph 4).

**Graph 1**



**Graph 2 Based on average rate rise of 4.5% per year**



**Graph 3****Graph 4**

### Agency monitoring

Since the 2013 Review the level of monitoring by government agencies has expanded beyond just Local Government Victoria and now includes:

- Victorian Auditor General's Office (VAGO)

VAGO publishes annual reports and data on the performance of all Victorian municipalities on its website.

- Essential Services Commission (ESC)

ESC reports annually on :

- Rates and charges set by Councils
- Council compliance with the rate cap
- Performance of the rate cap and implications for Councils.
- Reports on a range of Council matters including ways to lower rates and create efficiencies, population growth and its impact on Council finances, information on the rights of ratepayers
- Benchmarks performance through the Local Government Performance Review Framework (LGPRF)

Reports are publicly available via the ESC website

- Victorian Local Government Grants Commission (VLGGC) advises the Commonwealth Government on the allocation of financial assistance grants to support councils in delivering services.

VLGGC has significant interest in Council finances and spending and publishes annual reports covering:

- Council expenditure and revenue
- Valuations and rates
- Spending on local roads
- Road inventory expenditure
- Council employment
- Capital assets and outlays

Reports are publicly available via the VLGGC website

- Victorian Ombudsman

Investigates and reports to State Parliament on complaints about government including local government.

Sets standards for complaint handling by publishing good practice guides.

Ombudsman's reports and guidelines are publicly available on the website.

### **New Local Government Act**

In 2020 a new Local Government Act (the Act) was enacted and supporting regulations began to be phased in.

The Act represents the most significant reform to the legislation and regulations governing local government in Victoria since 1989 with focus on improving accountability and service delivery.

The obligations placed on Councils through the new Act address a number of the measures the petition seeks to achieve.

The new Act and regulations place a raft of new obligations on Councils designed to improve performance under five key headings or principles:

- Community engagement
- Financial management
- Strategic planning
- Public transparency
- Service performance

The Act aims to create a legislative environment that embraces innovation, modern business practices and microeconomic reform in financial management.

In terms of service performance, the Act requires Council to ensure services are equitable, accessible, value for money and meeting community needs through ongoing service reviews.

In terms of good governance and strategic planning it is now mandatory for Councils to develop the following:

- Community Vision (ten years)
- Council Plan (four years)
- Financial Plan (ten years)
- Asset Plan (ten years)
- Revenue and Rating Plan (four years)
- Annual Budget
- Health and Wellbeing Plan
- Workforce Plan
- Plan for addressing climate change
- Governance rules
- Expenses policy
- Asset management plan
- Councillor Code of Conduct
- Community Engagement policy
- Gift policy
- CEO employment and remuneration policy
- Recruitment policy
- Procurement policy
- Staff Code of Conduct
- Complaints policy
- Rules for the conduct of delegated committees

All Councils must now prepare and adopt a policy supporting public transparency.

Community engagement in key decision-making is now mandatory. At a minimum, all councils must adopt and maintain a community engagement policy which must be used in the development of:

- Planning and financial management
- Community vision
- Council plan
- Financial plan
- Annual budget

Committees dedicated to Audit and Risk management and asset management are mandatory.

Training is now mandatory for candidates and newly elected Councillors.

A number of the mandatory new plans and policies came into effect in the period to 31 December 2021. Another mandatory plan – the asset management plan is not due until 30 June 2022.

It will be some time before the government, Councils and the community are able to assess whether this new Act and regulations are achieving the stated goals.

### **Continuous improvement through service reviews**

The 2013 review recommended a continuous improvement program in order to 'lock in' ongoing improvements to service delivery. Council responded in 2015 by implementing a rolling program of service reviews.

Service reviews have now become mandatory through provisions of the new Act.

The objective of each Service Review is to ensure Council services reflect community need, are delivered to an agreed standard and represent best value for money

Service reviews also help to:

- Align services and activities to Council's vision
- Respond to changes in community expectations about what role the City plays, and what/how services should be provided
- Find efficiencies to ensure financial sustainability of essential service delivery
- Determine if services need to be reduced, changed or increased to meet community need

A service review program will be required annually, and one is currently being developed for 2021-22.

### **Other reforms to internal practices**

Council has also made significant improvements to its internal processes which reflect and exceed legislated requirements, particularly in the areas of budgeting, financial and risk oversight and controls over purchasing.

The annual budget process which links to the Council Plan and 10 year financial plan now includes a public submission process and a review of service costs across a range of functions and areas. Scrutiny of proposed spending across every line item is now standard practice.

Since 2013 business cases demonstrating community need and value for money are now required for all new operational programs or capital projects. The Capital Investment Framework used for evaluating, selecting and prioritising all capital works spending has been greatly improved.

The role of the internal audit committee has been expanded and strengthened and its oversight moved from the Financial Management Unit to Governance to affirm its independence.

Now named the Audit and Risk Committee, the ARC has an expanded charter to focus on:

- Internal audit and tracking – ensuring key improvements are captured and implemented
- Constantly scanning for external reports (Victorian Ombudsman and Auditor General and others for matters relevant to Greater Bendigo)
- Additional review mechanisms
- Mapping, monitoring - strategic risks



There is also:

- A more robust recruitment process for independent committee members including a formal performance review before approving a second term for independent committee members
- The appoint of an independent external auditor to assist/support the ARC with internal audits/reviews
- New policies and procedures – particularly in reporting to Council i.e., a Strategic Risk Register presented every six months.

### **Ensuring value for money in Council purchasing**

Council has adopted a new Procurement Policy in line with the new Act. Key improvements include:

- New thresholds where public tender process becomes mandatory
- Tighter restrictions on governing any exemption from the tender process
- Clearer criteria for testing 'value for money' from contracts/tenders
- New guidelines encouraging joint spending with other councils and public bodies to create economics of scale
- Clearer guidelines on how to conduct and get the most for ratepayers from the public tender process

These changes culminate a series of improvements in purchasing since 2013 which include:

- New schedules and weightings to ensure tender decisions consider social, environmental, local and Aboriginal categories
- A 20% weighting in all tenders in favour of local content.
- Local suppliers now account for 50% of Council's purchasing
- Various collaborative tenders undertaken with neighbouring councils
- Provisions supporting Aboriginal procurement
- Circular economy embedded into procurement practices
- Electricity now sourced from 100% renewal energy through a power purchase agreement
- New systems which have provided efficiencies in procurement.
  - Tendering portal for electronic tendering,
  - Vendor Panel electronic system for staff to source quotes,
  - LEAP software to analyse our spend data
- A new suite of contracts implemented
- Improved contract management framework.

### **Community engagement**

Improved community engagement was a focus of both the 2013 Review and the new Act. Community participation in Council decision-making has evolved considerably since 2013.

A new policy and framework was developed in line with the Review and this has been updated in accordance with the provisions of the new Act.

Under the new Act community engagement is mandatory for major decision-making.

Council took its first major step into deliberative engagement in 2016 with the appointment of a 45 person Citizen's Jury to consider the question:

*What should Council spend our money on to shape the community's future?*

After three months deliberation the Jury made 44 recommendations across a range of policy areas such as arts, business, community, health, environment and efficiency.

The jury largely reaffirmed the Council's chosen direction at the time but recommendations included:

- Continue present funding for the Bendigo Art Gallery and theatres
- Better market the arts success story to the community
- Encourage community gardens
- Pursue and implement '10 Minute Neighbourhoods' concept
- Encourage energy efficient and sustainable house designs
- Continue the internal review process of all City departments
- Investigate selling, leasing or hiring council facilities and properties

Following the 2020 elections Council followed a similar process in developing the required new 10-year Community Plan and subsequently the Council Plan – Mir Wimbul – 2021-25.

Central to the planning was a strong community engagement process based around "Imagine Greater Bendigo"

- More than 1500 people directly took part in Imagine Greater Bendigo
- Community consultation took place over two stages

#### Stage 1

- Over 1000 people shared their ideas
- The surveys and toolkits used in this phase reflected the themes of a whole range of other recent community engagement process, in which many thousands of people took part.

#### Stage 2

- Council asked organisations and groups for their priorities and shared this feedback with Community panels.
- 60 adults and 20 young people took part in a two-day facilitated engagement session to bring this information together and develop the Community Vision and Values
- Overall approx.. 500 people were involved in this Stage including more than 250 children

No proposals for another independent review emerged from that process.

## **Looking forward – what challenges lie ahead**

The following activities and undertakings lie ahead for Council and will place demands on Council staff.

### **Implementing key strategies**

As mentioned above Council has just completed a number of key strategies mandated by the new Act including the Council Plan, Health and Wellbeing Plan (Healthy Greater Bendigo), Climate Change and Environment Strategy along with an Economic Development Strategy.

These will all direct Council decision making and resource allocation over the coming years.

In 2022/23 the Council will be developing a Managed Growth Strategy that will set the growth parameters for Greater Bendigo for the next 20-30 years. This is a major piece of strategic work and will be resource hungry.

### **Transition to new offices**

Council's new offices – Galkangu, formerly known as GovHub will be completed in 2023 and the organisation will transition into a new work environment that will bring increased efficiencies in our business and make even better connection with State Departments that will be co-located.

This transition will be significant for the organisation.

### **Review of internal boundaries**

Council has been advised to expect a review of the City's internal boundaries between now and the 2024 Council Election with the intention of transitioning from multi-Councillor ward (our current system) to single Councillor wards.

This will require significant preparation and adjustment in the lead up to and following the 2024 Council elections.

### **Federal and State Elections**

A State Election is scheduled for later this year and a Federal Election is predicted for the first half of 2022.

### **COVID-19 Response and Recovery**

COVID remains a significant challenge for the World – let alone its local impact on the community, businesses and our work in local government.

The task for councils is to mitigate the impact of COVID-19 on their local economies, so that businesses can once again prosper, provide jobs and contribute to the vibrancy of local communities.

Council, like most other municipalities, has initiated a COVID recovery and activation plan. Implementing the plan is a whole-of-organisation undertaking and will require the attention of numerous staff for many months to come.

Also, COVID has already taught us to expect the unexpected and it is difficult to predict where resources might have to be redirected. Flexibility is key.

Giving priority to this essential piece of work has already meant compromise in finalising the Council Plan. Important projects have had to be deferred or scaled back to accommodate the COVID recovery and reactivation plan.

Launching a review of the scale of the 2013 project would require a further re-setting of priorities, goals and downgrading of some approved, funded projects which form the Council Plan.

### **Costs of a new review**

The direct costs of undertaking (not implementing) the 2013 Review were:

Consultants – Aurecon \$250,000

### ***Total Direct costs \$250,000***

Indirect costs from staff participating in and implementing the Review recommendation – unknown.

Estimated direct costs for undertaking a 2022 review are:

Consultants \$500,000

### ***Estimated total\* \$500,000***

\*Based on similar workload, expectations, timelines etc

The potential for further savings of the size achieved in 2013 is unlikely given the combined impact of rate capping which, as explained earlier, has been forcing annual efficiency savings and the budget review process which tests every line item of proposed spending to find savings.

### Priority/Importance

An independent review of the kind sought by petitions is not listed among Council's priorities for 2021-25. It is at Council's discretion to determine whether it wishes to act on the proposal and in what form that response should take.

### Options/Alternatives

Council could choose to approve the request from the petitioners to undertake a review.

### Timelines

The petition seeks an independent review completed by no later than June 2023. Timelines are at the discretion of Council. This report acknowledges the current challenges and priorities facing Council such as COVID recovery plan, implementing the new Act etc.

### **Consultation/Communication**

#### Internal consultation

No internal consultation has taken place in preparing this report.

#### External Consultation

No external consultation has taken place in preparing this report.

### **Resource Implications**

The like costs of conducting a further review are discussed in the report.

### **Attachments**

1. *Petition*: Public Independent External Review Greater Bendigo City Council
2. *Implementing the Review*: Final Report Implementation of the Independent Review of the City of Greater Bendigo, July 2016

**Attachment 1 - Petition from Ted Coleman and Michael McKenzie for Public Independent External Review Redacted**

Greater Bendigo City Council  
15 Hopetoun Street,  
Bendigo 3550

Ted Coleman and  
Michael McKenzie

[REDACTED]  
Strathfieldsaye, 3551

4 November 2021

Dear Councillors,

Please find enclosed a Petition to the Greater Bendigo City Council to facilitate a Public Independent External Review of the City of Greater Bendigo to be completed no later than June 30, 2023.

Also attached is the proposal - *A 2022-23 Search for Improvement Ideas* – that supports the petition.

We seek your support. We are prepared to meet with Council (Councillors) to further the cause of the Review.

Yours sincerely,

Michael McKenzie

[REDACTED]

[REDACTED]

Ted Coleman

[REDACTED]

[REDACTED]

RECEIVED

4 NOV 2021

City of Greater Bendigo



## Petition - Greater Bendigo City Council Proposal

### *A 2022-23 Search for Improvement Ideas* **Public Independent External Review**

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November 2021

1

### Introduction:

In December 2012 the Greater Bendigo City Council (*Council*) authorised Public Independent External Review (Review) of the City of Greater Bendigo (*council* administration). The Review was a constructive search for improvement ideas to enhance effectiveness, efficiency, accountability, and performance. It was completed in June 2013

Outstanding organisations conduct external reviews cyclically. Back in 2011-12 we suggested a seven to ten-year cycle. We now propose another Review to commence late 2022 to be completed by June 2023.

### History

From 2011 to late 2012, a small number of residents attempted to have Greater Bendigo City Council conduct a Review of the City of Greater Bendigo.

Those attempts met entrenched resistance from CoGB's CEO, senior officers and compliant GBCC Councillors.

In November 2011 a public petition seeking a CoGB Review was presented to the Council. The purpose of the Review was to constructively search for improvement ideas to enhance both Council and council effectiveness, efficiency, accountability and performance. Review proponents informed a Councillors' forum efficiencies and savings of between \$1m to \$2M were possible.

In response, council officers in a 12-page report to the 25 January 2012 Council Meeting, bucketed the petition, and in a 7-2 decision resolved: *Moved Cr Reade, seconded Cr Lyons. Council resolve to advise the proponents of the petition that the independent review as proposed is not supported because existing reviews and specific independent reviews initiated from time to time are considered adequate and the cost of a wide-ranging review is not warranted.* Subsequently that was proved to be poorly judged and very inadequate. A Review was warranted.

2

Fortunately, following a Council election in late 2012, the new Council led by Cr's Cox and Ruffell, despite strong officer resistance, resolved to conduct a Review from January to June 2013. The Review terms of reference and model were agreed upon. The Review budget \$250,000.

The Review's June 2013 Final Report delivered 69 recommendations finding numerous operational efficiencies and improvements, and saving residents millions of dollars

Council's response - *Implementation of the Independent Review of the City of Greater Bendigo, July 2016*, page 2 - best describes the Review outcomes. Then Mayor Fyffe and CEO Niemann, strong opponents of a Review, noted the benefits - *"As you will see the achievements have been considerable and far reaching. There are the obvious and easily measured benefits including substantial annual savings in expenditure, considerable operating efficiencies and improvements in services and systems. The final result is arguably one of Council's most significant achievements in a period of important milestones."* See Appendix 1 - Key Achievements.

### Today

Council has many things to be proud of, yet, it recognises there are things it can do better, and improvement is possible. Residents, even though their perceptions may be different to that of Councillors and council officers, can identify success, and know of things council can do better.

We know Councillors and senior staff work to the best of their ability within a complex and bewildering system. However, all residents want a council that is continually improving; striving to be better, even if council was currently the best council in Australia.

We, the petitioners, believe there is further opportunity to improve council's effectiveness, efficiency, accountability, and performance particularly when current council performance is measured against its past performance. The 2021 Community Satisfaction Survey Report gives a lead, "... overall performance ... remains lower than that achieved back in 2012 to 2014 -- demonstrating higher results are achievable." The CSS Report's ten-year graphs are devastatingly revealed that truth.

We also believe there needs to be an assessment of the effectiveness of council's implementation of the 2013 Independent Review Report's recommendations.

#### **Future Processes**

It is again time for Council to be bold and as open as it was in 2013. Council's commitment to continuous improvement to generate a positive net community benefit must be delivered. The proposed Review will assist in that process. A Review will establish an externally verifiable performance benchmark for Councillors and the public.

To meet the late 2022 - June 2023 timeframe, we propose Council develop Review operational guidelines and a timeline. The attached guidelines and chart provides a model for Council to consider (see appendix 2, 'GBCC Review Model - Operational Guidelines and Flow Chart.')

Despite any differences, the Review model put forward presents an opportunity for Councillors and staff to move forward with the community in a team search for positive ideas to strengthen and improve the CoGB.

An important process would be Councillors transparently form a community weighted Independent Review Advisory Committee (IRAC – Role, see Appendix 2, 1c).

3

Initially IRAC would provide recommendations to the Council on the Review's terms of reference based on broad resident consultation. Councillors have the final say as to the terms.

Examples only of areas that could be blended in to the Review's terms of reference (to be developed through IRAC's community consultation) include:

1. Council's performance implementing the 2013 review recommendations.
2. Determine if suburbs, townships, and rural areas receive a fair share of services, infrastructure, facilities, resources, and road sealing and maintenance
3. Assess CoGB's use of analysis tools in officers' reports to Council like: cost benefit analysis, opportunity cost analysis, comparative analysis, diminishing returns, ....
4. Provide advice on the use of flow-on and multiplier effect in priority project economic analysis.
5. Determine the appropriateness of the Neighbourhood policy.
6. Assess the results of Township and Community Plans including Strathfieldsaye 2009,
7. Council's overall economic development performance, including evaluating the present arrangement of the Economic Development, Tourism and Major Events, Bendigo Art Gallery, and Bendigo Venues and Events within the Strategy and Growth directorate, against placing the units outside the CoGB into a separate independent entity.
8. Provide advice on improving staff retention rates,
9. Setting long-term aspirational goals for Community Satisfaction Survey outcomes, execute appropriate plans and track progress annually.
10. Search and identify future improvements for:
  - transparency,
  - accountability
  - major project develop & delivery,
  - key Plan and Policy document presentation and effectiveness,
  - directorate management structure and operations,
  - services and systems,
  - operating efficiencies,
  - annual & on-going savings,



- strategy and policy development, implementation, and evaluation,
  - adequacy of public engagement and communication on matters that go before Council.
11. Notify the IRAC of important issues that arise that are outside of the terms of reference.

#### **Who Conducts the Review and Who Can Participate and Contribute?**

An independent firm of accredited reviewers working with Council's appointed Review Advisory Committee that would involve and engage the public, Councillors and officers through submissions, interviews, public meetings, and surveys if required.

#### **Independent and External?**

An independent external accredited reviewer, working within 'terms of reference', brings a fresh set of professional impartial eyes to build on the City's knowledge to deliver the best possible outcomes, confirm excellence, and recommend identifiable and justifiable improvements. In part this was achieved with the 2013 Review.

#### **Open and Public?**

To undertake the Review successfully the reviewer needs open access to Councillors, staff, council documents, and to source ideas from the public. It is a public review, and must reflect public issues.

The Review would engage the public, Councillors and staff in the development of the 'terms of reference', and in the Review's public process via meetings, submissions and hearings

The role of the public is paramount, and consistent with council's community engagement framework, and values' statement, "*Council will achieve its vision by working with the community and business, displaying leadership in its decision-making, operating in an open manner and basing decisions on sound information.*", to "*Live our Potential*".

4

Transparency is essential. Release Review reports simultaneously to council and the public.

#### **Conclusion**

A public independent external Review remains innovative; GBCC can again be a leader in this endeavour. The Review seeks a constructive pathway to improve local government outcomes for Greater Bendigo. There is real public and business support.

The Review's strengths are the independent reviewer is external and non-government, the public involvement, and transparency. *Council* can continue to be a State leader in effectiveness and community accountability.

Subject to the 'terms of reference', anticipated improvements, efficiencies and savings will exceed the cost of the Review. And at the **very** least, they will endorse any existing best practice.

A number of Greater Bendigo residents endorse and support this paper, and petition the Council to conduct the Review (Appendix 3).

#### **Recommendation**

Council conduct a public independent external Review of the City of Greater Bendigo within an agreed 'terms of reference' with the aim to complete the Review no later than June 30, 2023. Council give fair consideration to the proposal, the operational ideas and the timeline flowchart.

[2013 Review] **Implementation of the Independent Review of the City of Greater Bendigo – July 2016, Executive Summary** – page 4 extract

Appendix 1

**Key Achievements**

*The Independent Review of the Council and organisation has created a more efficient and responsive, better-governed organisation equipped to engage with and meet the needs of its growing community. Since the Final Report of the Review was released in June 2013 action on its findings and recommendations has resulted in:*

**Governance**

- Improved systems and processes for the good governance of the organisation,
- Increased support for Councillors, including training and education, to undertake demanding and increasingly time-consuming roles.

**Income and Expenditure and Economic Development**

- Net savings predicted to reach more than \$4.2 million for the four years to 30 June 2017,
- Significant improvements to the annual budget process including improved expenditure scrutiny measures resulting in the removal of \$3.67 million of expenditure items from the 2016-17 budget,
- The retention and 'refreshment' of the City Futures Directorate as the City's primary vehicle for driving Greater Bendigo's economic development and jobs growth,
- Substantially increased support for small business.

**Quality of Service Delivery, Management and Staffing, Structure and Innovation**

- The introduction of an ongoing service review program to reach all parts of the organisation over the next three years,
- Improvements to a range of services including statutory and strategic planning,
- A new system for measuring the performance of Directorates, Business Units and individuals to encourage a culture of high performance at all levels of the organisation,
- A better system for recording, tracking and responding to customer inquiries, requests and complaints,
- The consolidation of Bendigo and Heathcote customer support phone systems.
- An offer to work with the State Government to explore the feasibility of providing a single building or one-stop-shop to house a range of State and Council services

5

**Prioritising Capital and Major Works**

- A more transparent, objective and rigorous approach to evaluating and prioritising projects to be funded through the Capital Works program,
- An overhaul of asset management resulting in:
  - An increase of approximately \$5 million in annual spending on asset renewal,
  - An estimated \$60 million reduction in the forecast asset renewal funding gap over the next 10 years. (Source: City of Greater Bendigo: Asset Management: Projected 10 Year Renewal Funding Profile, 2016.)

**Communication and Community Engagement**

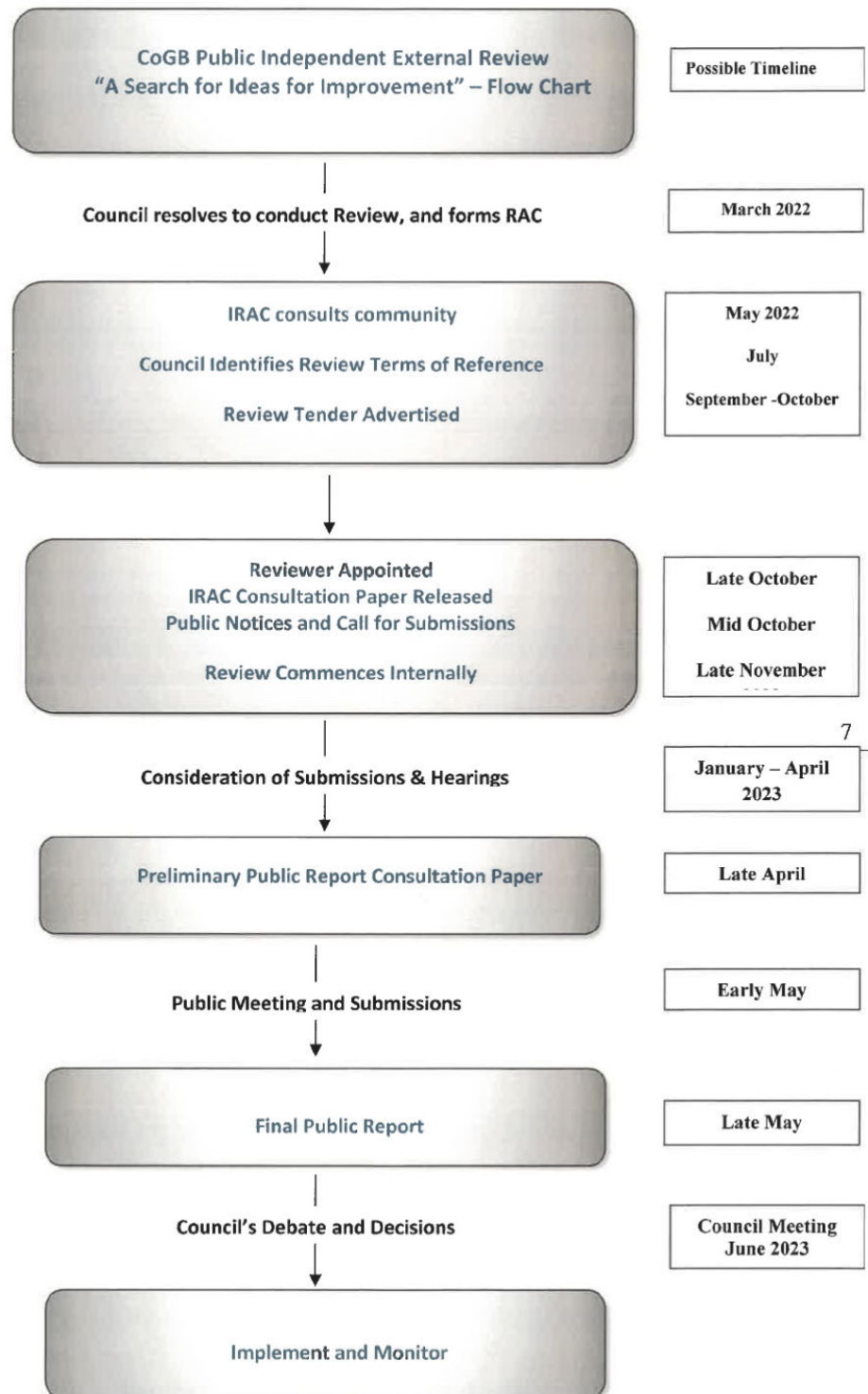
- Better guidelines and standards to improve the organisation's ability to engage residents in the decision-making process.



## Appendix 2

**GBCC Review - Operational Guidelines - Model**

1. GBCCouncil:
  - a. Meet with the petitioners to discuss and reach consensus on the Review's implementation.
  - b. Keep public informed. Transparency, information, notices and consultation is essential throughout Review
  - c. Form an Independent Review Advisory Committee (IRAC) - 2 councillor, 3 public members (and Reviewer) to provide advice on terms of reference, work with the Reviewer, and provide advice on the conduct and management of the Review to Council to ensure compliance with due process and the Review 'ToR'. Further IRAC roles are noted below.
  - d. Councillors resolve Terms of Reference based on advice from the IRAC. Instruct the CEO to Tender out the Review. Councillors formally select the Independent Reviewer from the applicants.
  - e. Appoint a council officer as an impartial Review administrative officer to assist the Review and IRAC for the duration of the Review.
  - f. Authorise an Information Paper based on advice from the IRAC, to guide the public, Councillors, and council staff.
  - g. IRAC conduct a pre-Review public information forum to explain the Review and give the public the opportunity to raise general issues.
  - h. Council administration undertake its own self-assessment and identify those things it believes it does well, and those requiring attention and the means by which it intends to improve, and present that assessment to Reviewer.
2. Reviewer conducts Review within the organisation with access to Councillors, staff and council documentation. This is the bulk of Review. Note, the 'terms of reference' would direct the reviewer, not the CEO or Councillors.
3. Public Submissions and Hearings: IRAC calls for public submissions around the terms of reference (including from Councillors and council staff) in a search for general ideas to improve GBCC. The Reviewer may consider public submissions even if they are outside the ToR. Pro-forma should be used for staff and public submissions. Initially submissions should be no more than 250 words, then, if the reviewer requires more detail, the reviewer or IRAC would make individual contact.  
  
All submissions to be made public and available online. IRAC to conduct a public hearing to 'hear' those who wish to have their submission heard. Hearings open to the public. IRAC also interviews a random sample of residents and staff.
4. Reports: All reports simultaneously available to *Council* and the public. Preliminary Report: In response to research and public submissions/hearings, the Reviewer will prepare a preliminary report including improvement recommendations. Public comment/submissions sought.  
  
Final Report: After assessment of public comment, the Reviewer/Board prepares a final report for *Council* including performance improvement recommendations - presented unmodified at a public *Council* meeting. The Councillors debate publicly to decide implementation of the Review Report.
5. Implement approved recommendations and establish follow-up monitoring regime.



Appendix3

**Review Public Petition**

"We, the undersigned concerned residents and ratepayers of Greater Bendigo City Council formally petition and request the Greater Bendigo City Council to facilitate a public independent external Review of the City of Greater Bendigo to be completed no later than June 30, 2023. We support and endorse the attached City of Greater Bendigo Review proposal."

| Name                  | Address    | Signature  |
|-----------------------|------------|------------|
| Colin J. CARRINGTON   | [REDACTED] | [REDACTED] |
| JOHN D. WALLACE       | [REDACTED] | [REDACTED] |
| RICHARD S. PIESIK     | [REDACTED] | [REDACTED] |
| WILLIAM LACK          | [REDACTED] | [REDACTED] |
| DON L. JARVIS         | [REDACTED] | [REDACTED] |
| GREGG L. MATTHEWS     | [REDACTED] | [REDACTED] |
| ARON SPONG            | [REDACTED] | [REDACTED] |
| FODDER CAFE           | [REDACTED] | [REDACTED] |
| D. Smedholm<br>(DATE) | [REDACTED] | [REDACTED] |

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| Name            | Address    | Signature  |
|-----------------|------------|------------|
| ALAN HOWARD     | [REDACTED] | [REDACTED] |
| PETER McKENZIE  | [REDACTED] | [REDACTED] |
| IAN HIRKE       | [REDACTED] | [REDACTED] |
| IAN McINDOE     | [REDACTED] | [REDACTED] |
| JARRON BUTLER   | [REDACTED] | [REDACTED] |
| LINDA CURRIE    | [REDACTED] | [REDACTED] |
| BRENDAN CURRIE  | [REDACTED] | [REDACTED] |
| Fiona Smethurst | [REDACTED] | [REDACTED] |
| Lisa Howard     | [REDACTED] | [REDACTED] |

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| Name         | Address    | Signature  |
|--------------|------------|------------|
| T. Smayda    | [Redacted] | [Redacted] |
| S. T. Smayda | [Redacted] | [Redacted] |

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| Name              | Address  | Signature  |
|-------------------|--|--|
| Margaret McDonald |  |  |
| Kevin McDonald    |  |  |
| MAX TURNER        |  |  |



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Review Public Petition

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| Name            | Address | Signature |
|-----------------|---------|-----------|
| Alan Ellis      |         |           |
| Shirley Turner  |         |           |
| ALAN BOWLES     |         |           |
| LOUISE MORGAN   |         |           |
| WAYNE BLANDFORD |         |           |

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| Name            | Address  | Signature   |
|-----------------|--|---|
| Bill KNIGHT     |  |  |
| JESS SARGEANT   |  |   |
| LEAH SARGEANT   |  |   |
| Marie Guttridge |  |   |

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| Name        | Address | Signature |
|-------------|---------|-----------|
| L. SARGEANT |         |           |
| H. SARGEANT |         |           |
| Garry Mawby |         |           |
| Peter Moyle |         |           |
| Marko Hall  |         |           |
| Wanda Hall  |         |           |

Appendix3

Review Public Petition



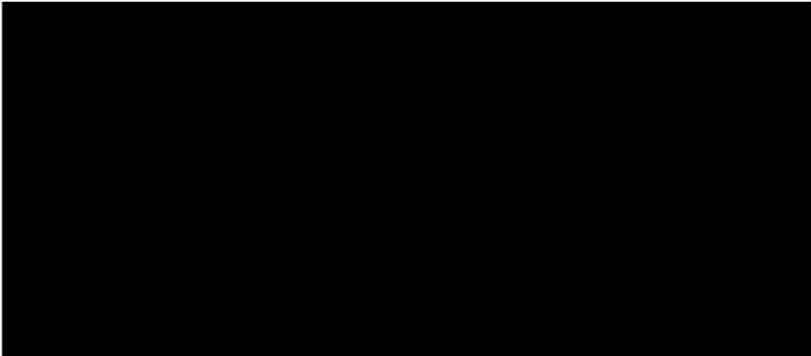
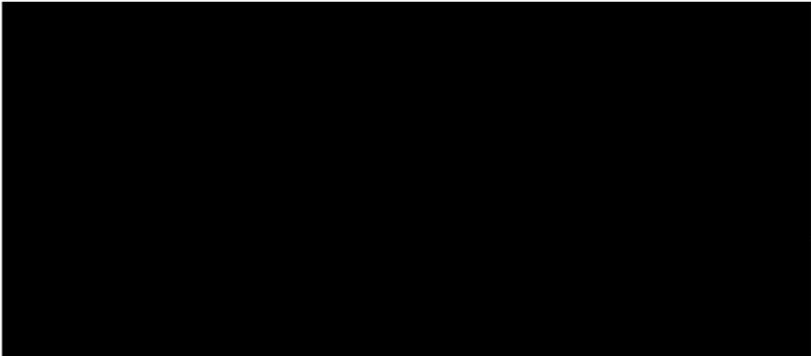


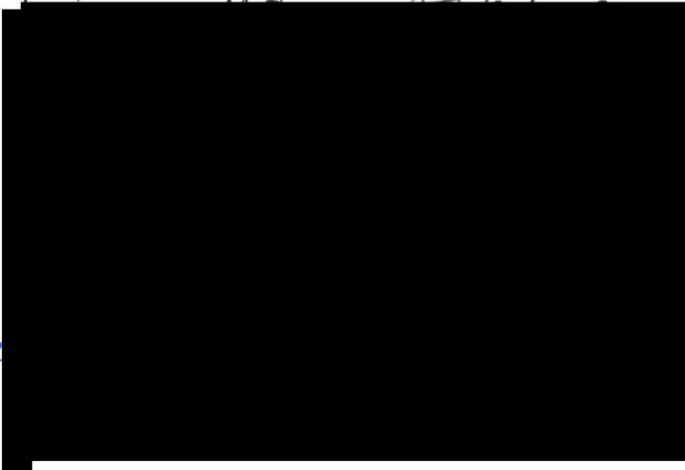
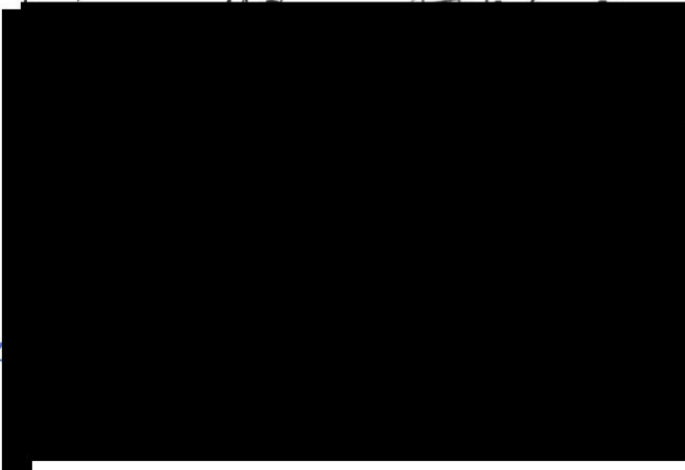


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| Name          | Address | Signature |
|---------------|---------|-----------|
| MARILYN INNES |         |           |

## Appendix 3

## Review Public Petition

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| Name             | Address  | Signature  |
|------------------|--|--|
| Oue Baeck        |    |    |
| Geoff Baeck      |  |  |
| 17 WRIGHT        |  |  |
| Rosely Joseph    |   |   |
| KEVIN UMINA      |  |  |
| Kevin Loe        |  |  |
| Donna Speechley  |  |  |
| PAT GUTHRIE      |  |  |
| Mary Corbett.    |  |  |
| Richard Logan    |  |  |
| John Barry       |  |  |
| Rick McNAMEE     |  |  |
| JULIENNE PRICE   |  |  |
| Kevin Loe        |  |  |
| MICHAEL McKENZIE |  |  |
| Ted Coleman      |  |  |

**Attachment 2 - ATT 2 Implementing the Review Final Report Implementation of the Independent Review of the City of Greater Bendigo, July**



**Implementation of the Independent Review  
of the City of Greater Bendigo – July 2016**





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## Message from the Mayor and Chief Executive Officer

### We are proud and delighted to present this report on the achievements of the Independent Review of the City of Greater Bendigo.

It is nearly four years since Council resolved to undertake this Review of Council and the organisation. It was the first substantive decision of this Council following the 2012 municipal elections.

When the Independent Review Committee submitted its Final Report with its 69 recommendations in June 2013, Council committed to responding to all recommendations by October 2016. The responses were finalised in June 2016.

As you will see the achievements have been considerable and far reaching. There are the obvious and easily measured benefits including substantial annual savings in expenditure, considerable operating efficiencies and improvements in services and systems.

However the release of this report does not mean the review process is finished.

The implementation of the Independent Review has embedded many new practices and approaches that will be of lasting benefit:-

- The introduction of a new Performance Evaluation System will track, benchmark and continuously improve the performance and output of Directorates, Units and individuals. This system is the key ingredient to lasting culture change where high performance is valued and encouraged.
- The ongoing Service Review Program will reach all parts of the organisation to ensure Council invests in the right services at the right standard and in the right way to get the best value.
- Significant improvements to the annual budget deliberation processes will provide ongoing savings through more rigorous assessment of expenditure items.
- The new framework for evaluating, prioritising and funding capital works will ensure limited funds go only to chosen projects to best reflect the needs and priorities of Council and the community.
- Improved systems for logging, tracking and handling customer inquiries and complaints will ensure faster, more informative, more reliable responses and help the organisation learn from customer feedback.
- New asset management arrangements predicted to drastically reduce the funding gap for asset renewal over the next 10 years.



From the outset of this Review the community and staff responded positively to the opportunity to contribute ideas for the betterment of our community.

We commend community members who participated in the process and the hundreds of staff who worked on the implementation.

The final result is arguably one of Council's most significant achievements in a period of important milestones including the opening of Ulumbarra Theatre, adoption of the Residential Development Strategy, the launch of the Bendigo Airport upgrade and the Bendigo Indoor Aquatic and Wellbeing Centre.

**Rod Fyfe OAM**  
Mayor

**Craig Niemann**  
Chief Executive Officer

## Foreword

In 2013 the Greater Bendigo City Council undertook an Independent Review of the Council and organisation to identify improvements to its operations.

Council appointed an Independent Review Committee (IRC) to govern the conduct of the review and Aurecon Australia Pty Ltd as the independent consultant to undertake the review.

Aurecon interviewed 120 individuals and groups from across the Greater Bendigo community and reviewed 129 written submissions.

The IRC presented its Final Report to Council in July 2013. It noted the need for improved transparency, financial reporting and Council governance. It found no grounds to indicate the City was systemically overstuffed.

The report made 69 recommendations for Improvements in:

- Governance,
- Income & expenditure and economic development,
- Quality of service delivery, management and staffing, structure and innovation,
- Prioritising capital works,
- Communications and community engagement.

Council adopted in-principle the 69 recommendations and committed to completing all before its term expired in October 2016.

Council received regular reports on progress with implementation between June 2013 and June 2016.

In October 2013 the first set of recommendations were acknowledged as completed by Council and the final five recommendations were acknowledged as complete June 2016.

This report explains the Greater Bendigo City Council's response to the Review's findings, conclusions and 69 recommendations.

The report provides a detailed account of the:

- Organisation's key achievements from the Review
- Background to the Review – its process and key themes.
- Response process – how the organisation responded to and implemented the Review.
- Organisation's response to each recommendation including achievements to date, expenditure savings, efficiencies and improvements to services, processes and decision-making.

## Key Dates

|                      |  |
|----------------------|--|
| <b>December 2012</b> | Council resolves to undertake an Independent Review of Council   |
| <b>February 2013</b> | Council appoints the Independent Review Committee (IRC) to oversee the conduct of the review.<br>Council adopts a community engagement plan to encourage public and staff participation in the Review.     |
| <b>March 2013</b>    | Aurecon Australia Pty Ltd is appointed as the independent consultant to the Review.  |
| <b>July 2013</b>     | Council receives the IRC Final Report  |
| <b>August 2013</b>   | Council adopts in-principle the Review's 69 recommendations; appoints an Implementation Advisory Committee of All Councillors to oversee the City's response to and implementation of the recommendations. |
| <b>October 2013</b>  | The response first group of recommendations is reported to Council and acknowledged as completed.  |
| <b>December 2013</b> | Appointment of implementation coordinator  |
| <b>June 2016</b>     | The response to the final group of recommendations is reported to Council and acknowledged as completed.   |

## Key Achievements

The Independent Review of the Council and organisation has created a more efficient and responsive, better-governed organisation equipped to engage with and meet the needs of its growing community.

Since the Final Report of the Review was released in June 2013 action on its findings and recommendations has resulted in:-

### Governance

- Improved systems and processes for the good governance of the organisation,
- Increased support for Councillors, including training and education, to undertake demanding and increasingly time consuming roles.

### Income and Expenditure and Economic Development

- Net savings predicted to reach more than \$4.2 million for the four years to 30 June 2017,
- Significant improvements to the annual budget process including improved expenditure scrutiny measures resulting in the removal of \$3.67 million of expenditure items from the 2016-17 budget,
- The retention and 'refreshment' of the City Futures Directorate as the City's primary vehicle for driving Greater Bendigo's economic development and jobs growth,
- Substantially increased support for small business.

### Quality of Service Delivery, Management and Staffing, Structure and Innovation

- The introduction of an ongoing service review program to reach all parts of the organisation over the next three years,
- Improvements to a range of services including statutory and strategic planning.

- A new system for measuring the performance of Directorates, Business Units and individuals to encourage a culture of high performance at all levels of the organisation,
- A better system for recording, tracking and responding to customer inquiries, requests and complaints,
- The consolidation of Bendigo and Heathcote customer support phone systems.
- An offer to work with the State Government to explore the feasibility of providing a single building or one-stop-shop to house a range of State and Council services

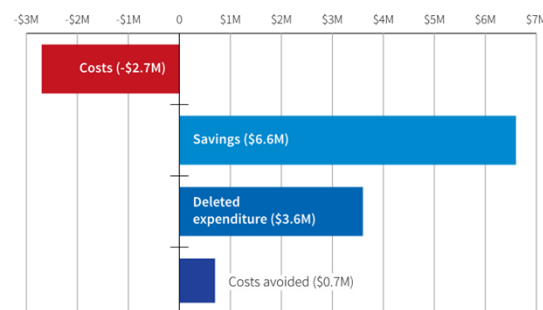
### Prioritising Capital and Major Works

- A more transparent, objective and rigorous approach to evaluating and prioritising projects to be funded through the Capital Works program,
- An overhaul of asset management resulting in:
  - An increase of approximately \$5 million in annual spending on asset renewal,
  - An estimated \$60 million reduction in the forecast asset renewal funding gap over the next 10 years. (Source: City of Greater Bendigo: Asset Management: Projected 10 Year Renewal Funding Profile, 2016.)

### Communication and Community Engagement

- Better guidelines and standards to improve the organisation's ability to engage residents in the decision-making process.

Review savings and costs



## Costs and savings from the Review

The City responded to most of the recommendations by deploying existing resources. However in some circumstances additional expenditure was incurred in staff; consultants; staff training in new policies, systems and procedures; customer surveys and system improvements.

Council approved additional expenditure directly associated with implementation of the Review covering staff; consultants; staff training in improved policies, procedures and systems; software, customer/stakeholder surveys and system improvements. These costs are estimated to total \$2,371,334 for the period 1 July 2013 and 30 June 2017.

Savings achieved through action on the recommendations are estimated to reach approximately \$6,602,168 over the four-year period. The major areas of savings arose through:

- Review of waste management contracts (Recommendation 19)
- Reviews of aged & disability and early childhood services (Recommendations 6, 7, 15, 20 & 21)
- Savings in graphic design costs (Recommendation 45)
- Review of advertising costs and the renegotiation of contracts (Recommendation 38)
- Improvements to budget preparation and expenditure scrutiny arising from the review culminated in the removal of a further \$3.67 million of expenditure items from the 2016-17 budget.
  - \$1.6 million by deleting some line items transferred from the previous year's budget
  - \$978,000 by not increasing all expenditure line items by CPI or another growth factor, and
  - \$1.1 million by removing some projects which had not proceeded in the previous year. (See Recommendation 4)

Additional expenditure totalling approximately \$737,217 over the four-year period was avoided when staff identified alternative ways to implement Recommendations 69 – Asset Management System and 55 Continuous Improvement. In addition, the decision not to appoint a Councillor research officer saved approximately \$87,000 in annual spending from 2016-17.

### 1. Costs

#### 1 July 2013 to 30 June 2017

|   |                    |
|---|--------------------|
| Additional staff*                       | \$1,210,120        |
| Staff redundancies and associated costs | \$44,628           |
| Staff training                          | \$104,608          |
| Consultants/Contractors/legal fees**    | \$366,302          |
| Software/communication equipment        | \$405,891          |
| Additional operational expenditure      | \$238,082          |
| <b>TOTAL</b>                            | <b>\$2,371,334</b> |

\* Includes short term positions to assist in the implementation of the performance evaluation system, Reconciliation Plan, Cultural Inclusion and Diversity Strategy and service review program and ongoing positions in graphic design and community engagement.

\*\* Includes cost of Review (Aurecon) \$250,000

### 2. Savings

#### 1 July 2013 to 30 June 2017

|   |                    |
|---|--------------------|
| Staff and on-costs (Aged & Disability and Early Childhood Service Reviews)                | \$1,686,000        |
| Operating costs (Early Childhood Service Review)  | \$108,000          |
| Consultants/Contractors/External Services (Advertising, waste management, graphic design) | \$4,808,168        |
| <b>TOTAL</b>  | <b>\$6,602,168</b> |

### 3. Deleted expenditure

#### 2016-17 Budget scrutiny

|  |             |
|--|-------------|
| Additional savings achieved by deletion of expenditure items | \$3,678,000 |
|--|-------------|

### 4. Costs avoided

Additional savings achieved by not proceeding with a Recommendation as proposed by the Review.

|                     |                  |
|---------------------|------------------|
| Additional staff*** | \$87,217         |
| Software            | \$500,000        |
| Operating costs     | \$150,000        |
| <b>TOTAL</b>        | <b>\$737,217</b> |

\*\*\* Councillor Research Officer.

## Impact on the 2016-17 budget

As a growing community the City of Greater Bendigo, like other municipalities across Victoria, faces many cost pressures and other challenges in trying to provide the range of services and infrastructure needed by the community.

These challenges intensified for the 2016/2017 budget and beyond with the introduction of the State Government's decision to cap rate increases to CPI. This means rate increases now provide for cost increases only, and do not provide for service growth or infrastructure expansion.

Other pressures on the 2016/2017 budget included:

- Managing the impact of being a growing regional city.
- A significant reduction in some Federal and State Government recurrent grants through a freeze on indexation.
- Ongoing cost shifting from the Federal and State Governments leaving local government to pick up the costs of some services delivered on behalf of the State and Federal Governments.

- The potential future liability of the Defined Benefits Superannuation Fund (see Recommendation 31).
- Delivery of the Council and the community's priorities as outlined in the Greater Bendigo Council Plan.
- The need to replace and upgrade ageing infrastructure.

Despite these pressures the City has produced a budget to maintain existing service levels, provide for minor service growth in some areas, fund a range of new, renewal and upgrade infrastructure works throughout the municipality and deliver the largest program of capital works even seen in Greater Bendigo.

In summary, the range of one-off and ongoing savings, efficiencies and expenditure reduction measures achieved through the Independent Review has played a substantial role in enabling the City to continue to deliver high quality services and infrastructure to the Greater Bendigo community in an environment of financial constraint.

## Process and Key Themes of the Independent Review

In 2013 the Greater Bendigo City Council undertook an Independent Review of the Council and the City's operations. The resolution required that:

- Council conduct an external independent public review by 30 June 2013.
- That an estimated amount of \$250,000 be set aside mid-year to carry out the Review.
- That an Independent Review Committee (IRC) be established comprising of an independent Chairman, three Councillors and two other community members.

### Scope of Review

The scope of the review addressed six key areas:

- Council income and expenditure,
- Quality of service delivery by Council,
- Innovative strategies in management, staffing and structure of Council,
- Prioritising Capital and Major works,
- Greater Bendigo's economic development and the City's role associated with it,
- City's communication and community engagement strategies.

Governance emerged as a key area of interest during the review and was added to the scope.

### The Independent Review Committee

The Independent Review Committee, appointed after a call for expressions of interest comprised the following:

- Rod Hanson (Community Member and Chair),
- Nigel McGuckian (Community Member),
- Margaret O'Rourke (Community Member),
- Mayor Cr Lisa Ruffell,
- Cr James Williams,
- Cr Peter Cox.

### The Review process

Aurecon Australia Pty Ltd (Aurecon) was appointed as the independent consultant to undertake the review. Work took place between April and June 2013.

The Review received 129 written submissions and more than 120 individuals and groups (internal and external) representing a diverse cross-section of the Greater Bendigo community were interviewed by Aurecon.



Independent Review Committee Members (left to right):  
Nigel McGuckian, Cr James Williams, Rod Hanson,  
Mayor Cr Lisa Ruffell, Cr Peter Cox and Margaret O'Rourke.

## Process and Key Themes of the Independent Review

### The key issues

Key issues to emerge during the Review included a belief that City operations and decision-making lacked transparency, the City was overstaffed and cost efficiencies could be found. These were addressed as follows:

### Transparency

A number of the key Recommendations arising from this Review are concerned with transparency and governance.

Key themes included the need for:

- The City to provide timely and more detailed information to Councillors on ongoing and emerging issues and risks including financial trends as they emerged.
- An improved working relationship between Councillors, City leadership and broader staff so that each recognised the other's contribution.
- Improved financial reporting and transparency,
- Consideration of the establishment of stand-alone entities to manage some activities.

### Staffing

- There were no grounds to suggest the City was systemically overstaffed based on benchmarking with comparable Local Government organisations.
- Total Chief Executive Officer (CEO) and Director remuneration as a percentage of total remuneration costs is below average for the benchmarked organisations
- Total labour cost as a percentage of annual budget is the lowest at 32.5% compared to a high of 44%
- Manager to staff ratio is 1:20 compared with a low of 1:18 and a high of 1:44
- Expenditure in 2011-12 was \$1,484 per head of population compared to a low of \$1,239 and a high of \$1,848
- Total staff per 100 of population was the lowest at 0.67 compared to a high of 1.01
- The City's current level of service delivery was consistent with the current Council Vision.
- However reviews into Waste Strategy, Aged and Disability Services and Early Childhood Services may identify areas for savings.

### Cost efficiency

The salient points identified in the Report included:

- Changes and improvements in the management of certain council activities, including Economic Development Unit, Tourism, the Bendigo Art Gallery, The Capital and Major Events may deliver cost efficiencies
- The reviews into Waste Strategy, Aged and Disability Services and Early Childhood Services should be completed and any recommendations carefully considered. Any resulting changes to service delivery should be clearly explained to the community.
- Long term asset management strategies and capital investment decisions must be justified through the preparation of a business case showing evidence of a direct cost benefit
- The consolidation of certain activities, in particular media and communications (including purchasing) would deliver a more cost effective outcome
- A comprehensive review of position descriptions, role titles and function would assist in identifying duplication and gaps
- The lack of a comprehensive performance and development process including succession planning was a concern
- User charges were inconsistently applied and did not recover costs incurred from damage and rectification to Council assets through fees or condition bonds.

### Office consolidation

Significant operational efficiencies may be gained through the consolidation of activities into a single facility. A business case could be developed to explore whether efficiencies could be achieved in operating costs or service delivery through office consolidation.

## Response and Implementation

### Council response

Upon receiving the Final Report of the Independent Review in June 2013 Council adopted in-principle all 69 recommendations and committed to responding to all 69 during the current Council term, which expires in October 2016.

Council established an Implementation Advisory Committee of all Councillors supported by the Chief Executive Officer and the Manager of Executive Services to oversee the City's response and implementation of the recommendations.

Over 20 months Council received regular reports (approximately every six weeks) at its Ordinary Meetings on progress with the implementation.

Council acknowledged a Recommendation as completed when:

- all associated actions were completed, or
- where the work was ongoing, when Council was satisfied all initial actions were completed and a framework was in place to ensure future work was undertaken and completed in a structured manner, or
- the recommendation was addressed in a different way that better aligned with Council's objectives and the work was completed.

### City's response

The organisation adopted a structured approach to implementing the Final Report. The CEO assigned recommendations to the relevant Directorates to investigate and implement.

The recommendations proposing improvements to the annual budget preparations were incorporated into the 2014-15 budget process.

Recommendations addressing the same or similar issues/subjects were clustered and project teams appointed to prepare implementation project plans. For example a group of recommendations represented the building blocks to achieving a high performance culture in the organisation, specifically Recommendations 2, 9, 10, 49, 51, and 55.

Similarly Recommendations 29, 37, 43, 46 and 50 addressed the key ingredients for an improved framework to guide the organisation's community engagement.

Recommendations 23 and 24 addressed the need for a much-improved performance in recording, tracking, responding to and closing the loop on customer requests.

As Project Groups assumed the task of investigation and implementation the Executive Management Team established a quarterly monitoring and reporting to track progress with all the recommendations.

External advice was sought in evaluating Recommendation 8 on investigating the option of separating most functions of City Futures into a separate entity.

For Recommendation 31 relating to reducing the City's superannuation liability, the City sought the support of the Municipal Association of Victoria in lobbying State and Federal authorities for reform of the legislation which places an unnecessary financial on municipalities including Greater Bendigo.

A coordinator was appointed from December 2013 to June 2016 to support the Project Teams, track and monitor progress and provides progress reports to EMT and Council.

### Implementation

The implementation of some recommendations was straight forward and completed in a relatively short time. Some including those relating to 'closing the loop' on customer service took almost two and a half years and the task of pursuing continual improvement in customer service will be ongoing.

In October 2013 the first set of recommendations were acknowledged as completed by Council and the final five recommendations were acknowledged as complete June 2016 – three years after the release of the Report.

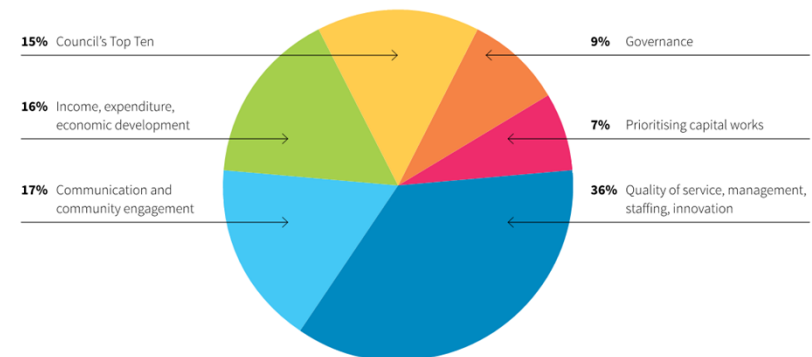
## Recommendations in detail

### The following pages document the response to all 69 recommendations.

The recommendations are not listed in numeric but under the relevant subject heading:

- Council's Top Ten
- Governance,
- Income & expenditure and economic development,
- Quality of service delivery, management and staffing, structure and innovation,
- Prioritising capital works,
- Communications and community engagement.

### Implementation Workstreams





## Council's Top Ten

These were the top ten priorities nominated by Council.

### Recommendation 2 – Review of Classifications

**Priority:** High  
**Timeframe:** Short

Undertake an organisation-wide review of all classifications and work structures to formalise and document consistent roles, responsibilities and salary banding.

#### Expected outcome

- Consistent salary banding across the organisation.
- Clearly defined roles and responsibilities.
- Increased operational performance across the organisation.

#### Response

At the time of the Independent Review the City deployed 461 position descriptions across the organisation. These position descriptions also guide the setting of classifications for each employee.

It is understandable that Aurecon made the recommendation in the context that not all roles and salary bandings had been recently reviewed.

However, the recommendation is being implemented using methods that avoid the costs and other implications of a one-off organisation-wide review whilst still achieving the outcomes envisaged by the recommendation.

Classification and work structure reviews are on-going and form part of:

- Restructuring of Directorates or Business Units
- Recruitment of new or replacement personnel
- Requests for classification reviews under the Enterprise Agreement
- Individual staff performance reviews.

Between 2010 and 2015 an estimated 98% of positions had undergone a formal work structure and/or classification review by the responsible manager and the Human Resources team. This review and improvement process is ongoing.

In addition, position descriptions are updated as needed to focus on new requirements including – staff values and conduct, workplace health and safety, customer responsiveness etc.

#### Restructuring

Since 2010 there have been significant restructures effecting whole Directorates and numerous Business Units prompting a review of relevant classifications and work structures.

By 2015 an estimated 88% of positions had also undergone a review of classification and position description as a consequence of restructure or realignment. This work is expected to be ongoing.

The organisational restructure announced by the Chief Executive Officer in June 2016 reducing the number of Directorates from five to four will result in a further review of workplace classifications and position descriptions.

#### Recruitment

Between 2010 and 2015 the City recruited on average 118 positions each year, predominantly to fill vacancies for existing positions resulting in a review of 25.6% of the positions within the organisation via the recruitment process.

#### Classification review requests

Between 2010 and 2015 a total of 36 PD's were reviewed at the request of staff resulting in 27 reclassifications.

#### Individual performance reviews

The Performance Evaluation System (Recommendation 10) triggers an annual performance review of each employee including a review of their position description and classification.

The above statistics relate to the period 2010-2015. Since 2015 an additional 146 PD's have been reviewed through restructures, position reviews and recruitment processes

#### Impact

The measures outlined above ensure there is regular and ongoing review of classifications and work structures and employees have a current PD reflecting their roles and duties. Since 2012 classification reviews have resulted in the reclassification of 87 positions. Since 2014 the City has recruited to fill 218 vacancies. In three cases a review of the classification resulted in the position being reclassified at a lower level prior to recruitment.

### Recommendation 3 – Matter for Decision Template

**Priority:** High  
**Timeframe:** Intermediate

Create a standardised Matter for Decision template for investment and business case proposals (capital works, operational expenditure, service provision, upgrades/renewals, direct requests from Council and asset maintenance) to be applied across all Directorates.

#### The template must include:

- Information on the project, the need and purpose, and budget implications
- The outcome for and benefit to the community
- Clearly link the expose to the Asset Management Register (if appropriate)
- A clear link between Council's Vision, Plan and the project
- A monetary risk and threshold and decision-making process to define the extent and depth of the business case and reporting required and level of approval (similar to a procurement policy).

#### Expected outcome

- Clear and transparent matter for decision process implemented across the organisation.
- This will enable transparent decisions to be collated and assessed.

#### Response

New templates – a Capital Works Business Case and an Operating Budget Initiative Form – have been introduced to standardised the information required when lodging investment and business case proposals. This process operated successfully (for the first time) during the development of the 2014/15 budget.

It was subsequently extended to include any proposals to expend funds which are lodged outside of the annual budget process. This includes the mid-year budget review, and any other time of year when Council approval is sought for additional expenditure.

#### Impact

The process has now been in place for two budgets.

The substantial benefits arising from this initiative, combined with the new Capital Evaluation Framework are outlined in response to Recommendation 4.

### Recommendation 4 – Capital Works Evaluation Framework

**Priority:** High  
**Timeframe:** Short

Create a formal asset management and infrastructure project ranking and evaluation framework.

#### Expected outcome

- A structured and transparent approach to selecting the programs and infrastructure investments that provides the greatest value to the community.

#### Response

In response the City developed a Capital Evaluation Framework as an assessment tool for prioritising new requests for capital works projects. The framework was used for the first time as part of the 2014/15 Council Budget preparation process and has been refined and improved each year since.

The key principles of the new framework are:

- New project bids require a business case scored against a set of pre-determined criteria to determine the priority against other projects
- The introduction of a new Evaluation Panel to weigh proposals against community need/benefit and how they align with the Council plan, particularly its aim of making Greater Bendigo Australia's most liveable regional city.
- Projects are listed in order of highest to lowest priority. The highest priority projects should receive funding, in order, until the budget limit is reached.

The introduction of the CEF has been highly successful in creating a clearer link between the business case and the decision making process. It has also helped streamline the budget process.

These changes give priority to issues such as heritage preservation, promoting productivity, sustainability and reducing environmental impact, social equity/social inclusion particularly for residents experiencing disadvantage, responding to service demand, contributing to township support, and improving presentation and vibrancy.

#### Impact

The process has been introduced for two budget cycles and has been well received within the organisation. It has provided a structured, more rigorous, transparent methodology for evaluating Capital Works and the investment in new assets.

*continued ►*



## Implementing 'The Review' – Final Report

As a result the community can be assured the City's limited funds are being spent on capital works projects that reflect Council's priorities in the Council Plan.

A further benefit is the early communication of available funds which encourages staff to concentrate on priorities and reduces the number of budget submissions. Submission quality has also improved.

The reduction in the number of submissions, combined with the improvement in quality and the deletion of those least likely to receive priority has resulted in a considerable time saving for Councillors and senior management when reviewing the capital works budget bids.

This saving in time has freed the Finance Unit to concentrate on a more exhaustive, more rigorous line item review of the draft budget.

During this process for the 2016/17 budget the Finance Unit identified the following savings:

- \$1.6 million by deleting some line items transferred from the previous year's budget
- \$978,000 by not increasing all expenditure line items by CPI or another growth factor, and
- \$1.1 million by removing some projects which had not proceeded in the previous year

Total savings of these three processes equates to 3.6M

## Recommendation 8 – City Futures

**Priority:** High  
**Timeframe:** Short

*Investigate the option to separate the Economic Development Unit, Tourism, the Bendigo Art Gallery, The Capital and Major Events from City Futures into a separate entity.*

*This investigation must include an implementation plan which would provide strategies and direction for the entity and underlying Business Units to aspire to become a self-funding operation within five years of separation. It must also include a plan to incorporate Major Projects into another Directorate of CoGB.*

### Expected outcome

- Increased and sustained economic development in the region.
- Increased transparency and reporting on the income and expenditure of these units.

### Response

In March 2015 Council considered a comprehensive 202-page response to the recommendation by the CEO and including an independent assessment of the recommendation by Mr Graeme Stewart of AFS & Associates.

Mr Stewart concluded:

- The recommendation regarding separation does not appear to be justifiable
- There is no evidence the listed alternative business models would be more efficient or offer better methods of fostering economic development and jobs growth
- Key outcomes can be delivered without need for separation
- Alternative business models appear to be a much more costly alternative than the current structure.

The CEO's report itself concluded:

- The recommendation to separate parts of City Futures into a separate entity is seriously flawed and would fragment and stall Greater Bendigo's drive for economic development and jobs drive. Further, the aspiration of self-sufficiency is unworkable.
- Greater Bendigo community would be better served if the role of the Directorate is retained in its present form but 'refreshed' to provide, amongst other things, greater support for small business, helping significant business/industry initiatives and major developments through the regulatory, environment, and securing decentralisation of government services and employment to Bendigo, possibly in combination with a future new centralised office for the organisation.

Council released the CEO's response to Recommendation 8 for public exhibition for six weeks before making a final decision.

Public submissions demonstrated overwhelming support for the current structure, role and strategic direction of the City Futures Directorate from within business, community organisations and residents.

After considering the CEO's response and public submissions Council resolved to:

- Reaffirm the current strategy for driving economic development and jobs growth;
- Endorse the CEO's proposal for refreshing the City Futures through a series of actions including:
  - I. A significantly elevated commitment to small business support, facilitation and development,
  - II. An expanded role in helping the organisation move to a more commercialised approach to achieve greater utilisation of venues,
  - III. An enhanced role in assisting our significant business/industry initiatives major developments through the regulatory environment,
  - IV. An expanded brief to promote, secure and help accommodate a greater decentralisation of government services and employment to Bendigo, possibly through joint venture development with the private sector,
  - V. Progress Recommendation 11 relating to consolidation of COGB offices,

VI. A mandate to investigate the progressive expansion of Bendigo Tourism into a major and more widely focussed Regional Tourism Body through the potential cooperative consolidation of tourism services within Greater Bendigo and participating neighbouring municipalities in the region, and

VII. An expanded role in helping reinvigorate the Bendigo Trust including its product offering and marketing.

- Acknowledge that units of the City of Greater Bendigo will continue to be subject to service reviews and continuous improvement processes which will be applied broadly across the organisation.

### Impact

Considerable progress has been achieved in implementing Council's decision.

### Small Business Support

The Economic Development Unit (EDU) re-allocated resources for two employees to be engaged directly in supporting small business.

Small business advocacy has been enhanced through the introduction of:

- A revised Business Support Directory that identifies all business support organisations and services available to local businesses.
- A Mentoring Program to align any local businesses with appropriate mentoring support to assist business growth.
- A Small Business Health Check Service to allow a business to self-assess its performance against 10 fundamental disciplines of best business practices, followed up by a consultation with an EDU staff member.
- Bendigo Funding finder – allowing local businesses to quickly identify and win grants or competitions available to enhance business growth and recognition.
- Supporting Local Business Bendigo online Forum. An online 'self-help' community for local small and micro business.
- Eleven Business Education videos explaining the A-Z of running a successful business, stored on the City's YouTube Channel.
- Bendigo Tourism created a low level entry level membership to encourage small businesses to be part of the Marilyn promotions this year and receive a taste of tourism. One of the benefits was to receive a Marilyn welcome sign, which was funded by the Tourism unit in conjunction with Economic Development (see attach). The membership also included an invitation to a special preview of the exhibition, as well as regular industry updates on events and opportunities.
- Bendigo Tourism sponsored workshops for the Bendigo Small Business Festival with James Roper and Russell Zimmerman. These workshops focused on retail in the 21st century and were offered to Bendigo Tourism members and the wider business community.

In addition new organisations have been formed to help meet the contemporary needs of small business groupings in Greater Bendigo. These include:

- Local business advisors and mentors have formed a representative entity called LEAD. This entity is a vehicle for collaborating in the development of best practice and providing a representative body for their profession in Central Victoria.
- Another group has been encouraged to represent Central Victorian virtual executives, a growing trend for micro businesses. Central Victorian Virtual Associates (CVVA) addresses a growing trend for small businesses who seek to outsource administrative tasks.
- 'Supporting Local Business Bendigo' is a new online forum to support the business community through Facebook, Instagram and Twitter accounts enables businesses to engage, share ideas and obtain best practice advice or links to complementary businesses. This virtual community was launched on 5 May 2016.

EDU staff undertook a planned CBD business visitation program. More than 200 businesses were visited. One of the outcomes has been a series of workshops entitled "The Fine Art of Retail" and covering:

- Visual Merchandising (due to demand, two sessions were held)
- Timeless Marketing
- Finance
- Customer Service

### Greater Utilisation of Venues

The Capital Venues & Events and Major Events Units are working together to maximise use of key venues.

For example the success of Major Events in attracting significant events to Bendigo, particularly in the sport and leisure portfolio, is bringing new business to venues such as The Capital Theatre, Ulumbarra, the Town Hall, Bendigo Stadium, the Bendigo Exhibition Centre, the QEO, Tom Flood Sports Centre and the Greater Bendigo Aquatic and Wellbeing Centre.

An important part of the Unit's work is to continually scan for new business to place into these venues to maximise occupancy.

The City's relationship with the Lakkis Catering Group has helped stimulate additional use of the Ulumbarra foyer and the Bendigo Town Hall for weddings, dinners and other commercial events. Many large conferences have also been held during 2016.

The City has also developed promotional alliances in the private sector which has resulted in the regular promotion of our key venues through The Schaller Studio's national database, Telstra Stores Bendigo's regional database and Audi Bendigo's targeted list of high-end luxury vehicle consumers. A new alliance with WIN TV will result in more than \$150,000 retail value in TV advertising delivered to promote the City venues and events.

Finally, the City is looking to take advantage of the increased flexibility offered by Ulumbarra Theatre to The State Government and the Victorian Association of Performing Arts Centres have both identified contemporary music as a growth opportunity for performing arts and is exploring ways to better present and coordinate product delivery in this space.

*continued ►*

## Implementing 'The Review' – Final Report

**Helping business/development with regulation**

The Small Business employees help businesses navigate the array of regulation involved in establishing and/or developing their business ventures.

As part of the process the Small Business Support team has linked with other City employees who share a regulatory or statutory role and expertise to provide advice and assistance.

**Decentralisation of Government Services/Consolidation of Offices**

In 2015 the Victorian Government announced a review of its regional economic development strategy and service review model overseen by an external advisory board chaired by former Premier the Hon. John Brumby and including the CEO Mr Craig Niemann.

The subsequent Regional Economic Development and Services Review Final Report included recommendations to encourage further industry innovation and to improve regional service delivery.

The report recommended the Victorian Government provide a one stop shop in regional centres through the co-location of government and public sector agencies, beginning with Bendigo, Ballarat and Geelong.

The report found co-location would improve services to the public, improve networking and collaboration between departments, provide efficiencies and cost savings, boost economic activity in regional settings and help with staff recruitment.

In response to the report the government committed to improving rural and regional business support by providing one-stop-shops to house new trade and investment teams and economic development specialists from across government departments and local and Commonwealth governments. The new regional business centres would be established initially in Bendigo, Ballarat, Geelong and Traralgon.

Council has written to the Government advising it would be willing to participate in a feasibility study of such a proposal.

In the meantime the City's executive team has investigated alternative models of office layout and design as part of the broader office accommodation project.

**Regional Tourism**

The Bendigo/Loddon Region welcomes 1.733 million day trippers and 866,000 over-night visitors each year – a total of 2.6 million visitors annually.

Tourism and supporting industry contribute approximately \$460 million per year into the Bendigo-Loddon economy making it a significant industry sector and a major regional employer.

Four municipalities – Central Goldfields, Greater Bendigo, Loddon and Mt Alexander – have formed Bendigo Regional Tourism (BRT) and agreed in principal to taking a regional approach to tourism promotion and the potential cooperative consolidation of tourism services.

BRT is updating its Memorandum of Understanding (MOU) to reflect the proposed operating model for the four municipalities.

The four municipalities have agreed to create a regional website to consolidate their existing websites and provide a simpler visitor experience.

BRT is also working with Visit Victoria and major media to showcase the broader region. A business case is being prepared for official recognition of Bendigo Regional Tourism as a regional tourism body in its own right.

In May 2016 the Bendigo Regional Tourism Destination Management Plan was launched in Castlemaine to build the region's growing tourism potential over the next five years through marketing activities and strategies to attract more tourists and provide more jobs for local residents.

**Bendigo Trust**

The City's recurrent funding for the Bendigo Trust (now Bendigo Heritage Attractions) has increased significantly in recent years:

|       |           |
|-------|-----------|
| 12/13 | \$260,000 |
| 13/14 | \$550,000 |
| 14/15 | \$659,500 |
| 15/16 | \$710,000 |
| 16/17 | \$610,000 |

Capital works funding also increased.

In addition to the extra financial support the Manager, Major Projects supports the Trust on a variety of issues and is a conduit for the Trust in accessing City expertise in Finance, Property, Risk and the City Futures Directorate.

The Property Unit also provides project management expertise on a number of capital works projects. The Finance Manager is a part of the Trust audit committee.

There is a requirement in the new funding agreement for the Trust to meet with the City Futures directorate at least quarterly to collaborate on initiatives and events.

A number of new Key Performance Indicators included in the revised funding agreement will be renegotiated for the 2017/2018 financial year.

**Service Reviews**

The City has embarked on a rolling program of service reviews over four years in order to ensure Council invests in the right services at the right standard and in the right way to get the best value in pursuit of Greater Bendigo becoming Australia's most liveable regional city.

All City Futures services are scheduled for service reviews.

**Recommendation 28 – Budgets for Capital Works**

**Priority:** High  
**Timeframe:** Intermediate

*Formalise and document the process used to develop individual project budgets for Capital Works.*

**Expected outcome**

- Improved transparency in asset management across the organisation.

**Response**

As part of a continual improvement process and in response to the recommendations of the Independent Review a Budget Manual was created to guide the annual budget process.

The Budget Manual outlines the processes to be used to develop the Operating and Capital Works Budgets. It is updated annually for each budget cycle.

**Impact**

A benefit for the organisation is the manual sets clear guidelines and standards for the preparation of business cases for capital works. See Recommendation 4 for more detail on how budget processes have been improved.

**Recommendation 32 – Governance Training**

**Priority:** High  
**Timeframe:** Short

*Develop robust and detailed governance training for Councillors and CoGB staff.*

**Expected outcome**

- Effective training tools and material for the implementation of ongoing training.

**Response**

As part of each governance meeting Councillors consider training opportunities. The Governance meetings are also an opportunity for Councillors to reflect on performance and any training needs. One Councillor completed the Australian Institute of Company Directors course and three Councillors successfully completed a Diploma of Local Government. Councillors have all participated on both internal and external training throughout the term as needs and opportunities have been identified.

An extensive learning calendar is available for staff. Members of the executive team regularly participate in ongoing professional development.

**Impact**

The current Council is better equipped to make sound decisions on behalf of the community. Councillors are also individually and collectively able to engage the community more effectively, contribute to strategic planning and budgets to advance its vision of working together to become Australia's most liveable regional city.

It must also be said that working together has not always been successful and has led to a number of code of conduct breaches during the term.

A significant impact of staff training has been the ability of staff to step up into acting roles as the need arises right across the organisation.

**Recommendation 16 – Major Projects**

**Priority:** High  
**Timeframe:** Ongoing

*Mandate the completion of business cases to investment grade for all major investment projects.*

**Expected outcome**

- Responsible investment in major infrastructure projects that achieve a positive financial return for the community.

**Response**

A business case template was established for the 2011/12 budget process and has subsequently been updated each year.

In November 2012 Council adopted a revised Major Capital Works Budget Submission Policy which requires a detailed business case, meeting specified information requirements, for all Capital Works projects valued at \$3 million or more.

In responding to the recommendation it was noted the recommendation reflects the need for business cases to 'investment grade' level to, amongst other things, measure the financial return of any particular investment.

There is rarely a financial return on local government projects; more likely there is a return in terms of community benefit.

Despite this the business case template has been updated to ensure it can incorporate all the financial information needed for an investment grade proposal or alternatively to measure the return in terms of community benefit, whichever is relevant.

For the 2016/17 financial year budget process the City's new Project Management System was used for the submission and assessment of project business cases. This will be refined further for 2017/18 budget process.

*continued ►*

## Implementing 'The Review' – Final Report

In addition, the Capital Evaluation Framework (CEF) outlined in the response to Recommendation 4 further strengthens the requirement for a business case for all new capital projects. The CEF determines how the business cases will be evaluated and therefore assigns each project's priority.

**Impact**

The benefits of these process improvements can be seen in closer attention to detail in all facets of planning for major projects resulting in better managed projects, risk reduction and keeping costs within budget.

This was a contributing factor in the completion of the Ulumbarra Theatre to specification, on time and within budget.

Another example of how a comprehensive business case is guiding decision-making on a major project is in the development of the Greater Bendigo Indoor Aquatic and Well Being Centre. The business case prepared for the centre was able to incorporate Council's requirement for a 50 metre pool and predict the best mix of facilities to a size and standard that would best meet community/market demand while keeping operating costs as low as possible.

When tenders for management of the facility were considered in 2016 the City was able to compare the prices offered against a benchmark for best value established by the business case. Ultimately the financial predictions contained in the business model gave the City the confidence to reject all tenders, adjust the operating model and call for new tenders. The City expects to report on the outcome of this revised tender process in late August 2016. However it is predicted the revised tender will result in greater savings for the City in the long term and greater flexibility in how the facility is established and managed.

## Recommendation 26 – Asset Management Strategy

**Priority:** High  
**Timeframe:** Short

*Finalise the Asset Management Strategy and implement action plan items to achieve 80% core maturity.*

**Expected outcome**

- Improved efficiency in asset management across the organisation.

**Response**

In December 2013 Asset Management Strategy was finalised to:

- benchmark the current and preferred state of the City's asset management,
- develop a structured set of objectives and actions to achieve the preferred state, and
- deliver on the commitments made through the Management Policy.

The Strategy includes an Asset Management Improvement Action Plan, which identified 29 finance & asset management improvement actions to be completed over two years. The Strategy and Improvement Action Plan are reviewed annually. The next review is due in December 2016.

The Review's benchmark of 80% core maturity is a measure against a national assessment framework for asset management, financial planning and reporting. This self-assessment tool was developed by the Local Government Planning Ministers Council (LGPMP) and is known as the National Asset Management Assessment Framework (NAMAF).

The NAMAF benchmarks were developed around an asset management maturity model involving 11 key elements and two levels of maturity – Core and Advanced.

The minimum target benchmark level for all Councils should be at least the "Core" level.

As at 17th December 2013 Council had achieved a score of 896 out of 1100 which equates to 81.5% Core Maturity.

The City has now completed 14 of the 29 actions and increased the core maturity score to 993 or 90%.

- Major actions completed, and achievements made since December 2013 have been:

- Development of the City's Capital Works Evaluation Framework (IR28);
- Development of Asset Capitalisation and Asset Valuation Policies;
- Amendments to Council Plan to address Council performance – measures and monitoring;
- Amendments to Council's Annual Report to include statements describing variances between Budget and Actual and how these may impact on the Council Plan objectives;
- Development of an Assets & Surplus Land Disposal Policy;
- Engagement of a Property Assets Officer to provide inspection and maintenance services on Council's buildings;
- The nine Asset Management Plans have been endorsed.
- Progress on a further 4 actions is well advanced.
- The City's plan is to build on this achievement and:
  - complete a further 7 actions by June 2017, culminating in a 'Core' Maturity score of approx. 1050; and
  - complete the remaining 8 actions by June 2018, culminating in a 'Core' Maturity score of 1100.

**Impact**

The benefits to the community and organisation from this improved, structured asset management include:

- Better decision-making by Council.
- Greater awareness and acknowledgement of asset management throughout the organisation.
- Approximately \$5 million more being spent on asset renewal.
- An anticipated \$60 million reduction in the forecast asset renewal funding gap over the next 10 years. (Source: City of Greater Bendigo: Asset Management: Projected 10 Year Renewal Funding Profile, 2016.)
- More efficient asset maintenance and renewal resulting in better asset conditions.
- Anticipated improvements in service and safety for many assets.

## Recommendation 10 – Performance Management

**Priority:** High  
**Timeframe:** Short

*Implement a performance management:*

- Framework;
- Change management plan; and,
- an information technology software system

*which is capable of facilitating performance management for all levels of the organisation (CoGB, Directorate, Business Unit and individuals).*

**Expected outcome**

- Clear and transparent organisation performance and a 'high performance culture'.
- Capacity to track and monitor organisation and individual performance.

**Response**

A new integrated software system has been installed to deliver improved performance management for all levels of the organisation.

Phase 1 involved using the system to monitor corporate-level performance by tracking key plans and strategies including the Council Plan and Independent Review.

Existing and new strategies have also been uploaded into the system and can be monitored and reported on a regular basis.

Implementation of an audit module has enabled the monitoring of audits, recommendations and findings. Reporting is currently being developed to enable reporting to the Audit Committee.

In 2014/15 and 2015/16 the software was used to prepare Unit Business Plans. These plans use a centralised database of existing strategies and plans to inform business unit actions and priorities.

Phase 2 involved using the software to plan and evaluate individual performance. A new employee performance and development framework was introduced in the second half of 2015.

The focus for the balance of the 2015-16 financial year was implementation including employee training in how to use the enabling software (PES), how to develop meaningful and effective performance plans, the preparation of relevant and measurable performance indicators and, for managers, how to conduct productive and effective performance interviews.

This work is seen as preparatory to 2016-17 when existing performance plans will be reviewed and all employees will be expected to have a new performance plan to guide work and professional development for the financial year.

The aim is for employees with a computer log-on to have a plan in the software by 30 June 2016 and all employees without a computer log-on with a paper version of the plan by 30 June 2016. Work is on track to achieving these goals.

**Impact**

The benefits to the organisation and the community arising from the Performance Evaluation System include:

- Greater transparency and consistency in tracking and measuring organisation, unit and individual performance,
- Greater capacity to track and monitor organisation and individual performance and to develop a high performance culture across the organisation,
- Better alignment of all activity with the Council Plan and key strategies.



## Recommendation 11 – Office Consolidation

Priority: **High**  
Timeframe: **Long**

*Advocate and plan for the consolidation of CoGB offices.*

### Expected outcome

- A high performance culture in the organisation.
- Increased organisation efficiencies.

### Response

Council's CBD Structure Plan (2005) envisages the Civic Precinct to provide a single, central location for "a number of government, Council and community based activities."

Subsequently the City has been carefully monitoring government policy for any co-location opportunities.

In 2015 the Victorian Government committed to providing one-stop-shops to house new trade and investment teams and economic development specialists to work with local and Commonwealth governments. The new regional business centres would be rolled out initially in Bendigo, Ballarat, Geelong and Traralgon.

The government's proposal for co-locating State, Commonwealth and local Government services in Bendigo provides an opportunity for a possibly more affordable means for pursuing office consolidation (Recommendation 11) subject to a feasibility assessment.

Council has written to the Government advising it would be willing to participate in a feasibility study of such a proposal.

Meanwhile the City's executive team have been investigating alternative models of office layout and design as part of the broader office accommodation project.

### Impact

Aurecon found the current office arrangements, spread across at least 8 CBD buildings (some leased), adversely affects the City's ability to deliver services efficiently as well as impacting on organisation culture and communication among staff and the public. It prevents the full integration of various functions, cannot accommodate future growth and results in high leasing costs.

Further Aurecon suggested the high development costs could be avoided if a significant proportion of the project was funded through the public/private investment model. Sharing the new facility with other government agencies would further reduce costs.

The report of the Independent Review explored the potential for construction of a new Bendigo Civic Centre with office accommodation for both the City and the private sector with car parking.

In accordance with Recommendation 16 of the Independent Review a full business case would be developed prior to detailed consideration by Council.

## Governance

## Recommendation 40 – Training and Education

Priority: **Medium**  
Timeframe: **Ongoing**

*Mandate ongoing training and education in Governance, roles and responsibilities, communications protocols (internal and external) and the Code of Conduct for all Councillors and Directors.*

### Expected outcome

- Up-skilled Councillors and Directors able to provide the community with strong leadership during his/her term in office.

### Response

During the Council term Councillors and Directors have participated in various training and education opportunities relating to governance, roles and responsibilities, communication and code of conduct.

Opportunities for training and education are now a regularly listed agenda item for Governance meetings.

### Impact

Codes of conduct have been further developed for both staff and Councillors.

New policies have been developed relating to the Councillor Code of Conduct, roles and responsibilities and release of information to the media. Council is much better equipped for the next Council term, having policies and protocols in place.

## Recommendation 41 – Councillor Education Series

Priority: **Medium**  
Timeframe: **Ongoing**

*Develop an education series for Councillors to provide ongoing guidance and assistance on relevant subjects (such as planning, HACC services, relevant legislation changes, cost shifting by the Federal and State Government, asset management and capital works, roles and responsibilities, Code of Conduct).*

### Expected outcome

- Up-skilled Councillors and Directors able to provide the community with strong leadership during his/her term in office.

### Response

Councillors acknowledge that presentations and workshops conducted on selected subjects are part of an ongoing education series throughout the year and that Councillors and senior staff identify any gaps, on an annual basis and as required, to ensure that the education series is comprehensive and relevant.

### Impact

The impact has been more informed and consultative decision making throughout the term on many critical issues including:

- Waste and Resource Management Strategy,
- Major planning scheme amendments,
- Changes to the HACC services,
- Amendments and review of the Local Government Act,
- Asset management plans,
- Adoption of extensive capital works programs,
- Community engagement.

## Implementing 'The Review' – Final Report

**Recommendation 56 –  
Councillor Research Officer**

Priority: Medium  
Timeframe: Immediate

Explore opportunities to create the position of an in-house Councillor Research Officer, dedicated to assisting Councillors.

**Expected outcome**

- Efficient and effective provision and communication of key information to Councillors.
- Reduced need for Councillors to approach CoGB staff for specific information.
- Councillors able to allocate more time to strategic activities.

**Response**

This recommendation was considered as part of the 2016-17 budget process. The position of Councillor Research Officer has not been created.

**Impact**

The recommendation has revealed that there is sufficient capacity within existing staff to undertake research required.

Councillors regularly ask for future information when reviewing reports and this is provided.

**Recommendation 57 –  
Bullying, Discrimination and  
Harassment Prevention**

Priority: Medium  
Timeframe: Medium

Review CoGB's policies and training relating to bullying, discrimination and harassment prevention, and how individual training needs are assessed and align to performance and development goals.

**Expected outcome**

- More formalised and robust assessment and training in these areas will provide CoGB Councillors and staff with a better understanding of workplace expectations.

**Response**

The City's Bullying Prevention Policy and Discrimination and Harassment Policy (previously Respecting Each Other in the Workplace Policy) have been reviewed and updated in response to the recommendation.

The policies reinforce the City's commitment, and provide an important tool, in continuing to provide a safe and harmonious workplace.

As a result of this work, the City has recently completed Workplace Behaviours training where all employees were invited to attend. The training included identifying bullying and harassment, how to manage this behaviour and who to ask for help if you experience or witness the behaviour.

To ensure employees are aware of their obligations under the relevant policies and legislation, multiple training sessions are run twice per year. The training is mandatory on joining the City of Greater Bendigo and must be refreshed every three years.

The Fair Work Commission expects this training to be refreshed regularly to ensure employees have up to date information on how to prevent bullying, harassment and discrimination.

To assist with identifying who is due to attend the training, improvements are currently being made to the Human Resource Information System which tracks all employee training.

A total of 812 paid and unpaid staff have now attended the training.

A separate set of policies has also been developed for Councillors and adopted by Council.

**Impact**

The recommendation of the Independent Review helped provide a focus for the importance of this critical workplace issue. Further, it helped to prioritise a review of policies and improvements to software and increasing awareness of workplace obligations for both staff and Councillors.

Improvements in the software tracking staff training as a result of this recommendation will save about one day every three months in manual record keeping.

**Recommendation 58 –  
Councillor Information**

Priority: Medium  
Timeframe: Intermediate

Reiterate the process for Councillors obtaining information, providing guidance on what is considered reasonable in relation to the matter under consideration.

**Expected outcome**

- Greater respect and understanding of each other's roles and responsibilities by CoGB Councillors and staff.

**Response**

A policy on Councillor Access to Information was adopted in 2014.

**Impact**

There have been few concerns raised about information not being provided in a timely manner.

Information is often provided that goes well beyond that necessary for sound decision making. It is acknowledged that Councillors sometimes want to have very detailed information. If the provision of extra information does not unduly deflect staff resources, pose a risk to Council, or interfere with operations it is generally provided.

**Recommendation 67 –  
Councillor Mentoring**

Priority: Low  
Timeframe: Ongoing

Develop and facilitate a formal mentoring program for newly elected Councillors that will provide them with guidance for experienced Councillors in Bendigo and/or other councils across the state.

**Expected outcome**

- A formal framework in place to support new Councillors in his/her transition.

**Response**

Mentoring options have been identified for the newly elected Council beyond the 2016 election.

**Impact**

The impact will be known following the 2016 election.



## Income and Expenditure and Economic Development

### Recommendation 48 – NBN

**Priority:** Medium  
**Timeframe:** Ongoing

*Work with local businesses to maximise benefits of the NBN roll-out.*

#### Expected outcome

- Increased and sustained economic development in the region.

#### Response

The City originally planned to support this work through the development of a Greater Bendigo Digital Strategy in 2014 as part of the Economic Development Strategy. Preparation of a strategy to build on the NBN roll-out was deferred until there was greater clarity around the timing of delivery of NBN to Bendigo.

Instead the City's response to this recommendation has been enacted through:

- Directly and indirectly advocating the need for the urgent roll out of NBN in Greater Bendigo to the Commonwealth and NBN Co.
- Preparing business to maximise the benefits of NBN when it arrives.

The City actively campaigned for the delivery of NBN to Greater Bendigo at meetings with the Commonwealth Government and Ministers and NBN Co over the past five years.

The City was supported through lobbying by the regionally-focussed iBendigo Group of Businesses and the Bendigo Manufacturers Group – both of whom the City helped establish.

Lobbying intensified when the Commonwealth deferred the introduction of NBN to Bendigo.

Construction on the necessary infrastructure to deliver NBN to Greater Bendigo is now confirmed to begin in late 2016. NBN Co is ready to start construction and has started informing residents of installation plans for small fibre to the node 'boxes' in selected neighbourhood where the initial build will commence.

In terms of preparing business for NBN, iBendigo with the City's support, secured Commonwealth funding to develop, promote and deliver workshops helping mainly small businesses to accelerate their on-line presence and competency.

Over two years, the Bendigo Digital Enterprise Program saw iBendigo Loddon Mallee deliver more than 50 training sessions and 180 one-on-one mentoring sessions to local business.

#### Impact

Lobbying by the City and associated organisations has helped keep a focus on the need for Greater Bendigo to access NBN.

Training funded by the Commonwealth and delivered for the City by iBendigo has helped hundreds of businesses and individuals improve their competitiveness by better understanding the new technologies and the greater capacity of existing technologies that will be incorporated in the NBN.

The City has developed an ongoing working relationship with NBN Co, allowing for ongoing monitoring and dialogue during the roll out phase. The roll out of NBN in Greater Bendigo will begin in earnest during 2016.

### Recommendation 59 – EDU Report Template

**Priority:** Low  
**Timeframe:** Short

*Create an Economic Development Unit template document to produce generically branded reports with similar content and structure.*

#### Expected outcome

- Consistent reporting structure.
- Increased efficiency and transparency.

#### Response

An agreed template already existed to ensure consistency and to make in-house production more efficient.

Council has the discretion to mandate changes or additions to the template as appropriate.

However it is considered that the existing template satisfies the aim of the Review and completes this recommendation.

During 2015/2016 Financial year, there has been a conscious effort to apply the template and produce consistent reports, marketing material and other publications.

The expansion of small business support resulted in themed messages on the services offered by the City of Greater Bendigo's Economic Development Unit.

Business Support to the small business sector has resulted in the production of a number of documents and publications requiring consistency of presentation including:

- Business Support Directory 2016 edition
- Guides and Single sheet summaries of services offered
- A template for "Email broadcast"
- Developing Business Newsletter

Additionally the EDU has created a Weekly Business Development Activities template for recording service activity including actions taken, businesses contacted, attendance by businesses, new business inquiries and other engagement activities.

#### Impact

The result of this work has been the production of streamlined, themed, easily accessible information and marketing material on services provided, particularly to small and micro businesses.

### Recommendation 63 – Business Clusters

**Priority:** Low  
**Timeframe:** Ongoing

*Promote clustering of local businesses into 'hubs' to develop new opportunities and a 'low cost solution'.*

#### Expected outcome

- Increased and sustained economic development in the region

#### Response

The Economic Development and Tourism Units have a long history of involvement in 'cluster' groups, either directly or in collaboration with other entities over the past 10-15 years.

The most notable clusters include:

- Northern Poultry Cluster
- Equine Cluster
- Bendigo Information Technology Cluster
- Bendigo Manufacturing Group
- Bendigo Manufacturing and Mining Group
- Professional Services Group
- Career Horizons Project
- Bendigo Tourism
- Food Fossickers
- Wine Grower Associations (Heathcote and Bendigo)

#### Bendigo Manufacturing Group (BMG)

This cluster is the longest standing economic development alliance (since 2002) between industry and the City.

Its primary purpose is to identify opportunities, gaps and threats to the manufacturing sector and to provide intelligence on the major issues facing our largest contributor to local economic output. The companies are a cross-section to ensure that there is representation from small medium and large operations to gain the best outcome for our 450-plus manufacturers.

#### Bendigo Professional Services Group (BPSG)

Similar to the BMG, the Bendigo Professional Services Group provides advice on opportunities, gaps and threats to this sector. Two major studies commissioned over the past 6-8 years to identify 'leakage of professional services outside of the municipality' and to address opportunities to close that gap.

#### Career Horizons

This collaboration between primary, secondary and tertiary education bodies, auspiced by EDU is rare in Australia. Careerhorizons.com.au is an on-line work experience hub delivering benefits to businesses and the local community. This website connects students with the local workforce and streamlines the administration process for businesses. It also allows local businesses to plan work experience opportunities for students to complement the individual workplaces and schedules.

#### Future clusters or hubs

When Council 'signed off' on activity associated with this recommendation, the City indicated a strong desire to undertake further work to facilitate retail clusters within activity centres in Bendigo CBD, Kangaroo Flat, Eaglehawk, Kennington etc., as well as restaurants, cafes and bars in central Bendigo.

This action responded to one of the stated aims of the Review recommendations – to "balance the focus of EDU between small and large business" (page 51).

Since then other "hub" options have been established by EDU:

The Economic Development Unit secured State Government funding to assist seven small and medium-sized businesses to join forces to implement accredited quality, environmental and health & safety management programs. Known as the Bendigo Manufacturing Management Project, these businesses successfully completed the project in May 2016. This enabled them to achieve relevant ISO (9000 and 14000) and AS (4801) accredited systems.

#### Business Support Directory – Hub

The launch of the new Business Support Directory contains valuable information on the range of local Hubs now operating within the municipality.

#### HUB space

A gathering of 55 'hub' businesses, Government representatives and individuals interested in occupying a co-working space came together to identify local trends, threats, requirements and opportunities for business clustering. Subsequent meetings are planned to further promote and possibly identify 'low cost hub' solutions for local businesses.

*continued ►*

## Implementing 'The Review' – Final Report

**Morley's business hub**

The EDU is supporting senior management at Radius Disability Services to explore the viability of converting the first floor of the Morley Johnson building (23 Mitchell Street Bendigo) into a co-working space for small business.

**LEAD and CVVA**

Local business advisors and mentors have formed a representative entity called LEAD to collaborate on best practice and provide a representative body for their profession in Central Victoria. Another group has been encouraged to represent Central Victorian virtual executives, a growing trend for micro businesses. Central Victorian Virtual Associates (CVVA) addresses a growing trend for small businesses who seek to outsource administrative tasks.

**Workspace**

Workspace Australia (WA) continues to be a valued partner to the EDU in supporting start-up businesses or businesses relocating to the region. WA offers cost-effective 'clustered' work spaces and an affiliate program for those that do not require physical space but still require business advice and support.

**Online Forum**

The EDU currently supports the online business community through Facebook, Instagram and Twitter accounts to intertwine with the public forum 'Supporting Local Business Bendigo'. This allows businesses to engage, share ideas and obtain best practice advice or links to complementary businesses. This virtual community offers sole traders or 'tech start ups' a space to share knowledge and build their businesses.

**HR Cluster**

The emphasis of the HR Group is high level and practical assistance to HR practitioners, regardless of size but with special interests in small to medium enterprises through quarterly forums. There has been a steady increase in attendance at sessions.

**Impact**

For many of these new hubs or clusters it is premature to identify the full range of benefits. However under the Bendigo Manufacturing Management Program all seven participating businesses gained a range of accreditation enabling them to better compete and gain access to national and international markets.

**Recommendation 64 – Business Opportunities**

**Priority:** Low  
**Timeframe:** Ongoing

*Facilitate local business opportunities in alternative energy, industrial waste, digital/advanced manufacturing, micro businesses and greater share of 'professional services spend'.*

**Expected outcome**

- Increased and sustained economic development in the region.

**Response**

Council noted the potential benefits but the level of contribution is limited by resources and priorities.

The Economic Development Unit (EDU) developed a thorough understanding of typical waste streams generated from industries in Bendigo and laying the groundwork to help reduce business waste streams and attract waste-to-energy type enterprises.

However the focus for this resource was transferred to developing a more comprehensive waste management strategy for the City. The Strategy explores the possibility of harnessing energy through waste as part of the long term closure plan for the Eaglehawk landfill. There are a number of smaller, specific actions that reference energy from waste.

The focus for EDU, through the Economic Development Strategy, is the following key areas:

- Manufacturing support and collaboration;
- Marong Business Park planning and advocacy;
- Attraction of new major businesses – the most notable recent successes being State Trustees and Hoffman Engineering;
- Professional services collaboration and promotion;
- Bendigo Inventor Awards and associated programs;
- Workforce and training development initiatives (many and varied);
- New initiatives to support the small business sector which are outlined in response to Recommendations 8 and 63.

Developing opportunities in digital/advanced manufacturing, micro businesses and greater share of "professional business spend" remain a key function of EDU.

Council recently adopted the Environmental Upgrade Agreement initiative. This program supports commercial / industrial property owners seeking Government funding for building works to upgrade existing facilities to reduce greenhouse gas emissions and to reduce their energy operating costs.

**Recommendation 65 – Australian Business Registry**

**Priority:** Low  
**Timeframe:** Ongoing

*Improve use of Australian Business Registry information and demographic profiling products to capitalise on market intelligence.*

**Expected outcome**

- Increased and sustained economic development in the region.

**Response**

The Economic Development Unit (EDU) supports the recommendation and recognises the value of the Australian Business Register to help validate and update data on local businesses operating within the Greater Bendigo.

The EDU accesses economic input/output modelling and demographics provided by REMPLAN. Another source of vital business and economic data are industry sector profiles developed by National Economics (NIEIR). This model uses a range of data sources to show local economic and industry trends.

**Impact**

There are a number of benefits from drawing on multiple sources of data. Access to independent data has been a feature of specific Greater Bendigo submissions to governments for funding, but has also provided a competitive edge in the production of investment submissions to proponents; workshops to educate the business community of the City's on opportunities and potential opportunities for future investment.

The EDU is currently developing a more co-ordinated approach to its internal and external communication. This database will be instrumental in the City's ability to target specific sectors or businesses. The currency of the database and its "market intelligence opportunity" remain pivotal to the provision of services to the some 7500 businesses currently operating in the municipality.

**Recommendation 66 – Economic Development Australia**

**Priority:** Low  
**Timeframe:** Ongoing

*Improved use of Economic Development Australia membership to enhance benchmarking efforts and strategic planning.*

**Expected outcome**

- Increased and sustained economic development in the region.

**Response**

The City has enjoyed a long and fruitful association with EDA.

A number of Economic Development Unit (EDU) staff are Association members. The EDU Manager is Member of the Board of EDA (Victoria practitioners). The team shares attendance at State and National conferences depending on the conference focus, the potential to build additional skills and provide networking opportunities.

The City is a significant 'user' of EDA services. For example:

- EDU staff attend relevant EDA Master Classes.
- The City uses membership of EDA to bring together neighbouring municipalities to develop regional initiatives in economic development. These initiatives include the Central Victorian Export Network, Regional Solar Initiative's, Goldfields Career Horizons, Goldfields Regional Living Expo Group and Central Victorian Medical Recruitment Taskforce.
- Staff rely on EDA members as sounding boards on a broad range of issues including digital strategies, small business support initiatives and to share information and case studies from throughout Australia. The annual conference provides the opportunity to explore and compare initiatives and develop ideas.

EDA has recognised the work of the City with three national awards for economic development excellence.

EDU drew on the EDA membership in developing of the Greater Bendigo Economic Development Strategy to identify Australia's best examples of economic development strategies.

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**Recommendation 18 –  
Annual Reporting**

Priority: High  
Timeframe: Ongoing

Monitor the revenue and expenditure associated with BenCon, the Livestock Exchange and Bendigo Airport for annual reporting to Council.

**Expected outcome**

- Transparent trends of the actual cost of service provision to the community.

**Response**

This recommendation was adopted in May 2014 and a revised reporting template prepared for annual reporting. The template responds to the review's objective for transparency in trends associated with the cost of service delivery to the community.

The reporting template requires information on:

- Role of the venue,
- Key achievements for the year ended, including annual attendance or other quantitative and qualitative performance measures,
- Resource implications for the year ended,
- A three year historic trend of revenue and expenditure, and
- Current and emerging challenges and policy/strategic directions.

Annual reporting for these entities using the revised template began in 2015 and is scheduled for September/October each year.

**Impact**

The new reporting template improves the transparency of operations and applies to the Bendigo Livestock Exchange, Works (formerly BenCon) and the Bendigo Airport, and also Waste Services, The Capital and associated venues, Bendigo Art Gallery, Bendigo Visitors Centre; along with Related Entities, specifically Goldfields Library Corporation, Bendigo Trust and Bendigo Stadium Ltd.

Councillors and the community are able to review the performance of each unit annually for more informed decisions/discussion about the performance of each unit.

**Recommendation 22 –  
Explanation of Rates  
and Charges**

Priority: High  
Timeframe: Immediate

Ensure that a transparent explanation of rates charges and the rating strategy is provided to the community, particularly in reference to evaluation.

**Expected outcome**

- Increased transparency.

**Response**

An explanatory brochure is distributed every year with the rate notices. Details are also published on the City's website. With every year the level of information has become more detailed and more easily understood.

The 2016 rates brochure included information about how rates are calculated, why rates vary between properties, how differential rating works, an explanation of rate-capping and its impact on individual rate notices. A model showing how three properties' rates changed over a two year period, due to revaluations, was included.

**Impact**

This practice continues and ensures improved transparency for rate charges and the rating strategy.

**Recommendation 30 –  
Financial Reporting**

Priority: High  
Timeframe: Ongoing

Monitor working capital (liquidity) and the capital replacement financial ratios including any internal or external factors which will adversely effect these and, if necessary, take corrective action.

**Expected outcome**

- Improved transparency in working capital and capital replacement costs.

**Response**

Financial reports previously included Working Capital Ratios and in response to the recommendation were updated to include capital replacement financial ratios. This recommendation has been incorporated into Annual Ratios Report.

These ratios are reported to the Finance Committee and the Audit Committee on a quarterly basis.

**Impact**

The additions contribute to the operational transparency of the City's financial reporting and oversight.

**Recommendation 31 –  
Superannuation Liability**

Priority: High  
Timeframe: Intermediate

Engage a specialist to define strategies for CoGB to reduce the burden of the Defined Benefits Superannuation Plan liability.

**Expected outcome**

- Improved transparency in strategies to manage the Defined Benefits liability.

**Background**

In 2012 the City, along with all other local authorities, was required to fund a shortfall in Defined Benefits Superannuation of \$10.3 million. This amount included \$1.546 million for the 15% Commonwealth superannuation contributions tax.

Local authorities in Victoria were collectively required to contribute \$533 million, of which the superannuation contributions tax accounted for \$79.94 million.

The 15% Commonwealth superannuation contributions tax applied to the top up is a financial windfall for the Commonwealth resulting solely from a call on the fund. Additional calls on the fund are caused by a lower than required interest generated on the fund, rather than underfunding by contributing councils.

**Response**

The City has addressed this recommendation in three key ways:

- To continue to lobby and advocate for changes to the Defined Benefit Superannuation scheme implications for local government.

At its State Council meeting on 24 October 2014 the Municipal Association of Victoria (MAV) adopted a resolution from Greater Bendigo City Council to prepare a submission to the Federal Government taxation review. The completed submission argued for change on a range of taxation issues impacting on local government including removal of the contributions tax on Defined Benefits Superannuation Liability shortfalls.

The MAV has continued to advocate for changes on behalf of the City of Greater Bendigo and other Victorian councils.

continued ►

## Implementing 'The Review' – Final Report

2. To consider joining the MAV's Workcover Scheme when it is operational, in order to eliminate the impact of future superannuation call ups on the City's Workcover premium.

The MAV continued work to establish a Workcover insurance scheme designed specifically for local government, and conducted an expression of interest process for Councils to join this scheme in 2015. Following a detailed review of the advantages and disadvantages of this new scheme compared to the City's existing Victorian Workcover Authority arrangements, Council decided not to join the MAV scheme. The primary reason was Council's existing VWA arrangements were substantially more cost effective than the MAV scheme, even when the costs of potential future defined benefits call-ups are factored in. The City will continue to monitor the MAV scheme, and reconsider joining in future.

3. The City has adopted a policy to hold up to \$3 million in a Reserve fund for the purposes of future Defined Benefit calls. The policy states that council will allocate up to \$1 million annually to the fund, up to a maximum of \$3 million. The fund held \$2.2 million at 30 June, 2016 and will hold \$2.6 million on 30 June 2017.

**Impact**

The City's efforts have ensured the MAV is actively engaged in dialogue with the state and federal governments about defined benefits funding arrangements and the impact on local government and Greater Bendigo.

The creation of a defined benefits superannuation reserve fund has ensured that future budgets are fully or partially insulated against the direct and immediate impact in the case of a future call-up by not having to find significant amounts by directing funding away from future projects and services.

**Recommendation 49 – Succession Management**

**Priority:** Medium  
**Timeframe:** Short

Create a succession management plan for all senior management and other critical CoGB positions.

**Expected outcome**

- An organisation resilient to change.

**Response**

Council agreed to a different approach to building organisational resilience to change noting that whilst succession plans can offer benefits, there can be unintended, negative consequences such as:

- An over reliance on a manager's perceptions of their direct reports. Research has shown this to be the least reliable predictor of future leadership capability,
- A focus on the succession of small numbers of candidates rather than developing a larger talent pool, and
- Raised expectations of staff they will be appointed to a particular role over external candidates.

The City's approach is to develop the whole workforce and not just those in, or aiming for leadership roles. This approach recognises a healthy, creative, and continuously developing workforce relies on a percentage of external appointments to 'grow' the talent pool.

The Review resulted in increased focus on the 2011 Workforce Development Plan. This plan delivered:

- New procedures for managing under performance and misconduct and a more refined reward and recognition program for rewarding and recognising performance,
- Improved recruitment strategies including better job design to attract a better pool of candidates,
- A new focus on attracting and appointing candidates for the right cultural 'fit',
- Improved resource planning to ensure directorate and business units have the necessary capacity to meet the operational requirements set out in the Council plan,
- Opportunities for extended secondments and higher duties to develop skills across the organisation.

**Impact**

The City's staff development and training program is targeted to identify individual and organisational needs.

The program also aims to expand the talent pool by making the City an employer of choice by offering attractive employment conditions.

External benchmarking shows the City's recruitment strategies are succeeding in attracting quality candidates and below average vacancy duration rates.

An important building block in the workforce development effort will come through the implementation of a new Performance and Development Framework, in accordance with Recommendation 10.

The performance reviews also match an individual's skills training and development needs to meet the changing needs of the organisation.

In summary, rather than adopting a succession plan Council agreed to address this recommendation through the workforce development process outlined above, combined with the approach to recruitment, the ongoing development of training needs across the organisation and the implementation of new performance and development framework.

Details regarding progress with the new performance and development framework are addressed in response to Recommendation 10.

The organisation has demonstrated its resilience to change with staff members stepping up to fill roles as acting managers and acting directors as recent vacancies have arisen.

**Quality of Service Delivery, Management and Staffing, Structure and Innovation****Recommendation 5 – Waste Strategy**

**Priority:** High  
**Timeframe:** Short

*Facilitate the development and finalisation of the Waste Strategy to determine the best way to manage waste going forward, and undertake analysis to determine the cost and requirements for the rehabilitation of historic sites and current sites once they reach capacity.*

**Expected outcome**

- Clear strategy for the future of waste management in the municipality and a clear understanding of the costs associated with landfill rehabilitation and a plan from Council as to how this should be funded.

**Response**

The resulting Waste and Resource Management Strategy was adopted on 26/03/2014.

Progress continues on the key action items, including those listed below:

- Implementation of Council's decision to introduce an organics collection service to 40,000 properties in urban Bendigo and Marong
- Monitoring customer satisfaction with domestic waste collection services
- Planning for the capping of closed parts of the Eaglehawk landfill
- Provision of a household chemical service – Detox Your Home – to keep chemicals out of the garbage stream
- Promotion, support and provision of collection points for TVs and computers under the National TV and Computer Recycling Scheme
- Provision of a Drum Muster collection point to keep waste liquid containers out of landfill
- Development of options for the current Eaglehawk landfill site to support ongoing resource recovery (e.g. a transfer station)
- Ensuring Greater Bendigo's future waste management requirements are recognised in the Regional Waste and Resource Recovery Plan, and the Infrastructure Schedule within the Statewide Waste And Resource Recovery Infrastructure Plan
- Planning for remediation of the former landfill site at White Hills
- Planning for improvements to the former landfill site at Wolstencroft
- Delivery of programs to schools to educate about recycling and composting

The Independent Review found the risk from current and former landfills as a potential financial liability should be identified and quantified where possible.

The City identified 18 former landfills operated and managed by council or its predecessors. A further four sites were identified where waste disposal of some type had occurred. These sites were never operated as landfill sites and the disposal of waste was likely to have been illegal and opportunistic.

Each site has undergone an initial risk assessment and a number of sites identified for further investigation.

The proposed cost of undertaking further assessment of the high environmental risk landfills is estimated at \$100,000.

However the cost of any rehabilitation work that may be required as a result of the investigations is not yet known. The analysis of these historic and current landfill sites continues.

A detailed rehabilitation plan for Eaglehawk landfill was submitted to EPA Victoria in June 2016 and awaits a formal response is expected in August 2016.

Draft plans for the rehabilitation of White Hills landfill were submitted to the EPA and are being assessed.

Cost of rehabilitation works at Eaglehawk and White Hills will be clearer once the EPA responds.

Wolstencroft Landfill rehabilitation is progressing. Identification of the remaining work and associated costs should be known by September 2016.

**Impacts**

This work brings increased certainty about the costs and resourcing required for waste and resource management.

It is reducing our environmental risk and increasing resource recovery. This will help predict and reduce future environmental and financial liabilities associated with waste management.

The introduction of the organics kerbside collection service is a major service improvement. Residents will now have a three-bin system dealing with waste, recycling and organics.

The organics service is expected to reduce organics to landfill by at least 10,000 tonnes per year. When organics go to landfill, they decompose and produce greenhouse gases. When they are collected and recovered for composting, the nutrients are captured and the compost can be used to improve soil.

The organics service will also save money by reducing the amount the City pays the State Government each year for every tonne of waste it puts to landfill.

It will also extend the life of the Eaglehawk landfill.

*continued ►*



## Recommendation 19 – Waste Management Contracts

**Priority:** High  
**Timeframe:** Short

*Undertake a review of current waste management contracts with a view to finding efficiencies.*

### Expected outcome

- Value for money outcomes for CoGB

### Response

In 2013 measures were undertaken to ensure waste contracts approaching expiry were subject to comprehensive assessment to determine, amongst other things:

- Whether the service is still required
- Whether the service is required in its current form or other options put in place
- Any potential changes to service delivery that would create savings for the municipality.
- How the contract specifications support the implementation of the new Waste Strategy, particularly in reducing the amount of waste going to landfill and the community's expectations to find more innovative ways to manage the City's waste streams.

### Impact

In 2013 a review of three interlinked contracts for the kerbside collection of recyclable materials and their disposal at a recycling sorting facility and their rationalisation and retendering as one contract resulted in savings of approximately \$1.7 million over the five year term of the agreement.

A short term (12 month) contract for waste loading and cartage from Eaglehawk landfill which expired in May 2015 was not renewed with a resulting one-off saving of \$1.6 million.

The longer term contract for loading and cartage of waste from the Eaglehawk landfill was the subject of an extension review. Adjustments to the contract, approved by Council in June 2016 will result in further savings of \$1.1 million annual from 2016-17.

The management of transfer stations has been brought in-house on a temporary basis due to circumstances relating to the contractor. This arrangements has resulted in increased costs expected to total \$201,110 by 30 June 2017.

Despite this cost imposed overall savings achieved through the contract reviews completed to date are predicted to reach \$4,060,000 less \$201,110 by 30 June 2017.

Other contracts are being reviewed as they approach expiry:

- Trade waste management services – 2016
  - Extension review process is currently underway. Expected to be completed in July 2016
- Recyclable Collection and Acceptance – 2018
  - Not yet due for review

## Recommendation 6, 15 & 20 – Aged and Disability Services

**Priority:** High  
**Timeframe:** Short – Intermediate

*Following completion of the Aged and Disability Services review, implement and complete the recommendations adopted by Council in a timely manner.*

*Finalise the Aged and Disability Services and Early Childhood Services Reviews by 31 July 2013.*

*Develop a change management strategy to undertake any adopted structural changes to the Aged and Disability Services Unit.*

### Expected outcome

- Restructure of the unit in a timely and cost effective manner.
- A clear recommendation on the future of Aged and Disability Services and Early Childhood Services for consideration and approval by Council.
- Strong engagement and ownership of the process by staff affected by the change.

### Response

Following an extensive review of Aged and Disability Services Council resolved on 6 May 2015:

- Council retain Home and Community Care services and operate them with the aim of becoming a cost neutral service that is fully funded by State and Federal Governments and client fees by:
  - Efficiency measures submitted by staff
  - Efficiency measures submitted by the ASU including amendments to the Enterprise Agreement
  - Fee increases that are reasonable but taking into account the client's ability to pay and based on the Government's fee structure
  - Income initiatives that will increase the sustainability of the service
  - Administration efficiencies and Council's internal charge of operating the service with a full review to be completed by the end of December 2017.
- A report be completed within 6 (six) weeks outlining the implementation of the above.
- Council strongly advocate with our local parliamentarians to the Federal Government in regard to funding equalisation between Victoria and other states in the delivery of H&CC services.
- Council investigate alternatives to the current Meals on Wheels service and encourage alternative models for the delivery of property maintenance services under H&CC and that a report be provided to Council within 6 (six) months
- An annual review of H&CC services takes place during budget discussions.

### Response

Following Council's decision to retain HACC services an action plan was developed to implement efficiency proposed by the ASU and the staff. This was accepted by Council in May 2015.

These measures have been implemented and amendments to the City's Enterprise Agreement were completed and dated July 2015.

The work done by staff to achieve a substantial reduction in the cost of HACC services provided by the City is noteworthy and significant.

### Advocacy

The City has written to members of Federal and State Parliament detailing Council's aim to make HACC services cost neutral over time and seeking assurances that funding will be maintained in real terms.

To date responses have been received from the Federal Assistant Minister for Social Services, Senator Mitch Fifield and the Member for Bendigo East, the Hon. Jacinta Allan MP.

Senator Fifield acknowledges Council's decision to remain providing HACC services until at least June 2018 and refers to ongoing arrangements in the transitioning of HACC services for people over 65 to the Commonwealth Home Support Program, further highlighting the recent increase in unit prices paid to service providers to support the services.

### Meals on Wheels & Property Maintenance

During the review of HACC services, which included extensive community consultation, a number of social enterprises and other private agencies expressed interest in providing food and property maintenance services.

The State Government has agreed to fund the appointment of a City project officer to work with the sector for three months to identify the most appropriate service delivery model(s) including the potential for social enterprises and/or not-for-profit organisations to assume responsibility for these services into the future.

This position will be recruited in May 2016 with an out come to Council expected in August 2016.

### Annual Review

The ongoing monitoring of HACC services will be part of the annual budget process and any additional program and policy changes implemented by DHHHS will be taken into consideration.

### Impact

The aim of HACC services becoming cost neutral is progressing well with the net cost of providing the services decreasing from \$870,000 in 2013/2014 to an estimated \$205,000 in 2015-2016. Savings in the four years to 30 June 2017 are expected to reach approximately \$1,524,000.

## Recommendation 7, 15 and 21 – Early Childhood Services

**Priority:** High  
**Timeframe:** Short – Intermediate

*Following completion of the Early Childhood Services review, implement and complete the recommendations adopted by Council in a timely manner.*

*Finalise the Aged and Disability Services and Early Childhood Services Reviews by 31 July 2013.*

*Develop a change management strategy to undertake any adopted structural changes to come from the Early Childhood Services Review.*

### Expected outcome

- Restructure of the unit in a timely and cost effective manner.
- A clear recommendation on the future of Aged and Disability Services and Early Childhood Services for consideration and approval by Council.
- Strong engagement and ownership of the process by staff affected by the change.

### Response

Early childhood services were reviewed in 2014.

The review noted the former City of Bendigo started providing childcare to address a service gap and demand peaked in the 1980s. Later the City Council's service was seen as providing a benchmark for quality and affordability.

In 2015 the City accounted for 13 per cent of child care centre services in Greater Bendigo. This number was expected to decline to 9 per cent by 2016 as new providers offering new centres and an equivalent level of service entered this market. For example a new 104 place centre had been built in the Bendigo Hospital precinct, another at Kangaroo Flat and centres are planned for Epsom and Huntly.

However, despite declining market share, the net cost to Council was forecast to increase from \$619,720 in the 2014/2015 budget to an estimated \$855,420 in 2018/2019 due to general cost increases and staffing qualifications and staff ratios. These forecasts did not include maintenance and capital outlays.

Another factor was the condition of the Bendigo Early Learning Centre. The building was in poor condition which contributed to the high running costs and needed significant investment to address issues.

The Early Childhood Services Review reported to Council in 2014 and provided a range of recommendations including strengthening the City's role in leadership, governance, service coordination, developing infrastructure and shifting its focus from direct service provision to addressing identified needs/gaps.

Council elected to focus the City's resources on the strategic planning of early years services, such as the delivery of upgraded and new preschool infrastructure like the redevelopment of the Strathfieldsaye Community Hub.

*continued ►*

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Accordingly, Council resolved to close the Bendigo Early Learning Centre (BELC) in December 2015.

An implementation plan including a change management strategy was established to manage the transition and ensure all affected residents and staff were supported and kept informed of the changes and timelines for implementation.

More than 12 months' notice was given to make all transitions as easy as possible.

A Parent Consultative Committee was formed to assist with the transitioning of families to other child care facilities. Families who requested child care at the City's Annie Galvin and Helen Jessen Early Learning Centres were offered places. Some families chose to utilise other child care providers.

A Staff Consultative Committee was also formed and met regularly during the transition process. A majority of staff were offered employment at their preferred council centre, with only two staff made redundant.

Staff service was recognised at a function in December 2015.

The BELC was closed on 23 December 2015 as planned.

The City has invited expressions of interest groups or individuals interested in removing and using the building elsewhere. There is potential to utilise the site for another community purpose.

Most of the play equipment and furniture was relocated to other City centres and to other community organisations including Annie North Women's Refuge and Bendigo District Aboriginal Cooperative.

Some fixtures from the building will be re-used elsewhere including air conditioning units.

#### Impact

Closure of the BELC in December 2015 is predicted to generate savings of approximately \$270,000 by 30 June 2017.

## Recommendation 12 – Planning Delegation

**Priority:** High  
**Timeframe:** Intermediate

*Review CoGB's instrument of delegation for Planning permit Applications (including the Surf Coast Shire's approach to delegation to a skills based, volunteer, Council appointed Special Committee).*

#### Expected outcome

- Increased focus on customer service

#### Response

Council adopted an amended instrument of delegation on 18 December 2013 for a trial period of 18 months.

In the past any application for a planning permit with one or more objections had to be reported to Council for decision.

The amended delegation allowed for applications for planning permits with three or less objections to be considered and determined by officers.

A new process and protocols will be implemented for delegated decisions involving applications with three or less objections. This involved the establishment of an internal planning panel of qualified planning officers to consider these contested applications.

Any recommendation to refuse a planning permit continued to be reported to Council for a decision.

#### Impact

In March 2016 Council was briefed on the outcome of the trial and resolved to continue the practice because of the efficiencies and time savings achieved for the community, Councillors and staff.

During the trial:

- A halving of the number of applications needing to go before Council for decision resulting in time savings for officers, Council, applicants and objectors.
- 95 contested applications were considered by the internal planning panel.
- In 88 instances the internal panel adopted the recommendation of the assessing officer
- In six instances permit conditions were varied by the panel
- One application was referred to Council for decision
- Of the applications considered by the internal planning panel four proceeded to the Victorian Civil and Administrative Tribunal (VCAT) as objector appeals. All four decisions of the internal planning panel were upheld by VCAT.

On average a planning application reported to Council for decision takes 164 days to determine; an application through the delegated panel process is determined in 101 days.

In summary the new system saves time for councillors and staff and has resulted in a faster decision-making process for applicants and objectors.

## Recommendation 13 – Consultation and Mediation

**Priority:** High  
**Timeframe:** Intermediate

*Review CoGB's Statutory Planning Unit consultation and mediation process and policy.*

#### Expected outcome

- Increased focus on customer service.
- Increased skills in mediation for Planning Staff.
- Increased transparency in Planning Permit Application decision making.

#### Response

A review of the current consultation process and model was conducted in 2015 and the following key conclusions were reported to Council:

- The current model is generally working well.
- Most objections are resolved by informal, one on one consultation by planners.
- The current formal consultation model is successful in resolving issues.
- The lack of feedback and communication is a common concern that requires addressing.
- The current objectives of the model should be amended.

In response the statutory planning department implemented the following improvements:

- The preparation of a series of information feedback sheets and on-line information.
- Agendas to be prepared and circulated at every meeting.
- Appropriate higher level consultation/mediation/negotiation training will be conducted for planning staff.
- The notification process following a consultation meeting was revised and improved.
- Relevant information is to be circulated to the Ward councillors prior to the conduct of consultation meetings.

#### Impact

The initial impact has been very positive but it is premature to assess the impact of these changes. A further review will be undertaken in 2017.

## Recommendation 34 – Benchmarking Statutory Planning

**Priority:** Medium  
**Timeframe:** Ongoing

*Benchmark planning practices and metrics with a minimum of two comparable Councils (e.g. Ballarat City Council and the City of Greater Geelong) for annual reporting to Council.*

#### Expected outcome

- The benchmark will provide quantitative and qualitative comparisons around themes such as engagement techniques, process timeframes and managing referrals.

Benchmarking of planning approvals was conducted with three other Councils (Ballarat City Council, Greater Geelong City Council and Yarra Ranges Shire Council) in 2015, repeated in 2016 and will be conducted annually.

The latest benchmarking compares data for 2014-15.

This is compiled from the Statewide Planning Permit Activity Reporting system which is administered by the Department of Environment, Land, Water & Planning (DELWP). Specific data is uploaded to DELWP every month from each council's software system. This enables consistent data reporting across the board for each council.

#### Greater Bendigo Highlights

In terms of permit timeframes, statutory planning in Bendigo compares quite favourably with these three Councils and is above average compared to the rest of the State.

Greater Bendigo has continued to find efficiencies and improvements to ensure planning permit trends meet or exceed the State averages in performance measures. These improvements include the introduction of the delegated panel for decision-making and the VicSmart 10 business days planning permit process.

In the 2014-15 year, Greater Bendigo and the benchmarked councils encountered an increased activity in the number of permit applications received. The use of planning consultants and students in times of staff shortfalls has meant the application process does not 'fall behind'.

The VicSmart planning permit process was introduced in September 2014 for simpler applications. VicSmart applications don't require referral or advertising and amounted to 4.7% of all permits issued (58 in number), with an average turnaround time of 5 business days.

The number of decisions made under delegation was 96%, an increase of 3% on the previous year. The introduction of the delegated panel resulted in 3% of permit decisions being made by the panel, which has contributed to this increase and brought us in line with the State average, also 96%.

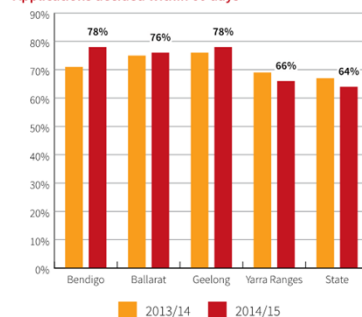


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|  | Bendigo<br>2014-15 | Bendigo<br>2013-14 | Ballarat<br>2014-15 | Geelong<br>2014-15 | Yarra Ranges<br>2014-15 |
|--|--------------------|--------------------|---------------------|--------------------|-------------------------|
| <b>Applications received</b>             | 1318               | 1219               | 1052                | 1814               | 1706                    |
| <b>Applications decided</b>              | 1344               | 1184               | 1075                | 1842               | 1692                    |
| Permits issued                           | 1246               | 1165               | 982                 | 1679               | 1364                    |
| Permits refused                          | 18                 | 19                 | 13                  | 33                 | 57                      |
| Withdrawn, Lapsed,<br>No permit required | 80                 | 54                 | 80                  | 130                | 271                     |
| <b>Decisions made under delegation</b>   | 96%                | 93%                | 92%                 | 89%                | 92%                     |
| Reviews at VCAT                          | 21                 | 21                 | 18                  | 32                 | 43                      |
| Decisions upheld at VCAT                 | 76%                | 76%                | 44%                 | 54%                | 48%                     |
| <b>Applications with:</b>                |                    |                    |                     |                    |                         |
| Public notice (advertising)              | 698                | 582                | 398                 | 831                | 879                     |
| Further information request              | 398                | 385                | 328                 | 793                | 892                     |
| Referrals                                | 589                | 775                | 204                 | 974                | 423                     |
| Objections                               | 106                | 95                 | 118                 | 254                | 184                     |
| <b>Value of permits issued</b>           | \$296M             | \$225M             | \$228M              | \$635M             | \$150M                  |
| <b>Performance:</b>                      |                    |                    |                     |                    |                         |
| Gross days (average)                     | 83                 | 94                 | 85                  | 87                 | 113                     |
| Processing days (median)                 | 49                 | 56                 | 58                  | 58                 | 88                      |
| Decisions within 60 days                 | 78%                | 71%                | 76%                 | 78%                | 66%                     |

Performance trends are shown in the graphs below.

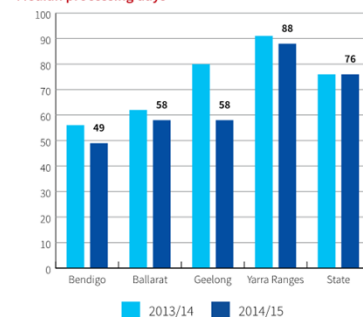
Applications decided within 60 days



## Impact

The benchmark report gives the community, the City and Councillors a precise indicator of how well the statutory planning team is performing in comparison to other municipalities. These reports show Greater Bendigo's performance has been comparable and better than like municipalities.

Median processing days



## Recommendation 42 – Statutory Planning Services

**Priority:** Medium  
**Timeframe:** Short

Consider opportunities to improve the relationship between the planning team and public/applicants. This may include educating the community on the planning process and timelines so as to manage community expectations.

## Expected outcome

- A community that is well informed about the planning approval process, leading to better customer service outcome and level of satisfaction.

## Response

The Project Plan developed to respond to the Recommendation and matters highlighted in the Report of the Independent Review as follows (Mediation/consultation is addressed in Recommendation 34):

- Realignment of the Statutory Planning Unit teams,
- Review and reforms to the pre-application process,
- Review of the application lodgement and receipt process (quality review),
- Information for applicants

## Unit Realignment

The Unit was previously based around three teams – a small specialist subdivisions team which concentrated solely on subdivisions; a generalist land use team which handled all other permit applications, a policy and processes team which handled private planning scheme amendments, compliance and in house applications and heritage matters.

The unit has been reorganised. The subdivisions and land use teams were combined to create two generalist teams that will handle all forms of planning permit applications. The policy and processes team has undergone some minor realignment and the administration team has also been restructured.

The creation of two generalist planning teams has a number of benefits and responds to the report in the following ways:

- It broadens the skills base of the statutory planning unit by increasing the capacity of the planners to handle a broader range of inquiries and applications of both a subdivision and more general nature, and
- Improves the flexibility of the unit to respond to an unexpected or rapid increase in applications in one area such as subdivisions, and thus has the potential to reduce turnaround times.

## Pre-application process

The previously ad-hoc pre-application process has been reviewed and formalised. Proponents wishing to discuss an application in detail prior to lodgement must now complete a formal request for a meeting and includes supporting plans and information.

Feedback from the meeting is formalised and included as a permanent record. This then informs the assessment process once the application is lodged. Further, the information can be made available to a new owner if the land is sold. The system is transparent and more efficient as it provides an expected timeframe for applicants. Requests are assigned to planners on the basis of experience and availability and it avoids applicants from 'shopping' around for the advice they want.

The new pre-application process supplements, but does not replace existing planning enquiry service. The enquiry service is resourced so members of the public can make inquiries and get advice on the full range of planning matters from the simple to the more complex – over the counter, by phone, by email and in writing Monday to Friday from 8.30am to 5.00pm (excluding public holidays).

The provision of such an accessible enquiry service is challenging and not without its risks considering the combined effects of highly complex Victorian planning schemes, the need to remain abreast of changes and amendments.

The Unit prides itself on its commitment to providing a quality, accurate and accessible service and to minimise the potential for discrepancy or conflicting advice. Junior staff are mentored and there is an active program of training throughout the year to enhance staff technical and interpersonal skills.

The realignment will also enhance the quality of advice given 'over the counter' by broadening the skills and knowledge base of all planners.

## Quality of applications

The Review commented on the variation in the quality of applications and they might be improved. It is important to note that the planning scheme sets out the information required for applications depending on the nature and complexity of the proposal. The requirements vary depending on the nature and complexity of the application. Applications that do not meet the minimum requirements of the scheme are returned to the applicant with an explanation of what is required before lodgement can be made again. If the information provided complies with the scheme the application must be accepted.

A review of the lodgement and acceptance process supports the Unit's commitment to seek further information or improve the quality of an application regardless of whether it arrives by post, over the counter or via the online lodgement system known as Spear.

## Educating and informing the community

Some additional and updated information has been posted on the City's website to inform the community about the planning process (see attached). It covers the difference between planning and building permits, pre application meetings, how to book a meeting, getting planning advice, demolition information, lodging an application, the assessment process, objections, the appeal process before VCAT. Information is regularly updated.

*continued* ▶

## Implementing 'The Review' – Final Report

**Privacy**

Some people expressed concern about the lack of privacy at the front counter. As well as verbally advising customers if they pre-book an appointment a meeting room can be arranged, a notice will be placed on the counter.

**On-line Services**

The Planning Register on the City website has been revised and is now updated in 'real time' instead of weekly.

Plans and other documents for planning applications have been advertised can now be viewed on line. These documents will remain on the web until a decision is made.

Objections can now be lodged on line.

**Impact**

These improvements to statutory planning services will continue to build better inform and support community satisfaction in the service.

## Recommendation 53 – DPCD Flying Squad & Planning Scheme Amendments

**Priority:** Medium  
**Timeframe:** Intermediate

*Investigate the use of the DPCD Regional and Rural Planning Flying Squad to provide resources for high priority planning scheme amendments.*

**Expected outcome**

- Decreased turnaround time for high priority planning scheme amendments.
- Increased customer service.
- Internal resources made available for other tasks.

**Response**

At the time of the release of the report by the Independent Review the squad had exhausted its funding and the recommendation was 'closed'.

A second round of funding was announced and the City applied for Flying Squad support to undertake heritage citations on buildings in the CBD that are currently not protected by a Heritage Overlay.

However this second round did not proceed.

**Impact**

Whilst the recommendation was supported the City was unable to take advantage of the Flying Squad program due to the circumstances outlined above.

## Recommendation 54 – Priorities for Planning Scheme Amendments

**Priority:** Medium  
**Timeframe:** Intermediate

*Formulate a clear and transparent set of priorities for planning scheme amendments for the coming financial year for approval by Council and communicate these and the associated processes to the community.*

**Expected outcome**

- Understanding of high priority planning scheme amendments.
- Decreased turnaround time for high priority planning scheme amendments.

**Response**

A prioritised list of up to 42 planning scheme amendments over three years was adopted by Council in June 2014. Following a review in 2015 a revised list was adopted by Council.

In order to set priorities each proposed planning scheme was assessed against criteria including:

- The degree to which the amendment delivers the strategic direction and priorities within the Council Plan;
- The importance of the amendment to the success of Council's planning for growth, productivity and liveability;
- The degree of urgency, (e.g., amendments required by State Government legislation);
- Whether it is required to implement State Government policy.
- Completing work already commenced, especially where it will implement a completed strategy;
- The level of resources required.

This framework is used to re-evaluate the amendments list annually to ensure its relevance. Any new proposals for amendments are evaluated against the priority list using the same evaluation framework and, as listed projects are completed.

**Impact**

Planning scheme amendments align better with the Council Plan and the strategic direction of Council.

The process has enabled Council and the Statutory Planning and Strategy Units to better coordinate amendments. It has resulted in a more efficient process for the timing, scheduling, preparation and resourcing of amendments and enabled staff to better manage workloads.

Whilst the results indicate greater efficiencies the Units have been unable to quantify the savings in dollar terms.

## Recommendation 9 – Local Government Performance Reporting

**Priority:** High  
**Timeframe:** Short

*Engage with Local Government Victoria regarding the program to streamline and benchmark KPIs across local governments.*

**Expected outcome**

- Quantitative and qualitative comparisons around themes such as engagement techniques, process timeframes and managing referrals.

**Response**

The Local Government Performance Reporting Framework (LGPRF) is a State Government initiative to improve the transparency and accountability of council performance to ratepayers and to provide a more meaningful set of information to the public. The framework is made up of 66 measures and a governance and management checklist of 24 items which together build a comprehensive picture of council performance.

The LGPRF requires the City report its performance against the 90 indicators annually to Local Government Victoria and six-monthly to the community and Councillors. The first report covered the period 1 July 2014 to 30 June 2015.

The City continues to engage with Local Government Victoria to ensure it is responding to new or amended indicators.

The City has also liaised closely with both the internal and external auditor to ensure processes accurately record and report the various indicators.

Further, the relevant policy was updated prior to 30 June 2016 to ensure that changes to the reporting framework and City procedures during 2015/16 financial year are captured and communicated before reports due to be lodged with auditors (August 2016) and Local Government Victoria (September 2016).

Greater Bendigo's (LGPRF) results are reported in the annual report and published on the Know Your Council website (knowyourcouncil.vic.gov.au).

This site allows residents to:

- benchmark and compare similar councils,
- view detailed profiles of councils,
- view maps of council areas (local government areas) in Victoria, and
- find out about how local government works in Victoria in the Guide to Councils.

## Recommendation 14 – Fees and Charges

**Priority:** High  
**Timeframe:** Intermediate

*Review user fees charged. Enforce their requirement.*

*Mandate monetary bonds for medium to large events held in public spaces and gardens.*

**Expected outcome**

- Identify trends in user fees and charges showing Council and CoGB the level of fee and charges compliance.

**Response**

The City has approximately 750 separate fees and charges across all five Directorates. They include non-statutory charges which range from charges for hire of venues, swimming pool admission, Meals on Wheels and Freedom of Information requests. There are also statutory fees and charges for environmental health and statutory planning permit application processes and some are set or linked to funding agreements.

Statutory fees and charges can only be changed by the State Government. In some cases, fees which were designed to cover the cost of service provision have not kept pace with inflation. This is the case with fees to cover Council's costs in processing developer planning application. When fees fail to keep pace with the cost the burden for funding the gap falls to ratepayers.

The process of reviewing the City's fees and charges began before the release of the final report of the Independent Review in June 2013 with the development of a new Pricing Policy adopted by Council in March of that year.

The policy provides guidance for the City's approach in setting appropriate levels of fees and charges, taking into account community benefit, user groups, corporate objectives and provide for regular reviews of fees and charges within the overall service and financial planning process.

As part of the budget process each business unit manager is required to review each fee and charge applied or administered by their unit and to apply the pricing policy to each type of charge.

Until 2015 the review of fees and charges was separate from the annual budget process.

Now the fee setting is integrated into the budget process to ensure price setting is better aligned with Council's budget objectives. Further, the pricing policy has been incorporated into the principles set by Council to guide development of the budget.

*continued ►*

## Implementing 'The Review' – Final Report

**Impacts**

Whilst some may assume that a review inevitably results in an annual increase to fees and charges there are instances where the review has led to a reduction and even the abandonment of some fees and charges.

The Independent Review also recommended monetary bonds for medium to large events held in public spaces and gardens to discourage or help defray the cost of any damage.

A system of bonds was introduced and is being applied to the use of public space; for example Canterbury Gardens and Lake Weeroona. Whilst there has been some community concern over the amount of the \$500 bond it does not necessarily cover the full cost of repairs but encourages a level of greater care amongst users.

In June 2016 Council adopted a Commercial Fitness Operator Policy to regulate the use of public open spaces by commercial fitness operators on a six-month trial basis, commencing in September 2016. The policy requires such groups to apply for approval to use public open spaces. The policy will be reviewed at the end of the trial period and a decision taken on whether fees should apply for such permits.

The annual review of fees and charges contributes to greater transparency, the application of a consistent methodology across the organisation and improved community understanding regarding the intent of fees and the pricing method.

**Recommendation 17 – Cost of Service Provision**

**Priority:** High  
**Timeframe:** Ongoing

*Review the services provided by each Business Unit and define the extent to which they are being subsidised by rates and other income. Report to be generated annually for Council.*

**Expected outcome**

- Transparent trends of the actual cost of service provision to the community.

**Response**

A report showing the extent to which services are subsidised by rates and other income can now be generated for Council consideration during the annual budget deliberations. This was first done in the 2013/14 budget process and now forms part of the annual budget cycle.

**Impact**

Greater understanding and transparency around the true cost of service provision and where the rate burden falls.

**Recommendation 23 & 24 – Closing the Loop**

**Priority:** High  
**Timeframe:** Short

*Adopt and implement an organisation-wide policy and procedure for closing the loop on customer enquiries and complaints.*

*Develop and mandate a consistent process for logging and tracking enquiries and complaints received in Pathway.*

**Expected outcome**

- Increased focus on customer service.
- Clear roles and responsibilities for resolving customer enquiries and complaints.

**Background**

The number of customer contacts received, processed and actioned annually by the City is substantial.

For example in 2015 the organisation:

- Received and processed an estimated 1.41 million emails, prompting an estimated 450,000 outgoing emails and 1.47 million internal emails. Year's estimated total – 3.33 million emails.
- Received an estimated 851,774 incoming phone calls and made an estimated 478,653 outgoing calls. Estimated total 1.330 million. This doesn't include outgoing calls from City owned mobiles. The City's main call centre handled about 95,000 of the incoming calls.
- Recorded a small but growing number of contacts via Facebook and Twitter – about 3,000.

By comparison the number of customer contacts/requests/complaints logged through the Customer Request System totalled 31,867 for 2015.

For this comparatively small number, contact is received through a variety of channels in addition to phone and email:

- Letter – both to the City general address and directly to specialist staff
- Front counters and face to face
- Website, social media and customer service 'App'.

In addition 14,672 defects identified by customers or by City staff in 2015 were logged and resolved.

**Response****Implementing a policy and procedure for closing the loop on customer enquiries and complaints**

The City responds to, manages and tracks customer enquiries/complaints guided by service standards in the Customer Service Charter, the Complaints Handling Procedure and the staff Values and Behaviours.

There are specific service standards for each request type and requests must be completed within set time frames.

A revised Complaints Handling Procedure (CHP) was adopted in May 2016 based on the model prepared for local government use by the Victorian Ombudsman.

Importantly the new CHP introduced a new category of complaint for any failure in "closing the loop" on customer requests and enquiries.

The new category of complaint allows the City to track performance in 'closing the loop' on customer requests and enquiries. This new performance measure helps the City to continue to learn from any performance failings.

The introduction of the new CHP was accompanied by extensive mandatory staff training across the organisation.

**Creating a consistent process for logging and tracking enquiries and complaints received in Pathway**

In response to this recommendation Pathway is now the prime process by which the organisation logs and tracks enquiries and complaints regardless of how they are received.

All actioning of the request, including contact with the customer, is recorded at regular intervals. Each request is also managed by escalation processes for response and completion time.

Weekly reports track progress and the request is kept 'alive' until the required action is completed and recorded in the system.

Whilst previous research found that this system works well some gaps in the system were identified and rectified.

**Exceeding the Recommendations**

In response to the Independent Review Recommendations 23 and 24 more than 20 additional actions were developed to improve performance across all contact methods or channels.

**Performance monitoring**

The organisation conducted a random survey of customers who had experienced the Customer Request System. This repeated a 2010 survey using the same methodology.

The results of the 2015 survey indicate improvements in most aspects of customer satisfaction, these include:

- the process to lodge a request
- the process of managing requests
- satisfaction with follow up information
- ease of process for checking on progress of a request
- access to and ease of navigation of the website

Two major themes emerged from analysis of the qualitative data. Firstly, timeliness; i.e. work completed within expected timeframes and. Secondly, completion (closing the loop); i.e. whether the work was carried out or not, advice was forwarded back to the customer.

**Closing the loop and improving response times**

- The Customer Request System was upgraded to prevent a request/issue being closed off until staff reported back to the customer; to improve the level of information available to the customer; and improve staff training in using the system.
- The launch of Community Compass – an online self-help mapping service designed to simplify residents' access to Council information.
- The introduction of the Customer Service "Citywatch" mobile 'App' – allows for customers to log requests via their mobile devices.
- The installation of software to set, monitor and report on closing the loop performance objectives at individual, unit, directorate and organisation level.
- The introduction of Webchat, which offers an additional contact method for the public to 'talk' with customer support agents on-line in real time.
- The progressive implementation of "calling cards" as a method of closing the loop on requests with customers in appropriate situations (e.g. bin maintenance, street tree maintenance).
- The introduction of quarterly reporting to senior management on overdue requests has been introduced to benchmark and track performance improvements by Directorate and Business Unit and individuals.
- Individual staff performance monitoring in 'closing the loop' through the new performance evaluation system (PES) introduced in response to Recommendation 10 (Performance Management).

**Better tracking across various systems**

- The implementation of the Councillor Request System to record, manage and track Councillor information requests, often made on behalf of customers.
- The uniform recording and tracking of Customer requests/complaints regardless of how or by which channel they come into the organisation. This prevents requests falling through the gaps.

**Other measures in the pipeline**

- An overhaul of the website is underway to be more mobile-friendly, with a focus on making information easier to access and comprehend. On-line self-serve options will also be introduced, such as the ability to log requests, complete forms and make payments.

While Council committed to responding to all 69 recommendations within the current Council term, the monitoring of performance in 'closing the loop' will continue to ensure continual improvement beyond the 'life' of the review.



### Recommendation 33 – Directorate and Business Unit Names

**Priority:** Medium  
**Timeframe:** Short

*Review Directorate and Business Unit names to increase clarity around roles and responsibilities.*

#### Expected outcome

- Increased focus on customer service.
- Clear roles and responsibilities for resolving customer enquiries and complaints.

#### Response

This recommendation along with the current list of Directorate and Business Unit names was reviewed by the Executive Management Team in 2014.

Council adopted a recommendation from the CEO that whilst the organisation should remain open to name changes where required to reflect any changes in roles or responsibilities, no further action was needed on the recommendation.

It was shown that the organisation is flexible and adaptable to changing structures and consequently names of units.

A number of Directorates and Business Units have undergone name changes since 2010 to better reflect their roles and responsibilities.

In nearly all cases the name changes followed a review, realignment or reorganisation to better reflect the Unit's new role and responsibilities. These changes included:

- 2010** Special Projects to Major Projects
- 2010** Parks & Natural Environment to Parks & Natural Reserves
- 2011** Communications and Governance units became Executive Services
- 2011** Marketing & Major Events became Major Events and the marketing function transferred into Tourism
- 2013** Children & Family Services and Aged & Disability Services merged to Community Services
- 2013** Recreation and Healthy Communities units became Active & Healthy Communities
- 2013** Community & Cultural Development to Community Partnerships
- 2013** Rates and Valuations units became Rating & Valuation Services

To embark on any further review of names without any change in roles and responsibilities was considered to be unnecessary and a waste of resources.

However in response to Recommendation 52, the descriptions of the role and responsibilities of all City Directorates and Business Units have been posted on the City website. This includes an explanation of the Organisation structure including the philosophy behind the creation of the current Directorates.

It is acknowledged the current plans by the CEO for an organisational restructure may result in name changes to reflect new and changing roles and responsibilities.

### Recommendation 44 – Complaint Handling

**Priority:** Medium  
**Timeframe:** Short

*Review and update the current complaint handling procedure to include complaints relating to Councillors.*

#### Expected outcome

- Clear and transparent process to follow in the event that inappropriate communications or behaviours are reported.

#### Response

The organisation complaint handling procedure has been updated as well as a procedure specific to Councillors. Both have been updated based upon models provided by the Victorian Ombudsman.

#### Impact

An important impact of the new complaint handling procedures is learning from complaints so that complaints can be reduced in number and impact in the future. The full impact will not be known for another year or two in conjunction with other initiatives to close the loop with customers.

### Recommendation 47 – Reconciliation Action Plan and Cultural Diversity Strategy

**Priority:** Medium  
**Timeframe:** Short

*Develop a Reconciliation Action Plan and Cultural Diversity Strategy during the 2013-14 financial year.*

#### Expected outcome

- Better engagement with, and support provided to, the local indigenous and migrant communities.
- Better inclusion of these groups into the wider Bendigo community.

#### Response

Both documents have been in development since 2014.

Important foundational work included:

- Establishment of the Greater Bendigo Human Rights Charter, initial stakeholder engagement and establishing the most appropriate governance models for each project.
- Engagement with Reconciliation Australia and Reconciliation Victoria, other municipalities and local organisations that already have RAP's in place
- Engagement with the Multicultural Round Table which involves leaders from government departments, local business, education institutions, the not for profit sector and health sector.
- Establishing a working relationship with Monash University and the Scanlon Foundation to research social cohesion and local attitudes towards multiculturalism.
- Partnering with the 'Make a Change' organisation to conduct a community forum on the 15 March.
- Formation of community reference groups for both projects.

#### Reconciliation Plan (RP)

The Reconciliation Plan (RP) was endorsed by Council in June 2016. The plan has been forwarded to Reconciliation Australia (RA) for feedback. RA has four categories of plans beginning with introductory. RA has classified the Greater Bendigo plan as sitting in the 'innovation' category

#### Cultural Diversity and Inclusion Plan (CDIP)

The Cultural Diversity and Inclusion Plan (CDIP) is scheduled to go before Council on 20 July 2016 for endorsement prior to release for community consultation and a further draft submitted for Council adoption on 31 August 2016.

#### Impact

It is premature to assess their impact. However it is clear from the establishment of the reference groups and the considerable consultation to date there has already been an impact in enhancing engagement with local indigenous and migrant communities.

### Recommendation 51 – Community Satisfaction Survey

**Priority:** Medium  
**Timeframe:** Short

*Set long term aspirational goals for the Community Satisfaction Survey outcomes, execute appropriate plans and track progress annually. These goals should relate to organisational best practice.*

#### Expected outcome

- Clear and transparent organisation performance and a 'high performance culture'.

#### Response

Council 'closed off' this recommendation in October 2015 after agreeing the work occurring on a number of other recommendations would achieve the outcome it was seeking – particularly in regard to improved customer service and closing the loop, better community engagement and embedding "clear and transparent organisation performance and a high performance culture".

Council noted the following areas of work:

As part of the Chief Executive Officer's Performance Plan the CEO must report the yearly Community Satisfaction results and identify areas for improvement and recommended actions. This performance objective aligns closely with Recommendation 51.

To meet this performance measure the CEO nominated performance on community consultation and engagement as an area for improvement.

Council also included community consultation and engagement as a performance indicator within the Council Plan, as has Local Government Victoria, through the Local Government Performance Reporting Framework.

The key measures of performance in this category were the implementation of the Independent Review Recommendations 29, 37, 43, 46 and 50 on community engagement.

Another measure identified by the CEO was satisfaction with Council decision-making. This is also an indicator within the LGPRF. It is to be measured through the community satisfaction survey and is expressed as 'satisfaction with the direction of GBCC's overall performance'.

Council's overall direction is embodied in the Council Plan and a measure of performance is the implementation of the Plan.

Council acknowledged the overlap between the Community Satisfaction Survey indicators, the liveability indicators, the indicators required in the CEO's performance plan and those in the LGPRF.

A further overlapping element is introduction of a new performance management framework in accordance with Recommendation 10 where, again, the aim is to develop a culture which encourages high performance.

*continued ►*

## Implementing 'The Review' – Final Report

Aligned to these areas of work is Council's focus on improving the City's performance in responding to and tracking customer enquiries and complaints (closing the loop) – Recommendations 23 & 24.

After considering these areas of aligned and overlapping work it was agreed to recommend Council 'close off' Recommendation 51 as the work occurring on a number of other recommendations about customer service, performance and culture will achieve the outcome/s Councillors are seeking.

**Impact**

Actions on all the aligned and complementary recommendations mentioned above has been completed and the achievements outlined in this Final Report.

## Recommendation 52 – Business Unit Descriptions

**Priority:** Medium  
**Timeframe:** Short

*Prepare Business Unit descriptions for inclusion on the CoGB website.*

**Expected outcome**

- Increased focus on customer service.
- Clear roles and responsibilities for resolving customer enquiries and complaints.

**Response**

Descriptions for all Business Units were placed on the City's website in 2014. To complement this addition, the Council page has also been expanded with additional information about the Mayor and Councillors and an explanation of the role of the Mayor and the role of Councillors.

**Impact**

The website is currently being developed with additional focus on the customer. It appears that rather than viewing the business unit descriptions the customer wants to focus on specific actions that can be undertaken online through the website.

The action has informed future development of the website.

## Recommendation 55 – Continual Improvement

**Priority:** Medium  
**Timeframe:** Short

*Implement an organisation-wide continual improvement program.*

**Expected outcome**

- Alignment with Best Value Framework.

**Response**

After considering this recommendation Council chose instead for the organisation to undertake an on-going program of Service Reviews which, over time, would reach into all aspects of the City's operations.

There were a number of reasons for this decision.

At the time the Independent Review made its report in 2013 the City had no formal or structured continuous improvement program in place.

However the Review noted the City was actively engaged in continuous improvement. The 2010-11 Annual Report listed 64 continuous improvement initiatives. In 2014-15 some 13 service, system and process reviews took place outside the Independent Review implementation process delivering significant benefits to the City. For example a review of injury management identified the potential and the means to achieve substantial savings in future annual WorkCover premiums.

It was noted the organisation is subject to a range of other performance measures including:

- Achievement against the Council Plan,
- Liveability indicators,
- Annual Community Satisfaction Survey,
- Regular customer service survey.

The Independent Review was recognised as a continuous improvement plan specific to the organisation and the community it serves. There was also a strong desire to avoid any new program or initiative which might shift the focus away from the Review's implementation.

The question turned to what improvement process could/should follow the Independent Review and whether the purchase of an 'off the shelf' program or tool was desirable.

'Off the shelf' continuous improvement products tend to focus on process improvements. They assume the service should continue and continue to be delivered by Council rather than first asking whether the service still responds to a need whether the need should be met by the City.

As result Council opted to build on its experience with Independent Review and previous service reviews and develop a formal, transparent program of service reviews that will, over time, expose every corner of the organisation to comprehensive evaluation against a clear set of criteria.

The Governance Framework that will guide the conduct of the Service Reviews was finalised in December 2015.

The purpose of the Service Review program is to ensure Council invests in the right services at the right standard and in the right way to get the best value consistent with Greater Bendigo becoming Australia's most liveable regional city.

Almost 40 service reviews will be conducted between 2016 and 2018. Six service reviews began in the first half of 2016.

In addition, the decision not to proceed with the acquisition of a continual improvement program meant an estimated saving of \$130,000.

## Recommendation 68 – Single Phone System

**Priority:** Low  
**Timeframe:** Long

*Consolidate the Bendigo and Heathcote Customer Support phone systems*

**Expected outcome**

- Increased focus on customer service

**Response**

Installation of the necessary cabling, network infrastructure, compatible handsets and new technology to link the Heathcote and Bendigo was completed in 2014.

**Impact**

The change to an integrated phone system occurred in January 2015

Since then other minor improvements have been completed to the phone system including the creation of an alarm designed to avoid a build up in the number of calls waiting.

More improvements to customer service from Heathcote will be possible when an affordable upgraded network connection to Bendigo is available. This will likely align with the NBN roll out in Heathcote.

## Prioritising Capital and Major Works

### Recommendation 25 – Asset Management Policy

**Priority:** High  
**Timeframe:** Intermediate

Finalise the Asset Management Policy and form an active Asset Management Steering Committee to monitor progress.

#### Expected outcome

- A structured and transparent approach to selecting the programs and infrastructure investments to provide the greatest value to the community.

#### Response

A Service & Asset Management Steering Committee (SAMSC) was formed in June 2013 comprising two Directors and seven other representatives from finance and all other areas associated with the management of assets.

The SAMSC meets monthly and developed an Asset Management Policy adopted by Council in October 2013.

The policy's purpose is to provide a framework for the sustainable management and care of the City's infrastructure.

#### Impact

More detail of the City's progress with asset management including projected benefits can be found in response to Recommendations 26 and 27.

### Recommendation 27 – Asset Management Plans

**Priority:** High  
**Timeframe:** Short

Finalise Asset Management Plans for the following assets:

- Roads – sealed/unsealed roads, footpaths, kerb and channel, street furniture, urban street trees
- Bridge and major culverts
- Drainage systems, flood levees and pump systems
- Parks and recreation facilities
- Waste disposal and resource recovery systems
- Plant and fleet
- Office systems and furniture

#### Expected outcome

- A structured and transparent approach to selecting the programs and infrastructure investments to provide the greatest value to the community.

#### Response

Nine asset management plans have been endorsed:

- General Information
- Sealed Roads
- Unsealed Roads
- Bridges & Major Culverts
- Pathways
- Buildings & Structures
- Aquatic Facilities
- Stormwater Drainage
- Recreation & Open Spaces

The asset management plans are renewed annually. The next reviews will be in March 2017.

It was agreed other strategies are in place for the planned management and replacement of waste disposal systems, plant, fleet, equipment, office systems and street trees, and asset management plans for these categories were unnecessary.

For the completion of the asset management plans it has been critical to finalise financial projections and develop a 10 year renewal funding profile across all asset categories.

#### Impact

The new financial plan provides for more equitable distribution of financial resources across all asset categories and has the potential to reduce the predicted cumulative renewal gap from \$69 million by 2024/25 to \$9 million.

### Recommendation 35 – Bendigo Airport Stakeholders

**Priority:** Medium  
**Timeframe:** Intermediate

Engage with stakeholders impacted by the future Bendigo Airport upgrade.

#### Expected outcome

- Increased buy-in and ownership of the project by the community.

#### Response

An airport stakeholder engagement program has been active for several years. The program for 2014 and 2015 includes:

- Bendigo Airport Advisory Group meetings (approximately six per annum);
- Leaseholder Group meetings (approximately two per annum);
- Ongoing tenant meetings as required;
- Emergency Services Workshop (held annually);
- Regular communication bulletins and safety instructions for airport users (ranges from daily to weekly); and
- Regular media coverage.

A community information and consultation plan accompanied the Planning Scheme Amendment and Planning Permit Application phase of the development currently underway. This program targets residential and commercial property owners and occupiers in immediate proximity to the airport. An information session was held on 25 February 2014.

Meetings of the advisory group continue along with project specific tenant stakeholder meetings. Since the work on the airport upgrade commenced (See Recommendation 36) the City has issued fortnightly updates to the users.

The City also meets regularly with State and Federal agencies relevant to the airport including the Civil Aviation Authority and Regional Development Victoria.

### Recommendation 36 – Bendigo Airport Upgrade

**Priority:** Medium  
**Timeframe:** Short

Develop a detailed business case for the upgrade of Bendigo Airport to define the most cost effective funding mechanism.

#### Expected outcome

- A transparent and robust business case to provide a value for money outcome for the community.

#### Response

Bendigo Airport is a declining facility of restricted capacity, increasingly poor condition and a standard well below airports with comparable populations and regional importance.

A business case was prepared to support the application for Commonwealth funding to help finance the proposed upgrade to the Airport. The upgrade to include a new parallel runway able to accommodate passenger jets carrying 70 passengers and development of the Business Park.

The report's key findings included:

Bendigo Airport requires upgraded runway facilities to accommodate Regional Passenger Transport (RPT) services responsive to a growing regional population, industry and emergency services.

There is a strong case for the establishment of RPT services operating from Bendigo to destinations including Sydney, Adelaide and other south east Australian Regional Cities;

Passenger number and passenger growth projections are based on 65 passenger movements per day return rising by 2-3% per annum.

Economic and social benefits of the project include:

- Total economic benefits arising of approximately \$34.9 million and 84 FTE jobs;
- New industry, employment as well as productivity benefits.
- Greater utilisation by business for their travel purposes;
- Greater business investment to the region;
- Fixed wing emergency services, particularly fire-fighting, medical, police and disaster relief activity can continue to operate from the airport. This is at risk if the project does not proceed.

In summary the report found the airport upgrade was financially feasible over short and long terms.

*continued* ►



## Implementing 'The Review' – Final Report

It predicts the Airport should be able to generate sufficient funds through a variety of income sources including rental and passenger fees applicable to an RPT to free up \$300,000 in annual funding and significant additional investment by Governments for future runway and development infrastructure.

For the development to proceed it needed \$5 million in Commonwealth to match \$5 million committed from the City of Greater Bendigo and \$5 million committed by the State Government.

The City's \$5 million contribution is provided in the City's long term financial plan.

The City was successful in its application for \$5 million in funding through the Australian Government's National Stronger Region's Fund.

The contract has been awarded and construction is underway.

## Recommendation 69 – Asset Management System

Priority: Low  
Timeframe: Long

*Investigate the implementation of a new Asset Management System.*

### Expected outcome

- Improved efficiency in asset management across the organisation.

### Response

The City uses the Conquest Asset Management System for the management of its fixed assets. This software is used to assist in the management of civil infrastructure and buildings. Functions include asset inspections, details of asset condition, scheduling of maintenance and determining when assets need to be renewed.

The Conquest system has been assessed as part of a comprehensive review of the organisation's information systems.

### Impact

The City is satisfied with the current system, notwithstanding from some minor improvements. These will be implemented as part of broader strategy involving improvements to information technology expected to cost approximately \$200,000 over the next six years.

The decision not to replace the Conquest system saved an estimated \$500,000.

## Communication and Community Engagement

### Recommendation 1 – Implementation and Communication

Priority: High  
Timeframe: Ongoing

*Create and continually update an implementation strategy and Communications Plan to address and action the recommendations of this Review.*

### Expected outcome

- Continued progress in actioning the recommendations of the Independent Review.
- Efficient and effective implementation of recommendations

### Response

The Final Report of the Independent Review, submitted in June 2013, identified 69 individual Recommendations on how the City could improve operations.

Council subsequently adopted in principle all 69 recommendations and established an Implementation Advisory Committee of all Councillors and supported by the Chief Executive Officer and Manager of Executive Services.

In October 2013 Council adopted Terms of Reference for the Committee and committed to responding to all 69 recommendations within the current Council term to 2016.

Recommendations were assigned to the relevant Directorates for investigation and implementation. Those proposing improvements to the budget process were immediately incorporated into the 2014-15 budget process.

Council reviewed progress with implementation of the review at its Ordinary Meetings on 23 October 2013; 22 January, 5 March, 16 April, 21 May, 9 July, 20 August, 1 October, 12 November and 17 December 2014; 21 January, 4 March, 25 March, 15 April, 27 May, 24 June, 5 August, 4 November and 16 December 2015; and 10 February, 23 March, 25 May and 15 June 2016.

Council alone was authorised to acknowledge a Recommendation as completed. This occurred when either:

- all associated actions have been completed, or
- where the work is ongoing, when Council is satisfied all initial actions have been completed and there is a framework in place to ensure future work is undertaken and completed in a structured manner, or
- where the recommendation has been addressed and Council has responded in a different way that better aligns with Council's objectives.

The first set of recommendations to be acknowledged as completed took place in October 2013. The last to be acknowledged as complete occurred in June 2016.

Throughout the implementation phase of this review the community has been informed of progress through:

- Publication of 23 Project Bulletins
- Numerous media releases
- Regular updates on City webpages dedicated to the Independent Review
- Progress Report to a community forum on progress in early 2015.
- A briefing on final implementation to the Independent Review Committee
- A community forum to receive the final report.

### Recommendation 37, 29, 43, 46, 50 – Community Engagement

Priority: Medium – High  
Timeframe: Short – Ongoing

*Develop a tool (e.g. a checklist) to assist CoGB staff to define the appropriate level of communication and engagement of stakeholders and community for future projects.*

*Implement training for use of the Community Engagement and Toolkit by Councillors and senior staff to understand appropriate methods of engagement for various scenarios and the format and desired outcomes of these methods. A review of current engagement practices could inform such training by identifying particular areas of strength and/or weakness.*

*Educate all Councillors and senior CoGB staff in CoGB Communication and Engagement Protocols.*

continued ►

## Implementing 'The Review' – Final Report

*Undertake an annual organisational survey of all CoGB staff and Councillors to track and benchmark the level and quality of internal and external communication and community engagement.*

*Explore opportunities to use the services of an in-house Community Engagement Officer Resource.*

**Expected outcomes**

- Tailored and appropriate levels of engagement with the community leading to increased levels of satisfaction.
- Extraction of better outcomes from community engagement with the appropriate methods being selected for various engagement scenarios.
- Clear and transparent guidelines regarding who can speak to the media and when. Consistent Councillors and CoGB messages in the media.
- Maintenance of strong internal feedback and promotion of continual improvement.
- Better coordination of community engagement activities and provision of expert advice and assistance to staff across the organisation.

**Background**

A draft community engagement policy and toolkit was adopted by Council in 2010 and considered again in 2012.

A planned review of the policy and toolkit was postponed in 2013 when Council resolved to undertake the Independent Review and included community engagement in the brief. The Review's findings and recommendations community engagement then formed the basis for a re-evaluation of the City's approach to community engagement.

**Response**

The City's response to the five recommendations was undertaken on a phased basis.

- A workshop facilitated by a leading consultant for Councillors and senior officers examined the organisation's current approach to community engagement, explored emerging trends and what constitutes best practice;
- A formal adoption by Council of the key principles of good community engagement. This set the benchmark for a review of the Policy, Guidelines and Toolkit for community engagement;
- Staff survey and workshops to inform:
  - Production of a simplified version of the community engagement guidelines and toolkit,
  - Incorporation of the recently adopted principles into the guidelines and toolkit,
  - Implementation of staff training in the policy, guidelines and toolkit, at an induction level, and
  - Exploring opportunities for a limited one-off trial to test one or more of the new technologies to assist community engagement.

**Impact****Revised Community Engagement Framework**

The Community Engagement Guidelines and Toolkit has been reviewed and updated and includes the principles of good community engagement adopted by Council.

The kit includes a simple ready reckoner for helping staff determine the most appropriate level of community engagement for a particular task or question.

**Staff training**

Staff training in the new Community Engagement Framework was held in May 2016. Induction training will be updated to include an introduction to the framework. In 2016-17 the Corporate Learning Calendar will include a session on Community Engagement for employees new to the City or to community engagement.

**Culture survey**

The questions in the Culture Survey measuring staff attitudes to community engagement will be re-measured in 2017 to assess progress or consistency with initiatives outlined above.

**Citizens' Jury**

Council appointed not-for-profit research organisation newDemocracy Foundation to conduct a Citizens' Jury for Greater Bendigo.

A citizens' jury constitutes a group of randomly selected people from the wider community to consider an issue or question and then disband.

Greater Bendigo's Citizens' Jury was recruited in May/June and announced in July.

It is charged with answering one question – What should Council spend our money on to shape the community's future?

The six jury sessions were scheduled for 9 July, 28 July, 11 August, 25 August, 10 September and September 22. The sessions are being conducted by an independent facilitator alongside representatives of newDemocracy. All sessions will be open to the public.

The jury will present its report to the Council in September 2016. The unedited recommendations of the jury will be published by Council with a response to the recommendations given in person by the incoming Mayor and Councillors, with a detailed written response provided by March 2017.

It is the intention of Council to implement as many of the Jury's recommendations as possible – however the final decision rests with the Mayor and Councillors.

**In-house Community Engagement Resource**

Council agreed to fund this position in the 2016-17 budget after considering a business case concluded significant benefits would accrue from appointing an in-house specialist to advise and provide a focus for quality community engagement as it plays an increasingly important role in the decision-making processes of Council.

One responsibility of the officer will be to consolidate the newly revised Community Engagement Policy, guidelines and toolkit and Council's key principles of community good community engagement.

**Recommendation 38 – Advertising Budget**

**Priority:** Medium  
**Timeframe:** Short

*Centralise the advertising budget and resources within the Communications and Media Team to improve buying power and negotiating influence.*

**Expected outcome**

- Streamlined advertising process.
- Decreased budget variations.
- Cost savings.

**Response**

The City conducted an analysis of its advertising practices. This provided a better understanding of the scale and diversity of advertising undertaken across the organisation, identified which Business Units advertise and why and the processes involved for designing, approving and funding an advertising campaign.

The City advertises for the following reasons:

- When required under legislation to give notice to the public of impending decisions such as striking a new rate, road closures etc.
- To keep the community informed of decisions and developments
- To recruit staff
- To promote events and exhibitions
- To market Greater Bendigo as a tourist destination

The tourism industry and the Victorian Government contribute to spending on 'destination marketing'. The City also receives State and Federal Government funding to initiate campaigns around healthy and active living. The City has also been successful in receiving Government grants to promote social harmony and some of this money has been expended on advertising campaigns.

Advertising is usually one component in a broader marketing campaign that includes signage, social media, discussions, printed material, events and, on occasion, merchandise.

The analysis identified the City's:

- Marketing staff consistently negotiate better rates than the specialist media buying enterprises, due to their knowledge of the local media market and relationships that have been developed over many years
- Advertising is spread across a large number of media outlets. The amounts spent are generally insufficient to attract the discounts associated with bulk purchases

**Impact**

The City reviewed its advertising rate agreements with all local newspapers. Whilst the rates were already competitive the review has secured further rate reductions along with additional placements free of charge (savings were made across digital and print advertisement placement).

Employment advertising was also reviewed. The City had used recruitment specialists to prepare and place recruitment/employment advertising at a cost of approximately \$28,000 a year.

As a result, this advertising was brought 'in-house' from October 2015 with expected savings of approximately 24 per cent. The advertising has also been refreshed and modernised and now has the flexibility to be used in newspaper, web and social media resulting in an easier placement process.

As a result of these changes, the in-house Communications and Media Team is responsible for all advertising placement and design except for specialist and targeted advertising undertaken by the Bendigo Art Gallery, Capital Venues and Events, and Tourism.

Total savings arising from this review through reduced rates, increased free 'placements' and other efficiencies are expected to reach \$165,168 by 30 June 2017.

These arrangements are the subject of further evaluation as part of the Service Review of the City's communications and marketing services. For more detail on the Service Review Program see Recommendation 55.

## Implementing 'The Review' – Final Report

**Recommendation 39 – Communications Policy**

Priority: Medium  
Timeframe: Intermediate

*Formalise and mandate a communications policy so media released are reviewed by the Communications and Media Team prior to release.*

**Expected outcome**

- Consistent messages being released to the community from a centralised location within CoGB. Increased efficiency.

**Response**

An updated Media Communications Policy was endorsed by Councilors and staff including the following directives:

- All promotional material will be reviewed and signed off by the Communications and Media Team prior to distribution.
- All media releases are to be issued via the Communications and Media Team.

All appropriate staff were briefed on the updated policy available on the staff intranet.

**Recommendation 45 – In-House Graphic Designer**

Priority: Medium  
Timeframe: Short

*Explore opportunities to use the services of an in-house graphic design resource.*

**Expected outcome**

- Reduction in design costs and a more efficient process of developing CoGB publications.

**Response**

A feasibility study of this proposal identified the potential for considerable savings through the appointment of an in-house graphic designer.

The in-house graphic designer appointed in 2014 focuses on undertaking high cost design projects including Greater Bendigo Magazine and the fortnightly GB News Update page.

**Impact**

The appointment has resulted in a number of benefits to the organisation and the community.

Quality has also been improved, with more consistent and professional internal and external marketing material, web and social media graphics as well as signage, ads, brochures, logos, publications and presentations.

From the outset of the appointment it was recognised an in-house graphic designer could not possibly meet all the organisation's design needs but would focus on the high cost, high priority items. However the savings achieved through this appointment highlighted the opportunity to achieve further savings through the employment of a second graphic designer.

A cost neutral proposal to employ a second graphic designer was approved for the 2016-17 Budget.

Total savings resulting from the replacement of some outsourced graphic design with in-house services (beginning in October 2014) are expected to reach \$583,000 by 30 June 2017

**Recommendation 60 – Stakeholder Roundtables**

Priority: Low  
Timeframe: Ongoing

*Facilitate strategic roundtable discussions with key stakeholders on a regular basis.*

**Expected outcome**

- Continued improvement of external stakeholder relationships and satisfaction levels.

**Response**

This recommendation was strongly supported and the structure for this engagement was already in place when the report of the Review was released.

For example, a major source of input into the Draft Economic Development Strategy (2014) was the program of roundtable discussions involving up to 150 of Greater Bendigo's business leaders during 2013.

**Impact**

The City Futures Directorate committed to hosting six roundtable forums on a regular basis with priority industry sectors, specifically Education, Health, Construction, Manufacturing and Mining and Retail.

The 2013 roundtable program was held again in 2015.

A manufacturing roundtable was held on in June 2015 and attended by 17 businesses. EDU continued work with these businesses and responds to a number of priority items developed at the meeting.

A second roundtable was held in July 2015 for about 30 members of Bendigo's growing professional services sector, employing more than 500 people. EDU is currently investigating several ideas from the roundtable including:

- Inviting all CBD landowners together to consider possible collaborative marketing initiatives,
- Further business workshops on practical matters such tender writing, business planning etc.
- Continued lobbying for NBN in Bendigo

A third roundtable for the retail sector was scheduled for October 2015 but cancelled due to lack of numbers.

This was revisited in 2016 when EDU and Tourism jointly organised a series of four workshops around the theme – The Fine Art of Retail. These workshops covering visual merchandising, marketing, profit and benchmarking and creating the customer experience proved very popular with local business.

**Recommendation 61 – Stakeholder Database**

Priority: Low  
Timeframe: Ongoing

*Identify and regularly maintain a comprehensive and representative cross-section stakeholder register.*

**Expected outcome**

- Streamlined processes around engagement and the identification of key contacts.

**Response**

In September 2013 the Information Management Unit expanded the Customer Relations Management (CRM) system to make it available to the organisation. Staff transfer data to the new system at no additional cost.

**Impact**

The CRM meets the needs of the business units. However the broader goal of identifying key contacts requires more contact databases to be loaded into the CRM system. This is a key action in the IT Strategy for the next 5 years.

## Recommendation 62 – Events Diary

Priority: Low  
Timeframe: Short

*Establish an appropriate framework to communicate all events to local business to provide more time for them to 'gear up' for the opportunities associated with the event.*

### Expected outcome

- Increased engagement with the local business community.
- Increased economic activity in the region.

### Response

Council noted the City already compiles a Major Events Calendar circulated as a service to members of groups such as Bendigo Tourism and Bendigo Business Council. The calendar has developed to become a much valued part of the service offering to members and an important factor in the strong membership base of both organisations.

### Action

Over the past year the City has promoted this calendar and its benefit to membership of Bendigo Tourism or the Business Council.

Bendigo Tourism held a membership launch in mid-2015 where it explained the benefits of membership including access information on forthcoming events.

The Bendigo Tourism Board also created a new membership level leading up to the 2016 Marilyn Monroe exhibition called Taste of Tourism. This reduced, six month membership targeted new and emerging non-member businesses or businesses. This new membership level included a number of benefits including regular notices of upcoming events.

A number of local businesses have indicated they monitor the events calendar for opportunities to link with the organisers of upcoming events. These include hospitality venues and equipment hire firms.

The City also publishes freely accessible information on upcoming events through measures including:

- A short form list of events provided on the City's website,
- Media releases that can be accessed through the City's website,
- Social media applications, and
- Special purpose event briefings are held for local businesses regarding particularly major events such as Commonwealth Youth Games, National Scout Jamboree and Bendigo Art Gallery major exhibitions etc.

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## Implementing 'The Review' – Final Report

## Implementing 'The Review' – Final Report

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# Implementing 'The Review'

**Final Report**



Implementation of the Independent Review  
of the City of Greater Bendigo – July 2016



## 14. LEAD AND GOVERN FOR ALL

### 14.1. Q2 Finance & Capital Management Report - December 2021

|                      |   |
|----------------------|---|
| Author               | Nathan Morsillo, Manager Financial Strategy   |
| Responsible Director | Andrew Cooney, Director Corporate Performance |

#### Purpose

The purpose of this report is to provide Council with an update on the financial position of the City of Greater Bendigo to 31 December 2021 for the 2021/2022 financial year in accordance with the requirements of the Local Government Act 2020.

#### Summary

The Finance and Capital Management Report to 31 December 2021 provides an update on actual financial performance against the 2021/2022 budget. The report also provides a summary of rate debtors; cash and investments; borrowings and grants.

#### Recommended Motion

That Council receive the report comparing budgeted and actual revenues and expenses to 31 December 2021, in accordance with the requirements of the Local Government Act 2020.

## RESOLUTION

Moved: Cr Alden

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

**Cr Fyffe returned to the meeting at 7.00pm.**

## Policy Context

### Primary Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025

- Outcome 1 - Lead and govern for all
- Accountable, financially responsible, equitable, transparent decision making

### Background Information

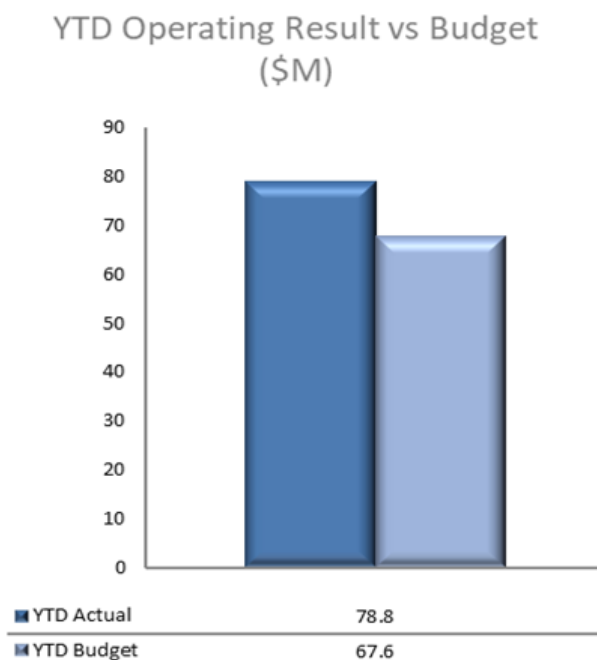
In accordance with Section 97 of the Local Government Act 2020: "As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public."

## Report

### Quarter 2 Results

The City's operating result as at 31 December is \$11.2M (17%) favourable to budget. The result is predominantly due to additional grant income recognised in 2020/2021 that has been carried forward to 2021/2022, it is anticipated that there will be matching expenditure which will offset the additional grant income. In addition, services continue to be impacted by COVID-19, where restrictions have resulted in delayed expenditure across many units. As the year has progressed, it is apparent that the budget settings which assumed that the City's operations and performance would return to 'COVID-normal' in 2021/2022 were optimistic.

The 2021/2022 budget was prepared on the basis of a relatively stable level of trade and limited restrictions. Throughout the year, many services have had to adapt, and staff have moved in and out of different settings.



The City's year to date results include:

- \$7.4M favourable variance for Operational and Capital Government Grants partly due to funds receipted in 2020/2021 financial year being recognised in the current financial year (project related), these funds will be offset by matching expenditure as the City has committed to delivery in accordance with funding arrangements
- \$2.7M unfavourable variance for User Fees and Charges due to impacts of restrictions
- \$4M favourable variance for general expenses. Portions of this variance are timing related, but also match significant reduced user fee revenue in, for example, Bendigo Venues & Events

The beginning of impacts on the delivery of the City's Capital program are also now becoming evident. Although the City is better placed at this point than in previous years, the current year expenditure rate has slowly dropped off over recent months. It is important this trend is monitored, as there are some projects that have been identified as being at risk of certain delays.

The operating surplus forecast to the end of the financial year is \$29.9M (\$9.2M favourable to budget). The favourable forecast result is largely due to additional operating grants received (\$2.5M) and capital grants received (\$9.7M), partially offset by reduced user fees. The City has an obligation to deliver in accordance with funding agreements, as such the favourable grant income reported will be matched by additional expenditure. Although year to date expenditure is \$6.4M favourable, the current forecast is optimistic that programs and services will be able to pick-up the pace of service spending through to year end.

Cash holdings remain above minimum required levels due in part to delays in some capital expenditure and operational expenditure this year. As at 31 December, rates collections continue to be similar to prior years, and there has been higher intake of early payments due to the discount incentive and a relatively small number of rate deferrals in place in response to COVID-19 or other financial hardship. The City's investment portfolio remains diverse in line with policy. There is \$78M invested across eight different institutions. There is limited competition, with extremely low central bank rates still in place. Interest rates are averaging 0.44% (this was 0.32% in Q1, 0.27% in Q4) across the portfolio, resulting in lower than budgeted revenues. Currently 38.21% of investments are with institutions without fossil fuel interests. The City has continued to utilise "at-call" accounts where interest rates available are favourable.

### **City financial sustainability: looking forward**

The City continues to be low risk for the majority of the key VAGO financial sustainability indicators, with the exclusion of the adjusted underlying result ratio. This flags that long term financial sustainability to resource current service delivery (e.g. all current pools; paths; and the myriad of current services) will require operational efficiencies, review of services, or future increases in revenues. A rate cap of 1.75% has been announced for 2022/2023. For other costs, the ABS records National CPI through to September 2021 as 3% (2.9% for Victoria). This could represent a \$1.2M gap between the rate cap increase and a likely CPI increase in general prices for materials and services.

Annual increases in construction costs are also a key driver for Local Government. Annually to September 2021 costs estimated to have risen 6.8% (Construction Cost Index) in Victoria. Prices have jumped again more recently for Jul-Sep 21 with an increase of 3.5% in the quarter. With consideration to Capital Expenditure, the 'gap' for a regional City like Bendigo - which on a \$55M capital program, equates to around \$2.78M (being the difference between the rate cap increase of 1.75%, and the likely construction cost increase of 6.8%). Without other support, some reduced service levels in Local Government, alongside efficiencies that can be found, will result in the medium term.

At the time of drafting this Q2 report (early January 2022) the more widespread effects of the pandemic were changing forecasts and possible impacts daily – so flexibility will need to continue. Whilst in 2021 rules around restrictions gave some structure to the likely service impacts – 2022 is in some ways less certain.

### **Financial Operating Results**

Operating Result is a measure for accounting for an organisation's profit or loss for a given period. An Operating Result recognises all revenue and operating expenditure; it includes non-cash expenditure such as depreciation and non-cash revenue of donated assets. The following statement summarises operating results from 1 July 2021 through to December 2021.



|   | YEAR TO DATE   |                |               |            | FORECAST       |                |                   |             |
|---|----------------|----------------|---------------|------------|----------------|----------------|-------------------|-------------|
|   | YTD            | YTD            | YTD Variance  |            | Annual         | Full Year      | Forecast Variance |             |
|   | Budget         | Actual         |               |            | Budget         | Forecast       |                   |             |
|   | \$'000         | \$'000         | \$'000        | %          | \$'000         | \$'000         | \$'000            | %           |
| <b>REVENUE</b>  |                |                |               |            |                |                |                   |             |
| Rates and Charges   | 132,935        | 132,331        | (604)         | (0%)       | 132,935        | 132,576        | (359)             | (0%)        |
| Statutory Fees and Fines  | 2,649          | 2,450          | (199)         | (8%)       | 5,429          | 5,053          | (375)             | (7%)        |
| User Fees   | 13,557         | 10,838         | (2,718)       | (20%)      | 29,255         | 25,915         | (3,340)           | (11%)       |
| Government Grants - Operating   | 12,263         | 16,459         | 4,196         | 34%        | 30,667         | 33,214         | 2,547             | 8%          |
| Government Grants - Capital   | 9,624          | 12,782         | 3,158         | 33%        | 14,647         | 24,405         | 9,758             | 67%         |
| Contributions - Monetary  | 1,425          | 1,740          | 315           | 22%        | 3,145          | 3,169          | 24                | 1%          |
| Contributions - Non Monetary  | -              | -              | -             | -          | 15,225         | 15,225         | -                 | -           |
| Interest on Investments   | 187            | 144            | (43)          | (23%)      | 374            | 250            | (124)             | (33%)       |
| Other Revenue (Internal)  | 6,566          | 7,295          | 729           | 11%        | 13,369         | 13,950         | 581               | 4%          |
| Share of NCGRLC   | 48             | -              | (48)          | (100%)     | 95             | 95             | -                 | -           |
| <b>Total Revenue</b>  | <b>179,254</b> | <b>184,039</b> | <b>4,785</b>  | <b>3%</b>  | <b>245,140</b> | <b>253,852</b> | <b>8,712</b>      | <b>4%</b>   |
| <b>EXPENSES</b>   |                |                |               |            |                |                |                   |             |
| Employee Benefits   | 38,990         | 37,636         | 1,353         | 3%         | 76,926         | 76,321         | (604)             | (1%)        |
| Contract Payments, Materials and Services   | 40,193         | 36,203         | 3,990         | 10%        | 75,776         | 75,198         | (578)             | (1%)        |
| Plant and Equipment Operating Expenses  | 3,417          | 2,881          | 536           | 16%        | 6,746          | 6,806          | 60                | 1%          |
| Depreciation and Amortisation   | 21,532         | 21,081         | 450           | 2%         | 45,501         | 45,413         | (88)              | (0%)        |
| Borrowing Costs   | 820            | 805            | 14            | 2%         | 1,639          | 1,639          | -                 | -           |
| Net (Profit) / Loss on Disposal of Property, Plant, Infrastructure and Assets Held for Sale | -              | (320)          | 320           | 100%       | 4,100          | 4,101          | 1                 | 0%          |
| Bad Debts   | 168            | 119            | 49            | 29%        | 335            | 335            | -                 | -           |
| Other Expenses (Internal)   | 6,576          | 6,854          | (278)         | (4%)       | 13,389         | 14,068         | 679               | 5%          |
| <b>Total Expenses</b>   | <b>111,695</b> | <b>105,260</b> | <b>6,436</b>  | <b>6%</b>  | <b>224,411</b> | <b>223,881</b> | <b>(530)</b>      | <b>(0%)</b> |
| <b>Operating Result</b>   | <b>67,559</b>  | <b>78,779</b>  | <b>11,221</b> | <b>17%</b> | <b>20,729</b>  | <b>29,971</b>  | <b>9,242</b>      | <b>45%</b>  |
| <b>Other Comprehensive Income e</b>   |                |                |               |            |                |                |                   |             |
| Net asset revaluation increments  |                |                | -             | -          |                |                | -                 | -           |
| <b>Comprehensive Result</b>   | <b>67,559</b>  | <b>78,779</b>  | <b>11,221</b> | <b>17%</b> | <b>20,729</b>  | <b>29,971</b>  | <b>9,242</b>      | <b>45%</b>  |

Key year to date (YTD) Actual vs. Budget Variances are:

- *User Fees: \$2.7M Unfavourable (20%)* - The unfavourable result is largely due to COVID-19 restrictions and the effect on Bendigo Venues and Events and Safe & Healthy Environments (parking income). This is offset by the favourable savings in Materials and Services.
- *Government Grants- Operating: \$4.2M Favourable (34%)* - The favourable result is due to the receipt of unbudgeted grants and a significant number of carry forward grants from last financial year due to lockdown restrictions limiting various programs.
- *Government Grants- Capital: \$3.2M Favourable (33%)* - The favourable result is predominantly due to revenue recognition for projects from last financial year such as Bendigo Airport Terminal and Business Park, and Kennington Recreation Reserve.
- *Other Revenue (Internal): \$0.7M Favourable (11%)* - The favourable result relates to an increase in general waste disposal from kerbside collection, however is offset by Other Expenses (Internal).

- *Materials and Services: \$3.9M Favourable (10%)* - The favourable result is predominantly due to reduced costs (offset by reduced revenues) for Bendigo Art Gallery, Bendigo Venue and Events and Bendigo & Heathcote Visitors centres. Resource Recovery & Education has seen a reduction year to date in organics disposal costs and recycling contract collection cost variances. In addition, the EPA levy is lower than budgeted, partially offset by reduced revenue from commercial customers.

A snapshot of some key sustainability ratios which the City reports to the Finance committee are included in **Attachment 1**.

### Balance Sheet - 31 December 2021

The following is the City's Balance sheet as at 31 December 2021 (YTD actual) compared to the previous year (31 December 2020).

|   | Prior Year<br>Actual<br>\$'000 | YTD<br>Actual<br>\$'000 | Year on Year<br>Variance |              |
|---|--------------------------------|-------------------------|--------------------------|--------------|
|   |                                |                         | \$'000                   | %            |
| <b>Current Assets</b>                       |                                |                         |                          |              |
| Cash and Cash Equivalents                   | 77,049                         | 82,280                  | 5,232                    | 7%           |
| Trade and Other Receivables                 | 78,089                         | 81,082                  | 2,993                    | 4%           |
| Inventory                                   | 418                            | 937                     | 519                      | 124%         |
| Other Assets/Prepayments                    | 772                            | 560                     | (212)                    | (28%)        |
| <b>Total Current Assets</b>                 | <b>156,328</b>                 | <b>164,860</b>          | <b>8,531</b>             | <b>5%</b>    |
| <b>Non-Current Assets</b>                   |                                |                         |                          |              |
| Investments in Associates                   | 3,392                          | 3,554                   | 162                      | 5%           |
| Trade and Other Receivables                 | 44                             | 31                      | (13)                     | (30%)        |
| Forestry Plantations                        | 105                            | 105                     | -                        | -            |
| Intangible Assets                           | 244                            | 244                     | -                        | -            |
| Plant, Equipment and Infrastructure         | 1,622,311                      | 1,701,023               | 78,712                   | 5%           |
| <b>Total Non-Current Assets</b>             | <b>1,626,096</b>               | <b>1,704,957</b>        | <b>78,861</b>            | <b>5%</b>    |
| <b>TOTAL ASSETS</b>                         | <b>1,782,424</b>               | <b>1,869,817</b>        | <b>87,392</b>            | <b>5%</b>    |
| <b>Current Liabilities</b>                  |                                |                         |                          |              |
| Trade and Other Payables                    | 11,095                         | 13,587                  | 2,492                    | 22%          |
| Provisions                                  | 18,854                         | 19,418                  | 565                      | 3%           |
| Interest Bearing Liabilities and Borrowings | 4,653                          | 4,942                   | 289                      | 6%           |
| Trust Funds                                 | 3,022                          | 5,091                   | 2,068                    | 68%          |
| <b>Total Current Liabilities</b>            | <b>37,624</b>                  | <b>43,039</b>           | <b>5,414</b>             | <b>14%</b>   |
| <b>Non-Current Liabilities</b>              |                                |                         |                          |              |
| Provisions                                  | 12,705                         | 11,428                  | (1,277)                  | (10%)        |
| Interest Bearing Liabilities and Borrowings | 44,311                         | 29,497                  | (14,814)                 | (33%)        |
| <b>Total Non-Current Liabilities</b>        | <b>57,016</b>                  | <b>40,926</b>           | <b>(16,091)</b>          | <b>(28%)</b> |
| <b>TOTAL LIABILITIES</b>                    | <b>94,640</b>                  | <b>83,964</b>           | <b>(10,676)</b>          | <b>(11%)</b> |
| <b>NET ASSETS</b>                           | <b>1,687,784</b>               | <b>1,785,852</b>        | <b>98,068</b>            | <b>6%</b>    |
| <b>Equity</b>                               |                                |                         |                          |              |
| Accumulated Surplus                         | 846,127                        | 864,747                 | 18,620                   | 2%           |
| Reserves                                    | 816,384                        | 896,703                 | 80,318                   | 10%          |
| Other Reserves                              | 25,273                         | 24,403                  | (870)                    | (3%)         |
| <b>TOTAL EQUITY</b>                         | <b>1,687,784</b>               | <b>1,785,852</b>        | <b>98,068</b>            | <b>6%</b>    |

Key movements include:

- *Cash & Cash Equivalents (\$5.2M Increase)* - Compared to the previous year, the City currently has \$5M in additional cash on hand due to higher holdings in trust funds & deposits and unspent grant funding held over from last financial year. Projects carried into this financial year accounted for \$12M, and \$5.5M in sale proceeds from Lyttleton Terrace are held in reserves. There has also been some additional State grant income for various projects where spending has been delayed due to lockdown restrictions, but is expected in the second half of the financial year.
- *Interest Bearing Liabilities and Borrowings (\$14.8M net decrease)* - The principle amount of \$11M on an interest only loan was paid during the quarter. Whilst borrowing \$3M in 2020/2021 at record low interest rates, the City continues to reduce the principal owing on the existing borrowing portfolio.

### **Consultation/Communication**

A review of the City's financial performance for the period 1 July 2021 to 30 December 2021 was undertaken by the City's Finance Committee, which is made up of all Councillors, on 7 February 2022.

### **Resource Implications**

N/A

### **Attachments**

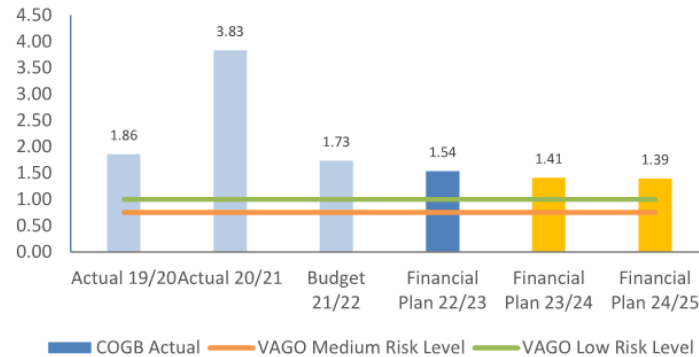
Sustainability Rations Q2 Finance\_2022

## Attachment 1 - Sustainability Ratios Q2 Finance\_2022

### Financial Sustainability Ratios

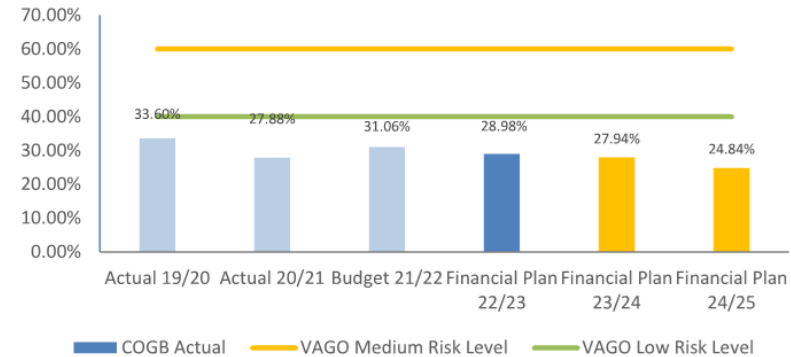
#### Liquidity Ratio

Current Assets / Current Liabilities



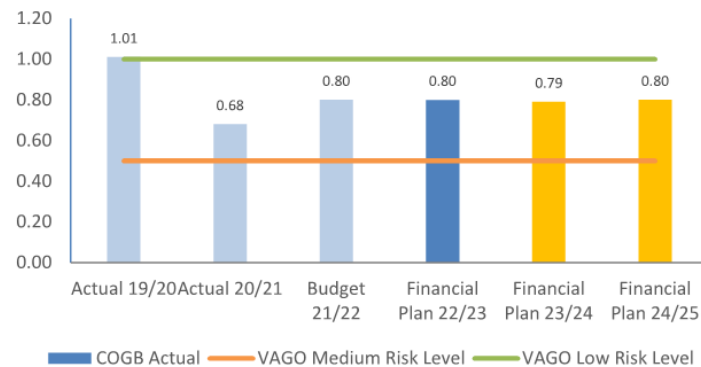
#### Indebtedness Ratio

Non-Current Liabilities / Own-Sourced Revenue



#### Asset Renewal

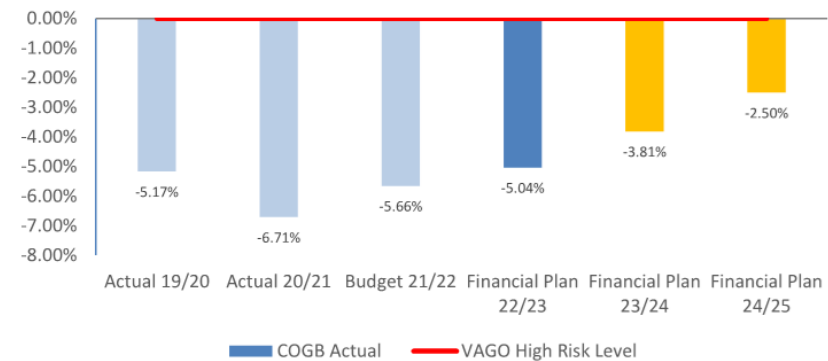
Renewal & Upgrade Expenditure vs Depreciation



#### Adjusted Underlying Result

Adjusted Underlying Surplus/Deficit / Underlying Revenue

The Underlying Surplus/Revenue is the City's surplus/revenue less non-recurrent government grants received for capital purposes, contributions for capital works and the value of assets received from developers.



## 14.2. Contracts Awarded under Delegation February 2022

|                      |   |
|----------------------|---|
| Author               | Kylie Turner, Procurement Officer, Governance |
| Responsible Director | Andrew Cooney, Director Corporate Performance |

### Policy Context

Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

- Outcome 1 - Lead and govern for all
- 

### Recommended Motion

That Council note the contracts awarded under delegation during the previous reporting period.

### RESOLUTION

Moved: Cr Sloan

Seconded: Cr Evans

That the recommended motion be adopted.

**CARRIED**

### Attachments

1. Contracts Awarded



**Attachment 1 - Contracts Awarded under Contract Council Report February 2022**

| <b>Capital Contracts</b> |   |   |   |             |              |                         |                |
|--------------------------|---|---|---|-------------|--------------|-------------------------|----------------|
| Contract No              | Project   | Successful Contractor                               | Delegated Officer                                 | Date Signed | Price        | Practical Completion    | Budget         |
| CT000596                 | Bendigo Airport Business Park Civil Design                              | Regional Management Group Pty Ltd                   | Steve Hamilton                                    | 21/12/2021  | \$218,902.00 | 24/06/2022              | \$895,000.00   |
| CT000602                 | Ewing Park Sports and Community Hub – Stage 1 – Skate Park Construction | Convic Pty Ltd                                      | Craig Niemann                                     | 24/11/2021  | \$810,000.00 | 31/05/2022              | \$1,254,850.00 |
| CT000615                 | Lake Weeroona Play Space - Ramp & Tower - Design & Construct            | Naturform Pty Ltd                                   | Craig Niemann                                     | 14/01/2022  | \$634,450.00 | 16/09/2022              | \$1,500,000.00 |
| CT000618                 | Barrack Reserve Lighting Construction                                   | DeAraugo & Lea Electrical Contractors (VIC) Pty Ltd | Vicky Mason                                       | 21/12/2021  | \$237,500.00 | 30/06/2022              | \$290,000.00   |
| <b>Service Contracts</b> |   |   |   |             |              |                         |                |
| Contract No              | Project   | Successful Contractor                               | Delegated Officer                                 | Date Signed | Price        | Contract Term & Options | Budget         |
| CT000616                 | Greater Bendigo Housing and Neighbourhood Character Strategy            | Plan2Place Consulting                               | Ben Devanny<br>(Act Director Strategy and Growth) | 7/01/2022   | \$199,857.57 | 1 year 54 days          | \$200,000.00   |

### 14.3. Loan Guarantee and Joint Funding Arrangements Policy

|                      |  |
|----------------------|--|
| Author               | Mark Eeles, Coordinator Financial Reporting & Operations |
| Responsible Director | Andrew Cooney, Director Corporate Performance            |

#### Purpose

The purpose of this report is to seek Council approval of the new Loan Guarantee and Joint Funding Arrangements Policy. The new Loan Guarantee and Joint Funding Arrangements Policy is a combination of previous Related Parties Policy and Loan Guarantee Policy.

#### Summary

Council at times is approached to provide significant support or enter partnerships with local organisations. For the purposes of this policy, significant support is considered to be unbudgeted direct financial (cash or otherwise) support greater than \$50,000, or support which may present a higher risk to the City. Significant support could be in the form of funding, supply of goods and services, labour and expertise support, or a bank guarantee for a loan facility. The Loan Guarantee and Joint Funding Arrangements Policy seeks to provide clear rules and a methodology to mitigate risks when considering Council's position on significant support.

#### Recommended Motion

That Council adopt the Loan Guarantee and Joint Funding Arrangements Policy.

#### RESOLUTION

Moved: Cr Sloan

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

#### Policy Context

##### Primary Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

- Outcome 1 - Lead and govern for all
- *Accountable, financially responsible, equitable, transparent decision making*

#### Background Information

As part of the City's Organisation Policy Framework and review cycles, the existing Related Parties and Loan Guarantee policies have been reviewed and updated.

In reviewing these two policies, similarities were noted which resulted in the policies merging into a Community Support and Loan Guarantee Policy. The engagement process identified that a more suitable title was needed, as the City provides community

support in a myriad of ways. The revised draft policy has been renamed Loan Guarantee and Joint Funding Arrangements Policy.

### **Report**

The provision of significant support to local organisations can expose Council to risk and a policy is required to provide a clear methodology to mitigate risk when considering if the City will provide the requested significant support.

Currently Council has one substantial loan guarantee arrangement in place related to the Bendigo Stadium, however in the past there have been other guarantee arrangements. There has also been significant joint funding projects in recent years – not all of which have been assessed or governed in consistent ways.

The Loan Guarantee and Joint Funding Arrangements Policy is in line with the financial management principles outlined in Section 101 of the *Local Government Act 2020*.

### **Consultation/Communication**

The Loan Guarantee and Joint Funding Arrangements Policy applies to requests which are not part of a previously agreed budget or current arrangement with Council. As these arrangements are infrequent and targeted, no specific external engagement has been undertaken. Feedback was sought internally across the organisation on the draft policy.

### **Resource Implications**

There are no specific resource implications as a result of the adoption of this policy. However the policy does support good governance when assessing budget requests for significant support – or requests for Council to act as guarantor on a loan for a community organisation.

### **Attachments**

Loan Guarantee and Joint Funding Arrangements Policy

**Attachment 1 - Loan Guarantee and Joint Funding Arrangements Policy****LOAN GUARANTEE AND JOINT FUNDING ARRANGEMENTS POLICY**

|  |                            |
|--|----------------------------|
| <b>Approval Level:</b>                 | Council                    |
| <b>Policy Type:</b>                    | Council                    |
| <b>Approval Date:</b>                  | TBC                        |
| <b>Review cycle:</b>                   | Four years                 |
| <b>Review Date:</b>                    | TBC                        |
| <b>Responsible Officer:</b>            | Manager Financial Strategy |
| <b>Owner:</b>                          | Financial Strategy         |
| <b>Responsible Director:</b>           | Corporate Performance      |
| <b>Relevant Legislation/Authority:</b> | Local Government Act 2020  |
| <b>DOCSETID:</b>                       | Click here to enter text.  |

**1. PURPOSE**

The purpose of this policy is to clarify the rules and methodology which the City of Greater Bendigo (the City) will apply when considering:

- whether it should act as bank guarantor for loans taken out by community Organisations;
- whether it should provide Significant support to a community Organisation by way of funding, supply of goods, services, labour and expertise.

All requests for Council loan guarantee support or joint funding arrangements must be completed on the Loan Guarantee / Joint Funding Application Form in consultation with City officers. Any other requests will not be considered.

**2. BACKGROUND**

The City is, at times, approached to provide Significant support to local community Organisations to assist with funding projects. The support requested can be in the form of funding, supply of goods and services, labour and expertise support, or a bank guarantee for a loan facility. Should the Organisation default on loan repayments, it is then the responsibility of the City to make the repayments. The provision of support may expose the City to risk. A thorough assessment of any proposal is essential to ensure risks to the City are minimised through financial and policy analysis.

**3. SCOPE**

This policy applies to the evaluation of all requests which are not part of an agreed budget or current agreement for to the City for it to provide Significant support to local community Organisations.



This policy does not apply to Community Grants, or to smaller transactions, support and interactions which are part of the day to day business of the City.

#### 4. DEFINITIONS

**Organisation** means an incorporated, community group or sporting club.

**S&P** means Standard & Poors.

**Staff** means employees, Councillors, volunteers or contractors engaged by the City.

**Significant** means direct financial (cash or otherwise) support greater than \$50,000, or which may present a high or extreme risk to the City.

#### 5. PRINCIPLES

The Loan Guarantee and Joint Funding Arrangements Policy will provide clear direction to management, staff and Council in relation to considering and evaluating the support it provides to community Organisations.

Loan Guarantee principles:

- The Organisation must be able to demonstrate that the reason for the loan is to upgrade or enhance facilities or amenities which will provide appropriate benefit to the local community.
- The community Organisation must be able to demonstrate their financial viability to repay the loan, including items referred to in Section 6 of this Policy.

Other forms of Support:

- The Organisation must demonstrate that the reason for support is to provide appropriate benefit to the local community.
- The Organisation must be able to demonstrate appropriate financial management.

#### 6. POLICY

##### 6.1 Evaluation Criteria

It is the responsibility of the Review Panel to assess each application, as set out at 6.3 below. For some applications, the "Project" criteria may not apply.

Assessment of the Organisation against the evaluation criteria includes:

- Organisation – governance
- Contribution – dollar value, grants, other funding methods
- Project – building/structure or plant and equipment
- Community Benefits – essential service, community benefit
- Reporting – regular financial reporting to the City
- Other – consideration of other factors that may impact the project.





The Review Panel must ensure that the Policy Criteria as detailed at Section 6.2 have been complied with. If any of these items are not complied with, the application is immediately unsuccessful. In these instances, it should be immediately referred back to the applicant to enable them to address the non-conforming criteria and re-apply if possible.

## 6.2 Policy Criteria

Assistance will only be *considered* when all the following essential criteria have been met:

- a. Where it is demonstrated that the project will provide essential services or a clear benefit to the wider community (if applicable).
- b. The applicant will be required to demonstrate their capacity to contribute to the capital cost of the project excluding government grants (if applicable).
- c. The guarantee term is within the City's agreed benchmark terms (Section 6.3 – loan guarantees only).
- d. The applicant has completed and agreed to all items in the *Loan Guarantee Compliance Statement* (loan guarantee applications only).
- e. The project asset will be owned by either the applicant or the City (if applicable).
- f. The Organisation's role (and proposal) is consistent with the City's Community Plan objectives and corporate values.
- g. Demonstrate that social, economic or environmental impacts which may arise from the project have been assessed.
- h. Support can be provided within the existing Council budget.
- i. All alternative support avenues, including where relevant the applicant Organisation's own assets or guarantee options, have been investigated.
- j. The applicant Organisation has a history of timely payments and no current outstanding debt to the City of Greater Bendigo.

Additional items for consideration:

- a. Does the applicant have sound governance practice in place.
- b. What is the percentage of revenue committed to debt repayments (Debt Commitment Ratio).
- c. Have appropriate plans and costings been prepared.
- d. Have ongoing maintenance costs been factored into forecast budgets provided by the applicant.

## 6.3 Review Panel

Each application will be assigned to the Director Corporate Performance (the "Responsible Director"). The Responsible Director is charged with the duty of forming the review panel.

The Review Panel shall comprise of a minimum of at least three City officers being:

- Responsible Director;
- Manager Financial Strategy or a Coordinator in Financial Strategy; and
- Director or a Manager (from the Directorate from which the application relates to).



The assessment of an application will require a considerable amount of professional judgment by City officers. Should the relevant City officers believe they do not have sufficient skills and experience to form an opinion, they should seek third party expert assistance.

Before any third party assistance is sought, approval **must** be first received from the applicant in writing.

#### 6.4 Benchmark Terms and documents: Loan Guarantees

The Benchmark Terms in which a Guarantee will be approved by Council are as follows:

| Guarantee Amount \$'s | Maximum term of guarantee |
|-----------------------|---------------------------|
| Up to \$50,000        | 5 years                   |
| \$50,000 - \$99,999   | 10 years                  |
| \$100,000 and above   | 15 years                  |

- For a Bank Guarantee > \$20,000 the Organisation must provide audited Financial Statements for the past two years, a Business Plan and Projected Cash Flow Statement for the next 5 years.
- For a Bank Guarantee < \$20,000 the Organisation must provide Financial Statements for the past three years as presented at the Organisation's Annual General Meeting, a Business Plan and Projected Cash Flow Statement for the next 5 years.
- If the particular Organisation utilises Council owned or controlled land or land owned by the Crown and the group has a lease of the land or the buildings thereon, the Organisation must have the written approval of the land owner for the works proposed.
- The loan must be from a recognised financial institution with an S&P long term credit rating greater or equal to BBB+.

#### 6.5 Council Report

Applications for Loan Guarantees which meet all the essential requirements of the policy will be referred to Council for approval of the support provided.

#### 6.6 Formalising the Relationship (including arrangements in cases of default)

Support given to an Organisation should be evidenced in a formal agreement that clearly identifies the nature of the support provided, the mutual obligations and responsibilities of the parties and the expected governance framework underpinning the support, including risk management, audit and reporting requirements.

A comprehensive funding agreement adds clarity to a professional relationship and therefore assists in minimising risk and possible misunderstanding between the parties. It is also an effective tool for compliance, monitoring and review.

The agreement will cover the steps and arrangements applicable in the situation where the organisation defaults on payments.

This agreement should also note and define review points and an 'end' of the support arrangements.



## 6.7 Post Support Review / Ongoing Relationship

If support is provided to a community Organisation, the City needs to consider and implement the appropriate monitoring system between parties. These may be included as part of a comprehensive funding agreement and may differ in content and scope according to the support offered. As a guide, the items which should be considered are as follows:

- Evidence that the support offered has been expended/utilised in accordance with the intent/purpose.
- Future financial records (profit and loss, cash flow and balance sheets) periodically where support is ongoing for a period exceeding six months.
- If support is toward an asset which is to be constructed/installed on the City's property, appropriate measures are to be implemented to ensure compliance with OH&S legislations and relevant details are to be provided to the Financial Strategy and Property Units so that asset registers can be updated.
- Representation on the Organisation's Board.
- Evidence that appropriate risk management, including insurance is in place.

## 6.8 Fees and Charges – Loan Guarantees

Any fees and charges applicable to a loan guarantee shall be paid by the applicant.

## 7. ROLES AND RESPONSIBILITIES

| Position   | Responsibility  |
|--|---|
| Council  | To decide on approval of applications in line with Policy.  |
| Director Corporate Performance                                     | Responsible for applications, forming the review panel and assessing applications.                  |
| Manager Financial Strategy / Coordinator within Financial Strategy | Member of the Review Panel and assessing applications, including providing secretariat if required. |
| Directors / Managers   | Member of the Review Panel if the application relates to their Directorate.                         |

## 8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Loan Guarantee / Joint Funding Application Form
- Loan Guarantee Compliance Statement
- Loan Guarantee and Joint Funding Arrangement Evaluation Form

Further information or advice on this policy should be directed to Financial Strategy

## 9. HUMAN RIGHTS COMPATIBILITY



The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made with the approval of EMT or where required, resolution of Council.

## 11. DOCUMENT HISTORY

| Date Approved      | Responsible Officer          | Unit               | Change Type | Version | Next Review Date |
|--------------------|------------------------------|--------------------|-------------|---------|------------------|
| January 2022 (TBC) | Nathan Morsillo / Mark Eeles | Financial Strategy | Develop     | 1       | January 2026     |

## 14.4. Update to Council Governance Documents

|                      |   |
|----------------------|---|
| Author               | Geoff Fallon, Coordinator Governance          |
| Responsible Director | Andrew Cooney, Director Corporate Performance |

### Purpose

The purpose of this Report is to seek Council approval to:

- Revise the Councillor Only governance documents in accordance with the table in section 6 of this Report
- Release the attached Councillor Only governance documents for community feedback
- Release the attached Notice of revised Local Laws for community consultation in accordance with section 73 of the Local Government Act 2020 (the Act)

### Summary

The Act and good corporate governance principles direct that Council establish and maintain various policies to ensure good governance. The City has reviewed all Councillor Only governance documents that are due for review, and propose changes as documented in the table in section 6 of this Report and in the attachments.

The Local Law Process of Municipal Government has been substantially superseded by the Governance Rules under the Act, and is therefore proposed to be revoked. The remaining content is proposed to be moved to the Community Local Law. The Local Law No. 10 - Administration has also been updated to ensure alignment.

Revised Local Laws and the Governance Rules are required under the Act to be the subject of formal community engagement. The City also intends, in accordance with the Act's underpinning principles of community engagement, public transparency and innovation and continuous improvement, to engage with the community on all other policies.

### Recommended Motion

That Council:

1. Endorse the attached draft Councillor Only governance documents and Local Law updates;
2. Approve to release the Councillor Only governance documents for formal exhibition and submissions from the Community for the period 1 to 15 March 2022, following Council approval.

### RESOLUTION

Moved: Cr O'Rourke

Seconded: Cr Fyffe

That the recommended motion be adopted.

**CARRIED**



## Policy Context

### Primary Community Plan Reference:

Greater Bendigo Council Plan (Mir wimbul) 2021-2025:

- Goal 1 Lead and govern for all

### Background Information

There are a number of governance documents currently adopted by Council:

| Current Document  | Review Date | Revision Status  | LGA Section | Attachment |
|---|-------------|--|-------------|------------|
| <b>Due for Review</b>                                     |             |  |             |            |
| <a href="#">Governance Rules</a>                          | Dec 2021    | Updated, as per attachment                                     | 60          | 1          |
| <a href="#">Handling Complaints about a Councillor</a>    | Nov 2021    | Updated, as per attachment                                     |             | 2          |
| Councillor Charter  | N/A         | Updated, as per attachment                                     | 46(3)(c)    | 3          |
| <a href="#">Councillor Access to Information</a>          | Nov 2021    | Superseded (incorporated into Councillor Charter)              |             |            |
| <a href="#">Councillor Media</a>                          | Nov 2021    | Superseded (incorporated into Councillor Charter)              |             |            |
| <a href="#">Councillor Expenses and Support</a>           | Nov 2021    | Updated, as per attachment                                     | 41          | 4          |
| <a href="#">Councillor IT Use Policy</a>                  | Nov 2021    | Superseded (incorporated into Councillor Expenses and Support) |             |            |
| <a href="#">Councillor Mobile Phone and Mobile Device</a> | Oct 2020    | Superseded (incorporated into Councillor Expenses and Support) |             |            |
| Councillor Appropriate Behaviour                          | NEW         |  |             | 5          |

| Current Document  | Review Date | Revision Status   | LGA Section       | Attachment |
|---|-------------|---|-------------------|------------|
| <a href="#">Councillor Discrimination and Harassment Prevention</a> | Nov 2021    | Superseded (incorporated into Councillor Appropriate Behaviour) |                   |            |
| <a href="#">Councillor Bullying Prevention</a>                      | Nov 2021    | Superseded (incorporated into Councillor Appropriate Behaviour) |                   |            |
| Councillor Prevention of Sexual Harassment                          | NEW         |   |                   | 6          |
| <a href="#">Local Law Process of Municipal Government</a>           | Dec 2024    | Updated, as per attachment                                      | Part 3 Division 3 | 7          |
| <a href="#">Councillor Gift Policy</a>                              | Apr 2025    | Updated, as per attachment                                      | 138               | 8          |
| <b>Current</b>  |             |   |                   |            |
| <a href="#">Councillor Code of Conduct</a>                          | Mar 2024    | Current   | 139               |            |
| <a href="#">Election Period</a>                                     | May 2023    | Current   | 69                |            |

Furthermore, the Councillor Code of Conduct incorporates by reference the following Organisational policies:

- [Child Safe](#)
- [Community Engagement](#)
- [Fraud and Corruption](#)
- [Public Transparency](#)

## Report

The City has reviewed all Council governance documents that are due for review, and propose changes as documented above and in the attachments.

The proposed community engagement is to inform and consult in accordance with the IAP2 spectrum of public participation, as per the City [Community Engagement Policy](#).

The following sections provide a high-level summary of the changes and the reason for change for each document.

## Governance Rules

1. Document completely restructured to:
  - a. more closely align with the Act

- b. improve clarity
  - c. remove duplication
- 2. Chairperson section updated to more closely align with the Act
- 3. Quorum section updated to more closely align with the Act
- 4. New section to explicitly cover Alternate Motions
- 5. Formal Motions renamed to Procedural Motions
- 6. Provide a definition for “Resolution”
- 7. Reconcile Notices of Motions and Foreshadowed Items
- 8. Remove requirement to maintain a hardcopy Minute book

#### Handling Complaints About a Councillor

- 1. Document restructured to improve accessibility
- 2. Complaint handling process detailed further, including demonstrating integration with Act (Internal Arbitration and Councillor Conduct Panels)
- 3. Policy renamed - Community Complaints About a Councillor

#### Councillor Charter

- 1. Consolidates duplication and misalignment between:
  - a. Councillor Access to Information
  - b. Councillor Media
- 2. Reinforces the Role of the Councillor in accordance with the Act, as opposed to the role of the Chief Executive Officer
- 3. Policy renamed - Councillor Communication & Information

#### Councillor Expenses and Support

- 1. Consolidates duplication and misalignment between:
  - a. Councillor IT Policy
  - b. Councillor Mobile Device Policy
  - c. Expense Procedures
- 2. Mandating that Councillors shall only utilise City supplied IT equipment for Councillor business.

#### Councillor Appropriate Behaviour Policy

- 1. Replicates the new City policy (with adjustments as Councillors are not employees and role is not in relation to work)

#### Councillor Prevention of Sexual Harassment Policy

- 1. Replicates the new City policy (with adjustments as Councillors are not employees and role is not in relation to work)

#### Local Laws

- 1. Revokes the Local Law Process of Municipal Government (2020) - now superseded by the Governance Rules
- 2. Revises the Community Local Law to include the remaining sections of the above not superseded

3. Revises the Local Law No. 10 – Administration to ensure alignment with above  
Councillor Gift Policy

1. Updated to better account for gifts from the City to the outgoing Mayor, Deputy-Mayor and partner of the Mayor, including values

Priority/Importance:

Maintaining all Council governance documents is important to good governance. Finalisation of the proposed revisions, adoptions and supersessions should be prioritised.

Options/Alternatives:

Nil

Timelines:

Following closure of public exhibition on 15 March 2022 the City will incorporate all relevant and appropriate submissions into final drafts of Council governance documents for Council adoption at the next Council meeting, subject to community feedback.

Risk Analysis:

If the policies are not regularly reviewed and updated, the documents may not be compliant with the relevant legislation or consistent with contemporary governance practices.

**Consultation/Communication**

The proposed changes have been reviewed by all City Directors. Other internal review has been undertaken, depending on the Policy, including:

- Governance
- Legal
- Communications (Media policy only)
- IT (IT and Mobile Device Policy only)
- Safe and Healthy Environments (Local Laws only)

**Resource Implications**

Nil

**Attachments**

1. Governance Rules
2. Community Complaints about a Councillor
  - a. Template - File Note - Complaint Against a Councillor
3. Councillor Communication & Information
4. Councillor Expenses and Support
5. Councillor Appropriate Behaviour
6. Councillor Prevention of Sexual Harassment
7. Notice - Local Laws
  - a. Greater Bendigo City Council Community Local Law
  - b. Greater Bendigo City Council Local Law No 10 - Administration
8. Councillor Gift Policy

**Attachment 1 - 1 - Governance Rules**



**GREATER BENDIGO CITY COUNCIL**

**GOVERNANCE RULES**





## Governance Rules

## DOCUMENT INFORMATION

|  |   |
|--|---|
| <b>Approval Level:</b>                 | Council                                       |
| <b>Policy Type:</b>                    | Council                                       |
| <b>Approval Date:</b>                  |   |
| <b>Review cycle:</b>                   | Within twelve months of each Council election |
| <b>Review Date:</b>                    |   |
| <b>Responsible Officer:</b>            | Manager Governance                            |
| <b>Owner:</b>                          | Governance                                    |
| <b>Responsible Director:</b>           | Corporate Performance                         |
| <b>Relevant Legislation/Authority:</b> | <i>Local Government Act 2020</i>              |
| <b>DOCSETID:</b>                       | 4418722                                       |



Governance Rules

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## Governance Rules

### 1. PURPOSE

1.1 The purpose of the Governance Rules are to regulate:

- 1.1.1 Proceedings at meetings of Council, Delegated Committees and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply
- 1.1.2 How meeting records will be kept and how to access them
- 1.1.3 Procedures for the election of the Mayor and Deputy Mayor, and the appointment of an Acting Mayor
- 1.1.4 Conduct of Councillors, Council and Staff during the election period in the lead up to local government elections
- 1.1.5 Disclosures of conflict of interest

### 2. BACKGROUND

2.1 In accordance with section 60 of the Act, the City must adopt and keep in force Governance Rules.

2.2 These Governance Rules provide promote and encourage:

- 2.2.1 Peace, order and good government of the Greater Bendigo municipal district
- 2.2.2 Administration of Council's powers and functions
- 2.2.3 Local community participation in the system of local government by providing mechanisms within the meeting arrangements for Council to ascertain the local community's views and expectations

2.3 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.

### 3. Scope

3.1 This policy applies, as appropriate, to:

- Councillors
- Members of delegated committees
- Staff members



Governance Rules

**4. Definitions**

**4.1** In this Policy:

**Act** means the *Local Government Act 2020* (Vic)

**Advisory Committee** has the meaning given at section 6.41

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

**Audit and Risk Committee** means the Audit and Risk Committee established by a Council under section 53 of the Act

**Authorised Officer** has the same meaning as in the *Local Government Act 1989* (Victoria) or any other relevant Act

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

**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 (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

**Council** means the Greater Bendigo City Council being all the Councillors collectively

**Councillor** means a person holding the office of member of Greater Bendigo City 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** means a member of City staff to whom powers, functions and duties have been delegated by an instrument of delegation

**Delegated Committee** means delegated committees defined under section 63 *Local Government Act 2020* (Vic)

**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 City 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 in accordance with 6.38

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

**Mayor** means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

**Meeting** means a Council Meeting or a Delegated Committee Meeting





Governance Rules

**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 Resolution 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 subsequent Council Meeting in accordance with 6.20

**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, in accordance with 6.18

**Procedural Motion** has the meaning given at section 6.19

**Relevant Person** has, in the context of Conflict of Interest, the same meaning as section 126 of the Act

**Resolution** is an approved Motion as per section 6.15

**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 Council Meetings set by Council



Governance Rules

**5. PRINCIPLES**

5.1 The supporting principles of the Act apply to this Policy, including:

- 5.1.1 the community engagement principles
- 5.1.2 the public transparency principles
- 5.1.3 the strategic planning principles
- 5.1.4 the financial management principles
- 5.1.5 the service performance principles.

5.2 In accordance with section 60(2) of the Act Council must:

- 5.2.1 Consider and make decisions on any matter being considered by the Council fairly and on the merits
- 5.2.2 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.

**6. POLICY**

**Part One - Conduct of Council Meetings**

**6.1 Public Attendance**

6.1.1 In accordance with section 66 of the Act Council must keep a meeting open to the public unless the Council considers it necessary to close the meeting to the public because:

- (a) The meeting is to consider confidential information
- (b) Security reasons
- (c) It is necessary to do so to enable the meeting to proceed in an orderly manner.

6.1.2 Community members may also follow the proceedings via:

- (a) Livestreaming (or on-demand) via the City website (<https://www.bendigo.vic.gov.au>);
- (b) Radio (currently Phoenix FM 106.7); and
- (c) Any other suitable media, as determined by the City.

6.1.3 If a Meeting is closed to the public for the reasons outlined above in section 6.1.1(b) or 6.1.1(c) the Meeting will be livestreamed. In the event a livestream is not able to be broadcast to Council's website or other approved platform the Meeting may be adjourned, or a recording of the proceedings may be available on Council website.

6.1.4 Community members must not:

- (a) Interject during the Meeting
- (b) Display or bring placards, posters, banners or other signage in the Council Chamber.



Governance Rules

- 6.1.5 The Chairperson may:
- (a) Ask any Authorised Officer or member of the Victoria Police to remove from the Chamber any person who has committed an offence or breached a Local Law adopted by Council or acted in contravention of this Policy
  - (b) Cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.

6.1.6 It is an offence under Council Local Laws, for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

6.1.7 Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

**6.2 Public Question Time**

6.2.1 Each Council Meeting (except those meetings called for a special purpose such as to elect the Mayor) will allocate an Agenda item to allow up to 30 minutes of public question time of Councillors.

6.2.2 Extension of time for public questions may be granted by resolution of Council.

6.2.3 Questions:

- (a) Submitted in writing prior to the Meeting will have priority
- (b) May be presented in person, subject to any restrictions
- (c) Will be limited to one per person, unless time permits at the discretion of the Chairperson
- (d) Will only be allowed during the allocated Agenda item for question time
- (e) May be on any matter except if it:
  - (i) Relates to a specific planning application
  - (ii) Is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance
  - (iii) Relates to confidential information as defined under the Act
  - (iv) Relates to the personal hardship of any resident or ratepayer
  - (v) Breaches any obligations of the Council under legislation
  - (vi) Relate to matters outside the powers of Council
  - (vii) Relates to any other matter which the Council or the CEO considers would prejudice the Council, the City, or any person.

6.2.4 Where the CEO, or delegate, does not accept a written question, the submitter and Councillors are to be informed of the reason or reasons for which their question was not accepted.



Governance Rules

- 6.2.5 Copies of all written questions will be provided to all Councillors in writing, regardless of acceptance or rejection by the CEO or delegate. This notice will also indicate which questions are accepted and which are rejected.
- 6.2.6 The Chairperson reserves the right to cease or reject a verbal question that they deem inappropriate.

**6.3 Public Petitions and Joint Letters**

- 6.3.1 Every petition accepted by Council must, unless otherwise approved by the CEO:
  - (a) Be legible and in permanent writing
  - (b) Clearly state on each page the matter and action sought from Council
  - (c) Include the names, addresses and original signatures
- 6.3.2 Every petition submitted to Council must not:
  - (a) Be derogatory, defamatory or objectionable in language or nature
  - (b) Relate to matters outside the powers of Council
  - (c) Contains signatures that are false or misleading
  - (d) Relate to a statutory matter (these will be considered as part of the public submissions process in accordance with the relevant legislation).
- 6.3.3 Every joint letter submitted to Council must comply with the above excepting 6.3.1(b).
- 6.3.4 Petitions and joint letters may be submitted in electronic or online format.
- 6.3.5 The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council Meeting.
- 6.3.6 Every petition and joint letter that has 10 or more signatures will be tabled at a Council Meeting, with the Motion that:
  - (a) That the petition or joint letter be received
  - (b) That the petition or joint letter be referred to the CEO or relevant Director for:
    - (i) Consideration and response; or
    - (ii) Preparation of a report to inform a Motion at a future Council Meetingwithin two Council Meetings, unless otherwise resolved.
- 6.3.7 Any Councillor that speaks to the above Motion is responsible for ensuring that:
  - (a) They are familiar with the contents and purpose of the petition or joint letter
  - (b) The petition or joint letter and their response are not derogatory, defamatory or objectionable in language or nature.



Governance Rules

- 6.3.8 Every tabled petition and joint letter will be addressed in the Agenda item for Petitions and Joint Letters unless it relates to an item listed on the Agenda, where it may be dealt with in conjunction with.
- 6.3.9 Every petition and joint letter that has nine or less signatures will be forwarded directly to the appropriate member of City staff for action as an operational item.

**6.4 Chairperson**

- 6.4.1 In accordance with section 61(3) of the Act a Council meeting must be chaired by:
  - (a) The Mayor
  - (b) If the Mayor is not present, the Deputy Mayor
  - (c) If the Mayor and the Deputy Mayor are not present, a Councillor who is present at the Council meeting and is appointed by a resolution of the Council to chair the meeting
- 6.4.2 The Chairperson must:
  - (a) Control the Meeting impartially to ensure the smooth passage of business
  - (b) Must allow the CEO, or delegate, the opportunity to correct factual errors or incorrect assertions that arise during the Meeting
  - (c) Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of the Meeting
  - (d) Must declare the results of all votes and may direct that a vote be recounted to be satisfied of the result
  - (e) Must decide on all points of order.
- 6.4.3 For the purpose of facilitating the appointment of an Acting Chairperson, as per 6.4.1(c), the CEO (or delegate) will chair the meeting until the appointment is resolved.

**6.5 CEO**

- 6.5.1 The CEO, or delegate, may participate in the meeting to provide support to the Chairperson.
- 6.5.2 The CEO, or delegate, should:
  - (a) Immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law
  - (b) Advise if there are operational, financial or risk implications arising from a proposed resolution
  - (c) Help clarify the intent of any unclear resolution to facilitate implementation
  - (d) On request, assist with procedural issues that may arise.





Governance Rules

**6.6 Schedule and Notice of Meetings**

- 6.6.1 At or before the last Meeting each calendar year, Council must schedule the date, time and place of all Council Meetings for the following calendar year.
- 6.6.2 The schedule of Council Meetings must be posted on the Council website and be made available from Council's Customer Service Centres.
- 6.6.3 The public must be given at least seven days' notice of all Meetings by notice posted on the Council website.
- 6.6.4 The Council, or the CEO, may change the date, time and place of any scheduled Council Meeting, subject to section 6.6.3.
- 6.6.5 An unscheduled Meeting of the Council can be called, subject to section 6.6.3, by:
  - (a) Council resolution
  - (b) The Chair
  - (c) Three Councillors
  - (d) The CEO, following consultation with the Chair
- 6.6.6 In determining the date and time for any revised scheduled Meeting or unscheduled Meeting the CEO must consider:
  - (a) The urgency of the business to be transacted
  - (b) The availability of Councillors
  - (c) Reasonable notice period for persons whose rights or interests may be impacted by the business to be dealt with
  - (d) Providing at least seven days' notice to the public via the Council website
  - (e) Providing at least seven days' notice to all meeting members
  - (f) The time required to prepare the Agenda in accordance with section 6.7.
- 6.6.7 Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.
- 6.6.8 In the case of an emergency, unexpected or circumstances deemed urgent by the CEO, or delegate, may without the requisite notice stated above:
  - (a) call or postpone a Meeting of the Council
  - (b) change the place of a Meeting.

**6.7 Agendas**

- 6.7.1 The Agenda will be determined by the CEO, in consultation with the Chair.
- 6.7.2 The Agenda must be made available at least five days before a Meeting to:
  - (a) Every Meeting member electronically
  - (b) The public via the Council website



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- 6.7.3 It will not be necessary for a notice of Meeting or Agenda to be delivered to any Councillor who has been granted leave of absence, unless the Councillor has requested the CEO in writing to continue to be given notice of any Meeting to be held during the period of their absence.
- 6.7.4 In accordance with these Governance Rules each Agenda, except the Mayoral-election Meeting, must include:
  - (a) Public Question Time
  - (b) Confirmation of Previous Minutes
  - (c) Public Petitions and Joint Letters
  - (d) Urgent Business
  - (e) Conflict of Interest
- 6.7.5 Once an Agenda has been made available to Councillors the Agenda may only be altered by resolution of the Council.
- 6.7.6 No business may be conducted at a Council Meeting unless it arises from:
  - (a) An Agenda item or accompanying report
  - (b) A Notice of Motion (in accordance with 6.20)
  - (c) Urgent Business (in accordance with section 6.8).
- 6.8 Urgent Business**
  - 6.8.1 Urgent Business can only be raised, subject to section 6.8.2 below, at a Council Meeting if:
    - (a) Council has, by resolution, admitted it
    - (b) It relates to or arises out of a matter which has arisen since distribution of the Agenda and deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter
    - (c) The item involves a matter of urgency as determined by the CEO and it cannot be addressed through an operational service request process.
  - 6.8.2 Urgent Business cannot be raised at a Council Meeting if it:
    - (a) Substantially affects the levels of Council service
    - (b) Commits Council to significant expenditure not included in the adopted budget
    - (c) Establishes or amends Council Policy
    - (d) Commits Council to any contractual arrangement.
  - 6.8.3 A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the CEO no later than 3pm on the day of the Meeting.
  - 6.8.4 The CEO will advise the Chairperson of any matter determined as appropriate for Council to consider admitting as urgent business.



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**6.9 Apologies, Leave of Absence and Absences**

- 6.9.1 If a Councillor has a planned period of leave or absence, a leave of absence should be sought from the Council at the Meeting prior to the absence.
- 6.9.2 Councillors who are unable to attend a Meeting must submit an apology in advance in writing or verbally to the Chairperson, the CEO or the Manager Governance
- 6.9.3 Council must move a Motion to accept or reject apologies and leaves of absence.
- 6.9.4 A Councillor who is absent from a Meeting and has not submitted and received Council approval of the apology or leave of absence will be recorded as absent.
- 6.9.5 All attendees, apologies, leave of absences and absentees will be recorded in the Minutes, in accordance with 6.27.

**6.10 Quorum**

- 6.10.1 In accordance with section 61 (4 and 7) of the Act the quorum required for Council Meetings will be not less than half the total number of elected Councillors.
- 6.10.2 In accordance with section 67 of the Act if a quorum cannot be maintained the Council must deal with the matter:
  - (a) in an alternative matter as defined by section 67(3)
  - (b) by establishing a Delegated Committee.

**6.11 Motions**

- 6.11.1 The Chairperson must not accept any Motion or amendment which is:
  - (a) Defamatory
  - (b) Objectionable in language or nature
  - (c) Outside the powers of the Council
  - (d) Not relevant to the item of business on the agenda and
  - (e) Not admitted as urgent business
  - (f) A previously Lost Notice of Motion as per 6.20.6
  - (g) Put during any suspension of standing orders.
- 6.11.2 Before any Motion is put to the vote it may be withdrawn with leave of the mover and seconder.
- 6.11.3 The Chairperson may require any complicated or lengthy Motion to be submitted in writing.



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6.11.4 The process for moving a Motion is:

- (a) Mover – a Councillor must read the Motion without speaking to it
- (b) Secunder – another Councillor must nominate to second the Motion, as read
- (c) If a Motion is not moved or seconded, then the Motion will lapse.

**6.12 Alternate Motions**

6.12.1 Where a Councillor proposes at 6.11.4 a Motion that is different from the Motion recommended in the Agenda this must be made explicit to all Councillors.

**6.13 Debate**

6.13.1 The procedure for any debate is:

- (a) If a Motion is moved and seconded, then any Councillor who so desires may speak to the Motion in the order below for the following timeframes:
  - (i) Mover - 5 minutes
  - (ii) Secunder - 3 minutes (or reserve their right to speak later in the debate)
  - (iii) Any Councillor opposed to the Motion - 3 minutes
  - (iv) All other Councillors - 3 minutes, alternating for and against, if possible
  - (v) Secunder – must exercise or forfeit reserved right (if exercised above)
- (b) When all Councillors have had the chance to speak:
  - (i) Mover – 2 minutes (right of reply or summary)
  - (ii) The Motion will then be put to a vote.

6.13.2 Debate must always be relevant to the Motion.

6.13.3 If after being requested to confine debate to the Motion, the speaker continues to debate irrelevant matters the Chairperson may require the speaker to be seated and not speak further to that Motion. A Councillor who has the floor must not be interrupted except if:

- (a) Another Councillor calls a Point of Order, in accordance with 6.18
- (b) The Chairperson advises speaking time has elapsed or is about to elapse

6.13.4 Extensions of time shall be in increments of 3 minutes, in accordance with 6.19.1(b).



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6.13.5 Once a vote on a Motion has been taken no further discussions relating to the Motion will be allowed unless the discussion is a Councillor:

- (a) Requesting that their opposition to the Motion be recorded in the Minutes
- (b) Calling for a Division, in accordance with 6.16
- (c) Providing a Notice of Motion to rescind.

**6.14 Voting**

6.14.1 A Motion before a Council Meeting is to be determined as follows:

- (a) Each Councillor present who is entitled to vote is entitled to one vote
- (b) Voting will be by show of hands
- (c) Voting at a Meeting must not be in secret, but if the Meeting is closed to the public, a Councillor is not required to divulge their vote to the public
- (d) The Chairperson will first call for those in favour of the Motion and then those opposed to the Motion, and will declare the result of the Motion
- (e) The Motion is carried if it receives an absolute majority of total number of votes
- (f) In the event of a tied vote, the Chairperson must exercise the casting vote
- (g) A Councillor present at the Meeting who abstains from voting is to be taken to have voted against the Motion.

**6.15 Resolution**

6.15.1 If a Motion is Carried it becomes a Council Resolution in accordance with section 59 of the Act.

**6.16 Procedures for a Division**

6.16.1 A division may be requested by any Councillor on any Motion.

6.16.2 The request for a division must be made to the Chairperson either prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

6.16.3 Once a division has been requested, the Chairperson will call for those Councillors voting for the Motion to raise their hand and then those Councillors opposed to the Motion, to raise their hand.

6.16.4 The vote taken during this division is a final vote.

6.16.5 The Minutes must record the names of Councillors and whether they voted for or against the Motion, in accordance with 6.27.

**6.17 Amendments to Motions**

6.17.1 An amendment to a Motion may be proposed by any Councillor, except the mover or seconder of the original Motion.





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- 6.17.2 The amendment may be proposed at any time by a Councillor who has the floor. Once all Councillors have had the chance to speak an amendment will no longer be accepted.
- 6.17.3 An amendment must be seconded.
- 6.17.4 An amendment must not be a direct negative of the Motion.
- 6.17.5 If the mover and seconder for the original Motion accept an amendment:
  - (a) The amendment must be accepted
  - (b) The original Motion is deemed to have lapsed
  - (c) The amended Motion must be moved in accordance with 6.11.4 and may be debated in accordance with 6.13.1.
- 6.17.6 If the amendment is not accepted by the mover and/or seconder the procedure at 6.13.1 commences from the start with the following changes:
  - (a) The Motion is that the original Motion is revised to the amended Motion
  - (b) Debate on the Motion is limited to the change itself
  - (c) All timeframes are limited to 3 minutes
  - (d) There is no right of reply
  - (e) To avoid doubt all Councillors may speak to the amendment, whether or not they have spoken to the original Motion.
  - (f) If the amended Motion is:
    - (i) Carried, the amended Motion must be moved in accordance with 6.11.4 and may be debated in accordance with 6.13.1. To avoid doubt all Councillors may speak to the amendment, whether or not they have spoken to the original Motion.
    - (ii) Lost, the original Motion recommences from where it left off in Section 6.13.1.
- 6.17.7 Any number of amendments may be proposed to a Motion but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the original Motion or an amendment of it, can be taken into consideration until the previous amendment has been voted on.

**6.18 Points of Order**

- 6.18.1 A point of order may be raised by any Councillor at any time in relation to:
  - (a) A procedural matter
  - (b) A Councillor who is, or appears to be, out of order
  - (c) Any act of Disorder, as per 6.38
  - (d) An error in fact
  - (e) Objectionable/offensive language
  - (f) Lack of relevance to the Motion before the Council



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- 6.18.2 A Councillor raising a point of order must state:
  - (a) The point of order
  - (b) The reason for the point of order.
- 6.18.3 Rising to express a difference of opinion or to contradict a speaker will not be treated as a point of order.
- 6.18.4 The point of order:
  - (a) Must not be debated, though the Chairperson may seek any clarification necessary including from the CEO or Governance team
  - (b) Must be dealt with immediately. All other matters before the Council will be suspended until the point of order is decided. The Chairperson may adjourn the Meeting to consider and seek advice.
- 6.18.5 The Chairperson's decision is final.
- 6.18.6 If the Point of Order is with regard the Chairperson's actions the matter will be referred to the CEO for review in accordance with 6.18.4 - 6.18.5.

**6.19 Procedural Motions**

- 6.19.1 A Procedural Motion is a Motion that seeks to improve the meeting administration efficiency or effectiveness and doesn't produce any substantive action outside the meeting. Examples include:
  - (a) That this [Motion/Debate/Agenda Item] be:
    - (i) Deferred [until date or action trigger] – deferring debate
    - (ii) Put now to vote – ending debate
  - (b) That an extension of time [to a speaker's debate as per 6.13.4] be granted
- 6.19.2 A Procedural Motion:
  - (a) Must be moved and seconded
  - (b) May be moved at any time (excepting during another Councillor's debate time)
  - (c) Must be dealt with immediately by the Chairperson.
- 6.19.3 The Chairperson may reject the Procedural Motion if:
  - (a) The original Motion has not been sufficiently debated
  - (b) It is debate during the election of a Chairperson
- 6.19.4 A Procedural Motion:
  - (a) Cannot be moved by the Chairperson
  - (b) Proceeds directly to vote. No debate is permitted
  - (c) Cannot be amended.



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**6.20 Notices of Motion**

- 6.20.1 During the Agenda Item Notices of Motion Councillors may give notice of Motions which they intend to move at a subsequent Council Meeting.
- 6.20.2 A Notice of Motion must contain the wording of the Motion and the date of the nominated Council Meeting.
- 6.20.3 No debate may be held during the Agenda Item Notices of Motion. Moving, debate and voting will occur, in accordance with 6.11, 6.13, and 6.14 respectively, at the nominated Council Meeting.
- 6.20.4 The Agenda for the nominated Council Meeting must include:
  - (a) The Motion
  - (b) Supporting written information prepared by the Councillor
- 6.20.5 The Agenda for the nominated Council Meeting may include a City staff report on the risks, financial implications and other considerations of the Motion, at the discretion of the CEO.
- 6.20.6 A Motion, that was a Notice of Motion, that is Lost cannot again be put before Council unless there is new information.

**6.21 Notices of Rescission**

- 6.21.1 A Councillor may propose a Motion to rescind a decision of the Council provided the previous Motion has not been acted upon.
- 6.21.2 A resolution is acted upon when the CEO or other officer initiate action or cause action to be initiated on any Council resolution at any time after the close of the Meeting at which it was carried. A resolution will be considered as having been acted upon once its details have been communicated to persons affected by or reliant upon the resolution or where a statutory procedure has been carried out.
- 6.21.3 Once a Notice of Rescission Motion has been given, either in writing or by a Councillor verbally, no further action is to be taken on the resolution.
- 6.21.4 A Notice of Rescission must be lodged in writing with the CEO or Manager Governance within two business days of the decision of the Council or such Notice is deemed to have lapsed, and must include:
  - (a) The decision to amended or rescinded
  - (b) The meeting and date when the decision was made
- 6.21.5 Councillor providing a Notice of Rescission Motion, is required to provide written justification that must include one or more of the following:
  - (a) the vote may not have accurately reflected the opinion held by the Meeting due to the misunderstanding of the Motion or for some other reason
  - (b) new information to hand
  - (c) some vital information has been overlooked.
- 6.21.6 A Notice of Rescission Motion must include the written endorsement of one other Councillor.



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- 6.21.7 The CEO must inform the Councillor whether or not the Motion has been accepted or not, and any grounds for refusal and discuss the matter with the Chairperson and Councillors at the earliest opportunity.
- 6.21.8 Once a Notice of Rescission Motion is accepted by the CEO, consideration must be given to notifying relevant or effected residents or parties who may be impacted by such notice.
- 6.21.9 For a decision of the Council to be rescinded, the Motion for rescission must be carried by a Majority of the whole Council (which may include the casting vote of the Chairperson).
- 6.21.10 If a Motion for rescission is lost, a similar Motion may not be put before Council unless there is new information.
- 6.21.11 If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- 6.21.12 A Motion for rescission listed on an Agenda may be moved by any Councillor present but may not be amended.

**6.22 Meeting Time Limits**

- 6.22.1 The initial time limit of a Meeting is four hours.
- 6.22.2 The time limit may be extended, by Council resolution, limited to a maximum of two 30-minute extensions.
- 6.22.3 If at the end of the time limit, there is further business to be completed the Meeting must stand adjourned to 6pm on the following day.

**6.23 Adjournment**

- 6.23.1 The Chairperson may temporarily adjourn a Meeting for a short break, at two hours.
- 6.23.2 The Chairperson may temporarily adjourn a Meeting for a short break, at an appropriate point in proceedings, if required.
- 6.23.3 The Chairperson or the Council may adjourn any Meeting until a time and place to be determined, if required.

**6.24 Suspension of Standing Orders**

- 6.24.1 To expedite the business of a Meeting, the Chairperson may indicate an intention to suspend standing orders and may proceed on that intention with the support of the Meeting.
- 6.24.2 The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal Meeting procedure. (Public question time and recognition of achievements of staff and residents is conducted during the suspension of standing orders).
- 6.24.3 Its purpose is to enable the formalities of Meeting procedure to be temporarily disposed of while an issue is discussed.
- 6.24.4 It 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 ..."



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- 6.24.5 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."

### 6.25 Joint Council Meetings

- 6.25.1 Council may resolve to participate in a Joint Council Meeting to consider:
- (a) Matters of joint interest
  - (b) Collaborative procurement
  - (c) Emergency Response
- 6.25.2 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.
- 6.25.3 Where Council is the lead Council on a matter to be brought for consideration at a Joint Council Meeting, the Mayor will be nominated to Chair the Joint Council Meeting.
- 6.25.4 No fewer than five Councillors will be appointed to represent Council at a Joint Council Meeting.
- 6.25.5 Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the CEO to facilitate a joint briefing.
- 6.25.6 A joint briefing may be held electronically.

### **Part Two - Conduct of Delegated Committee Meetings**

### 6.26 Delegated Committees

- 6.26.1 All Delegated Committee Meetings will be conducted as per Council Meetings above (subject to section 6.26.2 below), as if reference to:
- (a) Council was to the Delegated Committee
  - (b) Council Meeting was to the Delegated Committee Meeting
  - (c) Councillor was to the Delegated Committee member
  - (d) CEO, or delegate, was to the City contact person/secretariat.
- 6.26.2 The following are the exceptions to the above:
- (a) **Chairperson.** In accordance with section 63 of the Act *a meeting of a delegated committee established by a Council must be chaired by:*
    - (i) *a Councillor appointed by the Council or the Mayor*
    - (ii) *if the above person is not present at the meeting, a Councillor who is present at the meeting and is appointed by the members of the delegated committee who are present at the meeting.*
- 6.26.3 If Council establishes a Delegated Committee, they may modify how these Governance Rules will apply by Council resolution.





**Part Three - Form and Availability of Meeting Records**

**6.27 Minutes**

**6.27.1 The Minutes must include:**

- (a) All attendees, apologies, leave of absences and absentees
- (b) The arrival and departure of Councillors during the course of the Meeting (including any temporary departures or arrivals)
- (c) The outcome of every Motion, being:
  - (i) Carried
  - (ii) Lost
  - (iii) Withdrawn
  - (iv) Lapsed
- (d) Where a valid division is called in accordance with 6.16, the names of Councillors and whether they voted for or against the Motion
- (e) Agenda items affected by and the reason for:
  - (i) Failure to achieve or maintain a quorum
  - (ii) Any adjournment of the Meeting
  - (iii) Suspension of standing orders
- (f) Disclosure of any conflict interest and the reason for the conflict of interest, in accordance with 6.34 - 6.360.
- (g) Date and time the Meeting was commenced and concluded
- (h) Consecutive page numbering
- (i) Consecutive item numbers with clear subject titles and, where appropriate, sub-titles
- (j) A table of contents

**6.27.2 The CEO is responsible for the keeping of minutes on behalf of the Council.**

**6.28 Confirmation of Minutes**

**6.28.1 The draft Minutes will be made available to:**

- (a) Councillors, within 7 business days
- (b) Members of the public, by publishing them on Council's website, within 9 business days (with the exception of confidential items)

**6.28.2 The draft Minutes will become final through a Motion to confirm the Minutes at the next Council Meeting.**



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- 6.28.3 If a Councillor is dissatisfied with the accuracy of the Minutes, then they must:
- (a) State the item or items with which they are dissatisfied
  - (b) Propose a Motion clearly outlining the alternative wording to amend the minutes.
- 6.28.4 No debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate.

**6.29 Recording of Proceedings**

- 6.29.1 The CEO (or other person authorised by the CEO), may record on suitable recording equipment all the proceedings of a Council Meeting. The recording is for internal use only. The CEO may release all or part of a recording to respond to issues that may arise from time to time.
- 6.29.2 A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- 6.29.3 The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

**Part Four - Election of the Mayor and Deputy Mayor**

**6.30 Election of the Mayor**

- 6.30.1 In accordance with section 26 of the Act:
- (a) Before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2-year term (sub-section 3).
  - (b) A Mayor is to be elected no later than:
    - (i) one month after the date of a general election (sub-section 1)
    - (ii) as close to the end of the term as is reasonably practicable (sub-section 4 or 5)
    - (iii) within one month after any vacancy in the office of Mayor occurs (sub-section 6)
- 6.30.2 Any Councillor (subject to section 167 (Serious Misconduct) of the Act) is eligible for election or re-election.
- 6.30.3 By convention at the City the election is resolved in camera then endorsed publicly at a Council Meeting.



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- 6.30.4 The Mayor-Elect is determined at an informal assembly of Councillors (being not a Council Meeting as defined by section 61 of the Act) by:
- (a) The CEO, or their delegate, will act as a Returning Officer.
  - (b) One Councillor not standing for election may act as scrutineer. If all Councillors stand for election, the Councillors may nominate one scrutineer.
  - (c) All Councillors present are required to vote and are entitled to one vote.
  - (d) If a candidate receives an absolute majority of total number of votes, they are declared Mayor-Elect.
  - (e) If a single candidate fails to receive an absolute majority of votes, there are further rounds of voting and each time the candidate with the least amount of votes is eliminated until a single candidate is declared in accordance with section (d) above.
  - (f) If at any stage there are candidates tied for the least number of votes, Councillors vote to eliminate a candidate. If there is still an even number of votes Councillors will pause for further discussion and vote again. If there is still an even amount of votes a candidate will be eliminated by ballot.
  - (g) If at any stage all remaining candidates are tied for the number of votes Councillors will pause for a period of time (agreed by a majority of Councillors) for further discussion and vote again. If all remaining candidates remain tied the Mayor-Elect will be drawn by ballot.
- 6.30.5 At the Council Meeting to elect the Mayor:
- (a) The Mayor-Elect is nominated for the position of the Mayor. By convention it is expected that the Mayor-elect will be elected to be the Mayor.
  - (b) The Meeting will be:
    - (i) Conducted in accordance with section 25 of the Act
    - (ii) Chaired by the CEO
    - (iii) Open to the public

**6.31 Election of the Deputy Mayor**

- 6.31.1 The election of the Deputy Mayor will follow the same procedure as described above for the Mayor.

**Part Five - Appointment of an Acting Mayor**

**6.32 Acting Mayor**

- 6.32.1 From time to time it may be necessary for Council to appoint an Acting Mayor if:
- (a) The Mayor is unable to perform the duties of Mayor due to ill health or other incapacitation
  - (b) The Mayor is on leave, interstate or overseas for more than one week



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- (c) Other unforeseen circumstances require.
- 6.32.2 In these circumstances the Deputy Mayor will be Acting Mayor.
- 6.32.3 If the Deputy Mayor is unable to fulfil the role of Acting Mayor, the position of Acting Mayor will be determined by Resolution of the Council.

**Part Six - Election Period Policy**

**6.33 Election period**

- 6.33.1 For the purpose of section 69 of the Act this [election period policy](#) is incorporated into these Governance Rules.
- 6.33.2 This policy must be reviewed not later than 12 months prior to the commencement of an election period.

**Part Seven - Disclosure of Conflict of Interest**

**6.34 Conflict of Interest Definitions**

- 6.34.1 The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.
- 6.34.2 In accordance with section 126 of the Act a Relevant Person means a person who is a Councillor; a member of a delegated committee who is not a Councillor; or a member of City staff.

**6.35 Conflict of Interest Obligations**

- 6.35.1 Relevant Persons must:
  - (a) Avoid - situations which may give rise to conflicts of interest, if possible
  - (b) Identify – all conflicts of interest
  - (c) Disclose – or declare all conflicts of interest, clearly stating their connection to the matter
  - (d) Manage – all potential, perceived or actual conflicts of interest.
- 6.35.2 Relevant Persons must not:
  - (a) Exercise a delegation or make a decision on any matter where they have a conflict of interest
  - (b) Participate in any decision-making on a matter in which they have a conflict of interest
  - (c) Participate in any discussion with, or in the presence of, a decision-maker on a matter in which they have a conflict of interest
- 6.35.3 The following meeting procedures detail the disclosure and management procedures required under section 130(2)(a) and 131(2) of the Act.
- 6.35.4 Notwithstanding the above, Relevant Persons with a conflict of interest remain solely responsible for ensuring their conflict of interest is disclosed, recorded and appropriately managed.



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**6.36 Conflict of Interest Meeting Procedures**

- 6.36.1 At the time indicated in the Agenda, a Relevant Person with a conflict of interest in an item on that Agenda must indicate they have a conflict of interest.
- 6.36.2 If there is no Agenda, a Relevant Person with a conflict of interest must indicate they have a conflict of interest as soon as reasonably practicable.
- 6.36.3 A Relevant Person declaring a conflict of interest must clearly state:
  - (a) The item for which they have a conflict of interest
  - (b) Whether their conflict of interest is general or material
  - (c) The circumstances that give rise to the conflict of interest.
- 6.36.4 Immediately prior to the consideration of the Agenda item in which they have a conflict of interest, a Relevant Person must:
  - (a) Indicate to the Meeting the existence of the conflict of interest
  - (b) Leave the Meeting
  - (c) Not communicate with any participants in the Meeting while the decision is being made or discussion held
- 6.36.5 All disclosures of conflicts of interest will be recorded in the Minutes the Meeting, including the action taken by the Relevant Person to leave the Meeting.
- 6.36.6 If there are no minutes kept of the Meeting, the conflict of interest will be recorded in a File Note and appropriately filed in the corporate record management system.
- 6.36.7 City staff may be permitted to provide advice to a decision maker despite a conflict of interest, subject to the above disclosure provisions, the Employee Code of Conduct and consideration of:
  - (a) The availability of suitable alternative sources of advice
  - (b) Providing balance to other suitable but differing alternative sources of advice
  - (c) The staff member's Director determination on the influence of the conflict of interest on the advice provided.

**Part Eight - Meeting Protocols**

**6.37 Addressing the Meeting**

- 6.37.1 Except for the Chairperson, any Councillor or person who addresses the Meeting must stand and direct all remarks through the Chairperson with all Councillors and Officers being addressed in the form of their official title.
- 6.37.2 The Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson.





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**6.38 Disorderly Conduct**

- 6.38.1 The conduct of Councillors and members at Meetings is governed by the Act, these Governance Rules and the Councillor Code of Conduct.
- 6.38.2 Disorderly conduct includes, but is not limited to:
  - (a) Interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order (see 6.18)
  - (b) Making comments that are defamatory, malicious, abusive or offensive
  - (c) 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
  - (d) Engaging in any other conduct which prevents the orderly conduct of the Meeting.
- 6.38.3 The Chairperson may adjourn a disorderly Meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.
- 6.38.4 Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
  - (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
  - (b) The Chair, under section 19 of the Act, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Meeting for a period of time or the balance of the Meeting.
- 6.38.5 Where Council suspends a Councillor, or the Chairperson directs a Councillor to leave the Meeting the Councillor will take no active part in the portion of the Meeting from which they have been suspended.
- 6.38.6 If a Councillor refuses to leave, as above, the Chairperson may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.
- 6.38.7 It is an offence under the Act for a Councillor to refuse to leave the Chamber on suspension.

**Part Nine - Other Committees**

**6.39 Audit and Risk Committee**

- 6.39.1 The Act provides for Council to establish an Audit and Risk Committee to provide oversight.
- 6.39.2 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- 6.39.3 Council may resolve, in establishing an Audit and Risk Committee that the Meeting procedure chapter of these Governance Rules does not apply.



Governance Rules

- 6.39.4 An Audit and Risk Committee must act in accordance with its Charter, as adopted by Council.

**6.40 Community Asset Committees**

- 6.40.1 Council shall resolve, in establishing a Community Asset Committee which sections of the Governance Rules apply.
- 6.40.2 As a minimum a Community Asset Committee must:
- (a) Accurately and fairly Minute each meeting
  - (b) Report the Minutes of all Committee Meetings to the next practicable Council Meeting.
  - (c) Act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference specified by Council.

**6.41 Advisory Committees**

- 6.41.1 An Advisory Committee is a committee established by the Council that is not a Delegated Committee, that provides advice to:
- (a) the Council
  - (b) a member of Council staff who has been delegated a power, duty or function of the Council
- 6.41.2 Council shall resolve, in establishing an Advisory Committee which sections of the Governance Rules apply.
- 6.41.3 As a minimum an Advisory Committee must:
- (a) Accurately and fairly Minute each meeting
  - (b) Report the Minutes of all Committee Meetings to the next practicable Council Meeting.
  - (c) Act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference specified by Council.

**7. REVIEW**

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@Bendigo.vic.gov.au](mailto:corporate.governance@Bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.



Governance Rules

**8. ROLES AND RESPONSIBILITIES**

- 8.1 The Chairperson, Councillors and Members of Delegated Committees will ensure good decision-making by endeavouring to ensure:
  - 8.1.1 The Decision making is transparent to Members and observers
  - 8.1.2 Meeting Members have sufficient information to make good decisions
  - 8.1.3 Every Member is supported to contribute to decisions
  - 8.1.4 Due process and natural justice in decision making for any person whose rights are affected
  - 8.1.5 Debate and discussion focus on the issues at hand
  - 8.1.6 Meetings are conducted in an orderly and respectful manner
  - 8.1.7 Decisions are made on the merits of the matter
- 8.2 Councillors and Members of Delegated Committees contribute to good governance and decision making by:
  - 8.2.1 Reading and understanding items in the Agenda and being aware of the community impact of these
  - 8.2.2 Demonstrating due respect and consideration to community views and the professional / expert advice provided in the Agenda papers
  - 8.2.3 Attending Meetings and participating in debate and discussion
  - 8.2.4 Demonstrating respect for the role of the Chairperson and the rights of other Councillors or Members of Delegated Committees to contribute to the decision-making
  - 8.2.5 Being courteous and orderly.

**9. RELATED DOCUMENTS**

- 9.1 The following documents are related to this Policy:
  - 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
  - 9.1.2 [City of Greater Bendigo Election Period Policy](#)
  - 9.1.3 [Councillor Code of Conduct](#)

**10. HUMAN RIGHTS COMPATABILITY**

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

**11. ADMINISTRATIVE UPDATES**

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.



Governance Rules

**12. Document History**

| Date Approved | Responsible Officer | Unit       | Change Type | Version |
|---------------|---------------------|------------|-------------|---------|
| Aug 2020      | Manager Governance  | Governance | Developed   | 1.0     |
| Feb 2022      | Manager Governance  | Governance | Revision    | 1.1     |

**Attachment 2 - 2 - Community Complaints About A Councillor**



**GREATER BENDIGO CITY COUNCIL**

**COMMUNITY COMPLAINTS ABOUT A COUNCILLOR POLICY**



**Community Complaints  
About a Councillor Policy**

**DOCUMENT INFORMATION**

|  |   |
|--|---|
| <b>Approval Level:</b>                 | Council                                       |
| <b>Policy Type:</b>                    | Council                                       |
| <b>Approval Date:</b>                  |   |
| <b>Review cycle:</b>                   | Within twelve months of each Council election |
| <b>Review Date:</b>                    |   |
| <b>Responsible Officer:</b>            | Manager Governance                            |
| <b>Owner:</b>                          | Governance                                    |
| <b>Responsible Director:</b>           | Corporate Performance                         |
| <b>Relevant Legislation/Authority:</b> | <i>Local Government Act 2020</i>              |
| <b>DOCSETID:</b>                       | 3165558                                       |

3165558

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Feb 2022





**Community Complaints  
About a Councillor Policy**

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**Community Complaints  
About a Councillor Policy**

**1. PURPOSE**

1.1 The purpose of this Policy is to:

- provide a framework for the open, fair, objective and transparent handling of complaints about a Councillor
- maintain high standards of good governance and transparency
- ensure alignment with the Local Government Act 2020 (the Act).

**2. BACKGROUND**

- 2.1 The City recognises that members of the public have the right to complain about the behaviour of its elected representatives and is committed to a Councillor complaint handling system that reflects the needs, expectations and rights of members of the community.
- 2.2 In doing this, the Council will recognise, promote and protect our resident's rights, including the right to comment and complain; ensure that the system for resolving Councillor complaints is fair, easily accessible and efficient; and, importantly, learn from complaints.

**3. SCOPE**

- 3.1 This policy applies to all external complaints about Councillors.
- 3.2 Disputes between Councillors and between Councillors and City staff are dealt with through the dispute resolution procedures within the Councillor Code of Conduct.



**Community Complaints  
About a Councillor Policy**

**4. DEFINITIONS**

**4.1** In this Policy:

**Act** means the *Local Government Act 2020* (Vic).

**Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

**Complaint** means an expression of dissatisfaction with the quality of behaviour of a Councillor or group of Councillors.

**Complainant** means a person or entity affected by the behaviour of a Councillor who brings this to the notice of the Council. A person who makes a complaint who is not affected will receive an acknowledgment and advice that the matter will be dealt with in accordance with this Policy.

**Complaint handling process** means the way individual complaints are dealt with by the Council, including policy, procedure, technology, reporting, evaluation and improvement.

**Council** means the Greater Bendigo City Council being all the Councillors collectively.

**Councillor** means a person holding the office of member of Greater Bendigo City Council.

**Delegated Committee** means delegated committees defined under section 63 of the *Local Government Act 2020* (Vic).

**Delegated Committee member** means a person appointed to a Delegated Committee.

**Mayor** means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor.

**Member of Council staff** means a natural person appointed by the CEO (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the City to be carried out. The Chief Executive Officer is also a member of Council staff.

**Misconduct** has the meaning as defined by the Act and replicated in Attachment One.

**Municipality** means the Greater Bendigo municipality.

**Role of a Councillor** means the role as defined by section 28 of the *Local Government Act 2020* (Vic) and replicated in section 8 of this Policy.

**Serious Misconduct** has the meaning as defined by the *Local Government Act 2020* (Vic) and replicated in Attachment One.



**Community Complaints  
About a Councillor Policy**

**5. PRINCIPLES**

5.1 This policy is based on seven principles, as outlined in version one of the Ombudsman's [Councils and complaints – A good practice guide](#):

- **Commitment:** We are committed to resolving complaints that we receive. Our culture recognises people's right to complain and considers complaint handling to be part of our core business of serving the community and improving service delivery.
- **Accessibility:** People can easily find out how to complain to us, and we actively assist them with the complaints process.
- **Transparency:** The complaint handling system clearly sets out how to complain, where to complain, and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.
- **Objectivity and fairness:** Under the complaint handling system, complainants and Councillors are treated with respect and courtesy, and complaints are judged on merit and fact.
- **Confidentiality:** The complaint handling system protects the personal information of people making a complaint, and Councillors are informed only on a 'need to know' basis.
- **Accountability:** We are accountable, both internally and externally, for our decision making and complaints handling performance. We provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes.
- **Continuous improvement:** We regularly analyse complaint data to find ways to improve how we operate and how we deliver our services. We then implement these changes.



## Community Complaints About a Councillor Policy

### 6. POLICY

#### How to make a complaint

- 6.1 A person can make a complaint in several ways either by telephone, email or face-to-face interaction.

|                        |   |
|------------------------|---|
| Mail                   | Greater Bendigo City Council<br>P.O. Box 733<br>Bendigo Vic 3552  |
| Telephone              | 5434 6000   |
| In person              | Main office<br>Municipal Offices<br>15 Hopetoun Street<br>Bendigo Vic 3550<br><br>Heathcote Service Centre<br>125 High Street<br>Heathcote Vic  |
| Email                  | <a href="mailto:requests@bendigo.vic.gov.au">requests@bendigo.vic.gov.au</a>  |
| Online                 | <a href="https://www.bendigo.vic.gov.au/Contact/Feedback-and-complaints">www.bendigo.vic.gov.au/Contact/Feedback-and-complaints</a>   |
| National Relay Service | TTY users phone 133 677 then ask for 03 5434 6000<br><br>Speak and Listen users phone 1300 555 727 then ask for 03 5434 6000<br><br>Internet relay users <a href="#">connect to the NRS</a> then ask for 03 5434 6000 |

#### Accessibility

- 6.2 Any member of the public who has been affected by the behaviour of a Councillor or group of Councillors can make a complaint.
- 6.3 Complaints will be received in the format that is most appropriate and comfortable for the complainant. Complaints can be made through multiple channels, and outside business hours
- 6.4 Anonymous complaints will be responded to when enough information is provided.
- 6.5 If required, an interpreter will be provided to facilitate lodging a complaint.
- 6.6 A complainant may use an advocate or authorised personal representative to progress their complaint.
- 6.7 Further information on the complaint process can be found at <https://www.bendigo.vic.gov.au/Contact/Feedback-and-complaints> or by visiting any City office.



**Community Complaints  
About a Councillor Policy**

**Complaint handling procedure**

**6.8 Summary**

6.8.1 The City takes a four-tiered approach to complaint handling, as follows:

- (a) Receive and clarify the complaint
- (b) Initial assessment and actions
- (c) Investigation:
  - (i) Internal investigation
  - (ii) Internal arbitration
  - (iii) Councillor Conduct Panel
- (d) Review:
  - (i) Internal review
  - (ii) VCAT

6.8.2 The 13.2Template File Note, at Attachment Two, provides a convenient resource to record the complaint, the assessment and the internal investigation, as well as a checklist for required actions at each step.

**6.9 Receive and clarify the complaint**

- 6.9.1 Any Councillor or City staff member may be the first point of contact in receiving a complaint against a Councillor from a community member.
- 6.9.2 All complaints about a Councillor must be referred immediately to the Governance Unit
- 6.9.3 The Governance Unit will receive, clarify, and record a complaint and capture:
  - (a) The complainant's details (if provided)
  - (b) How the complaint was received
  - (c) A description of the complaint (i.e. date, location)
  - (d) The complainants desired outcome (if known)
- 6.9.4 All information gathered must be uploaded in the customer request management system with appropriate security levels.
- 6.9.5 Complainants must receive an acknowledgement of the complaint details, in writing, within 10 working days.
- 6.9.6 All Complaints about Councillors in the customer request system must be allocated to the Governance Unit.





**Community Complaints  
About a Councillor Policy**

**6.10 Initial assessment and actions**

- 6.10.1 The Governance Unit must undertake a preliminary check to determine:
  - (a) The complaint meets the definition of a complaint (as opposed to a service request etc).
  - (b) If there is sufficient information provided to proceed. If there is insufficient information, the complainant will be contacted to provide additional information.
- 6.10.2 The Governance Unit will then forward the complaint for initial assessment to:
  - (a) The Mayor, in consultation with the Chief Executive Officer
  - (b) The Deputy Mayor, in consultation with the Chief Executive Officer, if the complaint is about the Mayor.
- 6.10.3 The initial assessment must determine and document:
  - (a) If the complaint is deemed frivolous, vexatious, misconceived or lacking in substance
  - (b) If the complaint may be dealt with informally
  - (c) If the complaint should proceed to internal investigation
  - (d) If, in the opinion of the Mayor and CEO, there is sufficient evidence against the Councillor Code of Conduct and the Act of:
    - (i) Misconduct - the investigation may be escalated directly to the Internal Arbitration Process as per Division Five of Part Six of the Act.
    - (ii) Serious misconduct - the investigation may be escalated directly to the Councillor Conduct Panel as per Division Seven of Part Six of the Act.
- 6.10.4 In addition to the initial assessment the:
  - (a) Mayor must notify the subject of the complaint
  - (b) The CEO must offer the subject of complaint advice in relation to record keeping, the complaint handling process and their rights and responsibilities.



**Community Complaints  
About a Councillor Policy**

**6.11 Investigation**

**6.11.1 Internal Investigation**

- 6.11.2 A Councillors Forum, comprising a minimum of three Councillors excluding the Councillor(s) who are the subject of the complaint will investigate the complaint.
- 6.11.3 The decision of the Councillors Forum will be provided in writing to the complainant including advice on how to escalate the complaint should the complainant be unhappy with the outcome of the complaint handling process.
- 6.11.4 Complainants must receive notice of the outcome, in writing, within 28 days.

**6.11.5 Internal Arbitration**

- 6.11.6 At any stage in the complaint handling process the complaint may be elevated to the Internal Arbitration Process as per Division Five of Part Six of the Act.

**6.11.7 Councillor Conduct Panel**

- 6.11.8 At any stage in the complaint handling process the complaint may be elevated to the Councillor Conduct Panel as per Division Seven of Part Six of the Act.

**6.12 Review:**

**6.12.1 Internal Review of Investigation Outcome**

- 6.12.2 An Internal Review of the Internal Investigation may be requested a person who is affected by the decision.
- 6.12.3 The internal review will be undertaken by a City Councillor Conduct Officer.
- 6.12.4 The internal review must be completed, and all affected parties notified within a further 28 days.

**6.12.5 Internal Review of Investigation Timeliness**

- 6.12.6 If the Complaint is not resolved within 28 days, it will be subject to a review.
- 6.12.7 The internal review will be undertaken by a City Councillor Conduct Officer.
- 6.12.8 The internal review must be completed, and all affected parties notified within a further 5 days advising in writing:

- (a) How and when the Internal Investigation will be completed
- (b) Why the Internal Investigation was not completed within the 28 days.

**6.12.9 Councillor Conduct Panel Review**

- 6.12.10 Under section 170 of the Act a person who is affected by the decision made by a Councillor Conduct Panel under this Division may apply to VCAT for review of the decision.



**Community Complaints  
About a Councillor Policy**

**Confidentiality & Fairness**

- 6.13 Councillors who are the subject of a complaint:
- 6.13.1 Will be notified by the Mayor upon receipt of the complaint.
  - 6.13.2 Will be offered advice from the Chief Executive Officer and/or Manager of Governance in relation to record keeping, the complaint handling process and their rights and responsibilities.
  - 6.13.3 Will be advised of the outcome of the complaint in writing. The letter will detail:
    - (a) If the complaint was upheld, partly upheld or not upheld
    - (b) What recommendations the internal review made that the Councillor(s) must act on
    - (c) If the complaint has been escalated to an external review.
- 6.14 All complaints received about Councillors will be kept confidential.



**Community Complaints  
About a Councillor Policy**

**Transparency & Fairness**

- 6.15 When gathering information to respond to a complaint, the City will only:
- 6.15.1 use it to deal with the complaint or to address issues arising from the complaint
  - 6.15.2 disclose it in a de-identified format when disclosing data to the public
  - 6.15.3 share it with council staff on a need to know basis
- 6.16 Complainants will, within ten working days of receipt of their complaint, receive an acknowledgement in writing confirming:
- 6.16.1 How the complaint was received
  - 6.16.2 A description of the complaint (i.e. date, location)\*
  - 6.16.3 The complainants desired outcome (of known).
  - 6.16.4 That the City will aim to resolve the complaint within 28 days
  - 6.16.5 Who to contact in relation to their complaint
  - 6.16.6 The review process that will occur if the complaint is not resolved within 28 days
- \*In the instance of a complaint not being assessed as a complaint against a Councillor how the Council will respond to the matter.
- 6.17 Once the Internal Investigation process has been completed the complainant will receive an outcome letter in writing confirming:
- 6.17.1 If the complaint was upheld, partly upheld or not upheld
  - 6.17.2 Any changes to services, policy and/or procedure as a result of the complaint
  - 6.17.3 If the complaint has been escalated
  - 6.17.4 What recommendations the Internal Investigation made that the Councillor(s) must act on.
  - 6.17.5 How the complainant can escalate their complaint if they are unhappy with the outcome of their complaint.
- 6.18 If the Complaint is not resolved within 28 days it will be subject to a review in accordance with section 6.12.5.



**Community Complaints  
About a Councillor Policy**

**Record keeping**

- 6.19 All complaints received about Councillors will be kept confidential.
- 6.20 When gathering information to respond to a complaint, the City will only:
  - 6.20.1 use it to deal with the complaint or to address issues arising from the complaint
  - 6.20.2 disclose it in a de-identified format when disclosing data to the public
  - 6.20.3 share it with council staff on a need to know basis
- 6.21 The complaint records must be captured in:
  - 6.21.1 The customer request system
  - 6.21.2 The document management system.

**Reporting**

- 6.22 The following performance indicators will be reported on to monitor and evaluate our complaint handling processes:
  - 6.22.1 Quantity of complaints received
  - 6.22.2 Proportion of complaints:
    - (a) At Preliminary Check:
      - (i) Do not proceed due to insufficient information
      - (ii) Do not proceed due to reclassification
      - (iii) Proceed
    - (b) At Initial Assessment:
      - (i) Do not proceed due to frivolous, vexatious, misconceived or lacking in substance determination
      - (ii) Are dealt with informally
      - (iii) Proceed to internal investigation
      - (iv) Proceed under Misconduct provisions of the Act
      - (v) Proceed under Serious Misconduct provisions of the Act
    - (c) At Internal Investigation:
      - (i) Are upheld, partially upheld, not upheld
    - (d) At Internal Review:
      - (i) Referred for outcome or lateness
      - (ii) Overturned or sustained
  - 6.22.3 Average and individual response times for acknowledgement, investigation outcome and internal review
  - 6.22.4 Details of changes made to services, policy and or processes.



**Community Complaints  
About a Councillor Policy**

**7. REVIEW**

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@Bendigo.vic.gov.au](mailto:corporate.governance@Bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

**8. ROLES AND RESPONSIBILITIES**

- 8.1 In performing their role as a member of Council staff, officers must:
  - 8.1.1 Record and escalate all complaints about a Councillor
  - 8.1.2 Report any concerns relating to Councillor misconduct to their supervisor or the CEO.
- 8.2 The Chief Executive Officer (or delegate) must:
  - 8.2.1 Assist the Mayor (or Deputy Mayor) to undertake the Initial Assessment of complaints
  - 8.2.2 Offer advice to the subject of a complaint on record keeping, the complaint handling process and their rights and responsibilities
  - 8.2.3 Support the Internal Investigation process, as requested
- 8.3 The Mayor (or Deputy Mayor) must:
  - 8.3.1 Manage the complaint resolution transparently, fairly, and with confidentiality
  - 8.3.2 Liaise with the Chief Executive Officer (or delegate) as required

**9. RELATED DOCUMENTS**

- 9.1 The following documents are related to this Policy:
  - 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
  - 9.1.2 [Councillor Code of Conduct](#)
  - 9.1.3 [Employee Code of Conduct](#)
  - 9.1.4 Councillor Appropriate Behaviour Policy
  - 9.1.5 Councillor Prevention of Sexual Harassment Policy
  - 9.1.6 [Complaint Handling Policy](#)

**10. HUMAN RIGHTS COMPATIBILITY**

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.





## Community Complaints About a Councillor Policy

### 11. ADMINISTRATIVE UPDATES

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

### 12. DOCUMENT HISTORY

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|---------------|---------------------|------------|-------------|---------|
| Oct 2015      | Manager Governance  | Governance | Developed   | 1.0     |
| Feb 2022      | Manager Governance  | Governance | Revision    | 1.1     |

### 13. ATTACHMENTS

- 13.1 Definitions from the Act
- 13.2 [Template File Note](#)



**Community Complaints  
About a Councillor Policy**

**Attachment One - Definitions from Act**

**Misconduct** by a Councillor means any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct:

**Serious misconduct** by a Councillor means any of the following:

- a) the failure by a Councillor to comply with the Council's internal arbitration process
- b) the failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147
- c) the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor
- d) the failure of a Councillor to comply with a direction of a Councillor Conduct Panel
- e) continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b)
- f) bullying by a Councillor of another Councillor or a member of Council staff
- g) conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or a member of Council staff
- h) the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information
- i) conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff
- j) the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision-making process when required to do so in accordance with this Act.

**Attachment 3 - 2a - Template - File Note - Complaint Against a Councillor**

## Complaint Against a Councillor

---

**Purpose**

The purpose of this document is to:

- maintain high standards of good governance and transparency
- provide support and guidance for Council's elected representatives
- record the open, fair, objective and transparent handling of a complaint about a Councillor
- comply with the complaint handling procedure in the Councillor Complaints Policy.

**Description**

Use this document to record discussions with parties who are the subject of a complaint and agreed actions taken to respond to complaints about a Councillor received by members of the public.

| 1. Receive and clarify the complaint  |                                     |
|---|-------------------------------------|
| Complainant name  |                                     |
| Complainant contact details   |                                     |
| How the complaint was received  |                                     |
| Customer request number   |                                     |
| Date complaint received   |                                     |
| Complaint details   | Date:<br>Location:<br>Matter:       |
| Desired outcome of complainant  |                                     |
| City Contact Officer details  | Name:<br>Email:                     |
| Complainant acknowledgement sent  | Date:<br>Method (phone, email etc): |
| Forward to <a href="mailto:Councillor.support@bendigo.vic.gov.au">Councillor.support@bendigo.vic.gov.au</a> |                                     |

I

[illegible]

|   |  |
|---|--|
| <b>3. Internal Investigation</b>  |  |
| Councillor forum (minimum of three Councillors excluding the Councillor(s) who are the subject of the complaint) to be comprised of   | Councillor:<br>Councillor:<br>Councillor:  |
| Councillor forum to be convened   | Date:<br>Location:<br>Chair:   |
| Councillor forum participants asked to review Councillor Code of Conduct and Complaint handling policy  | <input type="checkbox"/> yes<br><input type="checkbox"/> no                                      |
| <b>Councillor Forum</b>   |  |
| Notes Councillor Forum  |  |
| Decision of Councillor Forum  |  |
| Recommendation of Councillors forum (i.e. changes to policy and/or procedure  |  |
| <b>Outcome of complaint</b>   |  |
| Decision of Councillor Forum provided in writing detailing:<br><br>(a) If the complaint was upheld, partly upheld or not upheld<br>(b) Any changes to services, policy and/or procedure as a result of the complaint<br>(c) Number of complaint outcomes overturned (if any) by the internal review process<br>(d) If the complaint has been escalated to an external body<br>(e) What recommendations the internal review made that the Councillor(s) must act on. | <input type="checkbox"/> Complainant<br><input type="checkbox"/> Councillor subject of complaint |

**Attachment 4 - 3 - Councillor Communication and Information**



**GREATER BENDIGO CITY COUNCIL**

**COUNCILLOR COMMUNICATION & INFORMATION POLICY**





## Councillor Communication &amp; Information

## DOCUMENT INFORMATION

|  |   |
|--|---|
| <b>Approval Level:</b>                 | Council   |
| <b>Policy Type:</b>                    | Council   |
| <b>Approval Date:</b>                  |   |
| <b>Review cycle:</b>                   | Within twelve months of each Council election   |
| <b>Review Date:</b>                    |   |
| <b>Responsible Officer:</b>            | Manager Governance  |
| <b>Owner:</b>                          | Governance  |
| <b>Responsible Director:</b>           | Corporate Performance   |
| <b>Relevant Legislation/Authority:</b> | <i>Local Government Act 2020<br/>           Privacy and Data Protection Act 2014<br/>           Health Records Act 2001<br/>           Planning and Environment Act 1987<br/>           Protected Disclosure Act 2012</i> |
| <b>DOCSETID:</b>                       | 3560389   |



**Councillor Communication & Information**

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**Councillor Communication & Information**

**1. PURPOSE**

- 1.1 The purpose of this Policy is to manage compliance with the *Local Government Act 2020* (the Act), including to:
- Identify the scope of access Councillors have to information held by the Council and the process to be followed to access that information;
  - Provide a framework for, and manage, appropriate interactions between Councillors and Council staff;
  - Maintain high standards of good governance and transparency.

**2. BACKGROUND**

- 2.1 The role of every Councillor is to represent the best interests of the community when Council makes decisions or establishes strategic direction.
- 2.2 The Chief Executive Officer is responsible for the operations of the Council and the management of Council staff. This includes providing relevant and factual information and advice to Councillors to support decisions and strategic direction, and then implementing the decisions in an effective and timely manner.
- 2.3 In accordance with section 46(3)(c) of the Act the CEO's responsibilities include but are not limited to:
- 2.3.1 Managing interactions between members of Council staff and Councillors; and
- 2.3.2 Ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.
- 2.4 In accordance with Part 6 of the Act Councillors must preserve the integrity of Council and must not:
- 2.4.1 misuse their position to gain or attempt to gain an advantage for themselves or any other person;
- 2.4.2 direct, or seek to direct, a member of Council staff
- 2.5 This Policy sets out the principles and framework which guide these arrangements.

**3. SCOPE**

- 3.1 This Policy applies to the Council, Councillors, Council Committees, the CEO and Council Staff.



Councillor Communication & Information

**4. DEFINITIONS**

**4.1** In this Policy:

**Act** means the *Local Government Act 2020* (Vic)

**Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic)

**Council** means the Greater Bendigo City Council being all the Councillors collectively

**Councillor** means a person holding the office of member of Greater Bendigo City Council

**Defamatory** means the publication of material that is likely to lower a person in the estimation of others, or cause injury to a person's reputation by exposing them to hatred, contempt, or ridicule, and is without lawful excuse

**Delegated Committee** means delegated committees defined under section 63 *Local Government Act 2020* (Vic)

**Delegated Committee member** means a person appointed to a Delegated Committee

**Mayor** means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

**Media types** has the definition as per section 6.13

**Media statement** means any comment, written or verbal, provided to the any media type

**Media release** means information provided to the media under the 'Media Release' banner and including the City of Greater Bendigo logo

**Member of Council staff** means a natural person appointed by the CEO (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the City to be carried out. The Chief Executive Officer is also a member of Council staff.

**Municipality** means the Greater Bendigo municipality

**Role of a Councillor** means the role as defined by section 28 of the Act and replicated in section 8 of this Policy



**Councillor Communication & Information**

**5. PRINCIPLES**

- 5.1 Interactions and information flows between Councillors and Council staff, and Councillors and the media must:
  - 5.1.1 Support Councillors to:
    - (a) Exercise their function as members of the Council
    - (b) Fulfil their Role of a Councillor impartially, to the best of their ability, and in the best interests of the municipality
    - (c) Engage and communicate with the community.
  - 5.1.2 Be transparent and mutually respectful
  - 5.1.3 Build confidence and trust in Council leadership, decision making and service provision
- 5.2 Interactions and information flows between Councillors and Council staff must also respect each other's distinct roles and responsibilities under the Act, acknowledging that the Chief Executive Officer is responsible for the operations of the Council and the management of Council staff.
- 5.3 Interactions and information flows between Council staff and Councillors must not:
  - 5.3.1 Result in preferential treatment and/or bias
  - 5.3.2 Seek to direct or influence Council staff
- 5.4 The primary purpose of media statements and media releases is to positively promote the work of Council by providing accurate, relevant and timely information on issues of interest to the community.

**6. POLICY**

**Councillor Access to Information**

- 6.1 Provision of information to the Council:
  - 6.1.1 The City shall provide to Council all information relevant to matters on which Council is required to make a decision.
  - 6.1.2 The City shall provide to Council all information related to Council operations or ward issues that the community would reasonably expect the Council to know as the strategic decision maker.
- 6.2 Requests for information by Councillors:
  - 6.2.1 A Councillor may request information to assist them to fulfil their Role of a Councillor.
  - 6.2.2 A Councillor will make this request as a member of the Council and in the interests of the municipality rather than as an advocate on behalf of an individual or group which is contrary to the Role of a Councillor specified in section 28 of the Act.
  - 6.2.3 The request for information must be made via the Councillor Information Request form on the Councillor SharePoint page.



**Councillor Communication & Information**

- 6.2.4 The information, if available and if provided, will be circulated to all Councillors. If relevant information is not available, but could be obtained, reasonable efforts will be made to obtain the information unless any of the grounds on which access may be denied (below) apply.
- 6.2.5 If there is any doubt about whether the information can be provided, the relevant Director will decide about whether or not to provide the requested information.
- 6.2.6 Councillors should consider the impacts of the Councillor request for information on the Council resources required to action the request.
- 6.3 Grounds for refusal to provide access to information:
  - 6.3.1 The information is irrelevant to a matter before the Council.
  - 6.3.2 The information is personal within the meaning of the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*
  - 6.3.3 The information is confidential
  - 6.3.4 The request would unreasonably divert or extend Council resources.
  - 6.3.5 The information is not required for the performance of a Council function
  - 6.3.6 The information is irrelevant to a matter where the Council is acting as the responsible planning authority in accordance with its obligations under section 12 of the *Planning and Environment Act 1987*.
  - 6.3.7 The Councillor has declared a conflict of interest.
  - 6.3.8 The Councillor has refused or failed to make a conflict of interest declaration.
  - 6.3.9 The request is for information in relation to a matter on which advice has already been provided by the relevant statutory authority.
  - 6.3.10 Access is prohibited by the *Protected Disclosure Act 2012*.
- 6.4 If access to information or documents to a Councillor is refused, the Councillor must be advised of the reason for the refusal.
- 6.5 A Councillor who has been refused access to information may refer the request to the CEO for review and final determination as to whether access will be provided.
- 6.6 All refusal of access to information will be reported to the next Councillors' Briefing for consideration and discussion by all Councillors with the CEO.





**Councillor Communication & Information**

**Interactions between Councillors and Staff**

- 6.7 In performing the Role of a Councillor, Councillors must:
- 6.7.1 Act in accordance with the Councillor Code of Conduct
  - 6.7.2 Maintain a professional relationship with Council staff, acting with respect and integrity always
  - 6.7.3 Not direct, or seek to direct, a member of Council staff
  - 6.7.4 Respect the professional opinion, skill and expertise of Council staff
  - 6.7.5 Refrain from publicly criticising or vilifying Council staff in a way that casts aspersions on their professional competence or credibility
  - 6.7.6 Refrain from using their position to improperly influence members of Council staff in their duties or functions, or to gain an advantage for themselves or others
  - 6.7.7 Use the Councillor Information Request system for all requests where it is appropriate to do so including for:
    - (a) IT assistance
    - (b) Meeting requests
    - (c) Physical works requests
    - (d) Planning and Enforcement matters
    - (e) Request for information
    - (f) Routine media and communications issues
  - 6.7.8 Use alternative processes for the following:
    - (a) Complaints against Council staff, CEO or Councillors – please refer to the Councillor Code of Conduct
    - (b) Time sensitive and/or contentious media and communications issues – directly contact the Manager Communications
    - (c) Administration of Committees – directly contact the relevant Committee contact officer
    - (d) Administrative support – contact the Councillor Support team, including for:
      - (i) Diary management for Council meeting and briefings
      - (ii) Diary management of Councillor invites and engagement activities
- 6.8 The above points of contact are summarised in the table in the attachment.
- 6.9 A Councillor must raise with the CEO or the Manager Governance any concerns that a staff member:
- 6.9.1 Has acted in a manner contrary to a formal Council policy or decision
  - 6.9.2 Has provided inappropriate advice
  - 6.9.3 Has acted contrary to the Employee Code of Conduct



**Councillor Communication & Information**

- 6.10 These concerns must be raised by the Councillor privately, objectively, constructively and in a timely way.
- 6.11 The CEO must deal with any dispute between Councillors and Council staff in accordance with the Councillor Code of Conduct.
- 6.12 In performing their role as a member of Council staff, officers must:
  - 6.12.1 Act in accordance with the Employee Code of Conduct
  - 6.12.2 Maintain a professional relationship with Councillors, acting with respect and integrity always
  - 6.12.3 Record Councillor Requests in the Customer Request Management system
  - 6.12.4 Not accept instruction or direction from Councillors in relation to their professional duties and refer perceived instruction or direction to their supervisor or the CEO
  - 6.12.5 Respect the leadership role of Councillors
  - 6.12.6 Refrain from publicly criticising Councillors
  - 6.12.7 Refrain from lobbying the Councillors or using personal influence to gain an advantage for themselves or others
  - 6.12.8 Report any concerns relating to Councillor misconduct to their supervisor, the Manager Governance or the CEO



**Councillor Communication & Information**

**Councillor Media Interactions and Support**

**6.13 Media types:**

6.13.1 Traditional media includes non-digital advertising and marketing methods such as:

- (a) radio
- (b) broadcast television
- (c) print media.

6.13.2 Social media includes content created by people using highly accessible and scalable publishing technologies. Social media comprises relatively inexpensive and accessible tools that allow people to publish, share and discuss information. Social media may include (although is not limited to):

- (a) social networking (e.g. Facebook, LinkedIn, Yammer, Snapchat)
- (b) video and photo sharing apps (e.g. Instagram, YouTube, Pinterest)
- (c) blogs, including corporate blogs and personal blogs (e.g. Tumblr)
- (d) blogs hosted by media outlets (e.g. comments or your say feature)
- (e) micro-blogging (e.g. Twitter)
- (f) wikis and online collaborations (e.g. Wikipedia)
- (g) forums, discussion boards and groups (e.g. Google groups, Whirlpool)
- (h) vod and podcasting
- (i) online multiplayer gaming platforms
- (j) instant messaging (including SMS, WhatsApp, Viber)
- (k) geo-spatial tagging (Foursquare, Yelp).

**6.14 Media statements and media releases must not:**

6.14.1 Be used to promote individual Councillors.

6.15 Media releases from Councillors expressing personal views will not include the City of Greater Bendigo logo and will not be issued by the Communications Team.

**6.16 In performing the Role of a Councillor, Councillors must:**

- 6.16.1 not speak on behalf of the City in the traditional media or using social media unless authorised to do so by the Mayor;
- 6.16.2 when making public statements, issuing media releases or commenting on social media, through official or private channels, recognise the key role they play, individually and collectively, in maintaining a positive public image and in preserving public confidence in the Council;
- 6.16.3 not make any statements that contain remarks of a defamatory, personal, derogatory, insulting or offensive nature directed at current or former Councillors, Council Officers or members of the public;
- 6.16.4 to preserve public confidence, respect the decision-making process and refrain from using traditional media and/or social media to publicly criticise



**Councillor Communication & Information**

- recommendations that are before Council or have been decided upon by Council;
- 6.16.5 when making personal comments on matters that are important to them clearly communicate that they are not speaking on behalf of Council and comply with the Councillors' Code of Conduct and other relevant policies and legislation.
  - 6.16.6 when issuing a personal statement and/or media release include a statement that clearly communicates that the views being expressed are not those of Council.
  - 6.16.7 protect the reputation of Council whenever using social media profiles that identify the account holder as being a Councillor by including the following disclaimer: Any views expressed here are my own and are not those of Council (see 6.17).
  - 6.16.8 comply with the 'terms of use' of any social media site being used
  - 6.16.9 give notice of no less than 48 hours to the Mayor prior to release of any personal media statements or social media comments that relate to Council matters.
  - 6.16.10 not breach any confidentiality protocols or understandings when speaking to the media, issuing media statements or using social media.
  - 6.16.11 not attribute any views or positions to other Councillors without their express consent.
- 6.17 Not identifying yourself as a Councillor does not excuse the account holder from having to comply with all relevant policies. The effectiveness of a disclaimer will depend on the context in which it is used, the subject matter, the relationship to Council activities and other factors. The use of it does not excuse the Councillor from compliance with the Code of Conduct and Council Policies. A disclaimer does not expunge from the mind of the reader or listener the fact that the author is a Councillor with responsibilities to the Council and fellow Councillors.
- 6.18 In assisting and supporting Councillors to perform the Role of a Councillor, the Communications Team shall draft and issue all media statements and media releases relating to policy matters, the strategic direction of Council, advocacy, project announcements and launches, and Council support for community initiatives:
- 6.18.1 on behalf of the Mayor
  - 6.18.2 where delegated by the Mayor, another Councillor, where:
    - (a) The matter relates to a specific Ward and is a matter of local interest
    - (b) A Councillor has had a specific ongoing interest and role in an issue
    - (c) A Councillor has specific knowledge or expertise in the matter
    - (d) A Councillor is a member of a delegated or advisory committee.
- 6.19 All statements about operational matters will be made by the CEO (or delegate).



**Councillor Communication & Information**

**7. REVIEW**

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@Bendigo.vic.gov.au](mailto:corporate.governance@Bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

**8. ROLES AND RESPONSIBILITIES**

- 8.1 In accordance with section 28 of the Local Government Act 2020:
  - 8.1.1 The role of every Councillor is to:
    - (a) participate in the decision making of the Council
    - (b) represent the interests of the municipal community in that decision making
    - (c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.
  - 8.1.2 In performing the role of a Councillor, a Councillor must:
    - (a) consider the diversity of interests and needs of the municipal community
    - (b) support the role of the Council
    - (c) acknowledge and support the role of the Mayor
    - (d) act lawfully and in accordance with the oath or affirmation of office
    - (e) act in accordance with the standards of conduct
    - (f) comply with Council procedures required for good governance.
- 8.2 Council staff are employed by the CEO to implement the decisions of Council, plan and deliver services and provide unbiased, professional advice and support to Councillors.

**9. RELATED DOCUMENTS**

- 9.1 The following documents are related to this Policy:
  - 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
  - 9.1.2 [Councillor Code of Conduct](#)
  - 9.1.3 [Employee Code of Conduct](#)
  - 9.1.4 Councillor Appropriate Behaviour Policy
  - 9.1.5 Councillor Prevention of Sexual Harassment Policy



## Councillor Communication &amp; Information

**10. HUMAN RIGHTS COMPATABILITY**

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

**11. ADMINISTRATIVE UPDATES**

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

**12. DOCUMENT HISTORY**

| Date Approved | Responsible Officer    | Unit       | Change Type        | Version |
|---------------|------------------------|------------|--------------------|---------|
| Oct 2015      | Legal Officer          | Governance | Access to Info     | 1.0     |
| Jan 2017      | Manager Governance     | Governance | Staff Interactions | 0.1     |
| Oct 2017      | Manager Communications | O/CEO      | Media              | 1.0     |
| Feb 2022      | Manager Governance     | Governance | Revision           | 1.1     |

**13. ATTACHMENTS**

- 13.1 Table of Points of Contacts





## Councillor Communication &amp; Information

**Attachment 1 - Table of Points of Contacts**

|   | Point of Contact |                         |                       |                        |
|---|------------------|-------------------------|-----------------------|------------------------|
|   | Cr Request Form  | Councillor Support team | Committee Secretariat | Manager Communications |
| <b>Matter</b>                               |                  |                         |                       |                        |
| Escalated Customer Issue                    | X                |                         |                       |                        |
| Routine Customer Service                    | X                |                         |                       |                        |
| Routine Media and Communications Issues     | X                |                         |                       |                        |
| Contentious Media and Communications Issues |                  |                         |                       | X                      |
| Information for Meetings                    | X                |                         |                       |                        |
| Administration of a Committee               |                  |                         | X                     |                        |
| IT Help                                     | X                |                         |                       |                        |
| Enforcement Matters                         | X                |                         |                       |                        |
| Planning Matters                            | X                |                         |                       |                        |
| Invitations & Diary Management              |                  | X                       |                       |                        |

**Attachment 5 - 4 - Councillor Expenses and Support Policy**



**GREATER BENDIGO CITY COUNCIL**

**COUNCILLOR EXPENSE AND SUPPORT POLICY**



## Councillor Expense and Support Policy

### DOCUMENT INFORMATION

|  |  |
|--|--|
| <b>Approval Level:</b>                 | Council  |
| <b>Policy Type:</b>                    | Council  |
| <b>Approval Date:</b>                  |  |
| <b>Review cycle:</b>                   | Within twelve months of each Council election                          |
| <b>Review Date:</b>                    |  |
| <b>Responsible Officer:</b>            | Manager Governance   |
| <b>Owner:</b>                          | Governance   |
| <b>Responsible Director:</b>           | Corporate Performance  |
| <b>Relevant Legislation/Authority:</b> | <i>Local Government Act 2020</i><br><i>Carers Recognition Act 2012</i> |
| <b>DOCSETID:</b>                       | 3165575  |



## Councillor Expense and Support Policy

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## Councillor Expense and Support Policy

### 1. PURPOSE

1.1 This policy supports Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020* (Vic), by ensuring that expenses reasonably incurred in the performance of their role are reimbursed. The policy also provides guidance on:

- Entitlements and support
- Processes for reimbursement
- Reporting, monitoring, evaluation and review requirements
- Other measures supporting Councillors to fulfil their duties.

### 2. BACKGROUND

2.1 In accordance with section 41 of the Act, the City must adopt and maintain a policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Council delegated committees.

2.2 Councillors and members of delegated committees are entitled, under section 40 of the Act to reimbursement of expenses reasonably incurred in the performance of their duties.

2.3 This policy has been developed to establish clear guidelines and enable claims for reasonable out-of-pocket expenses to be processed without the need to seek Council approval for individual claims.

### 3. SCOPE

3.1 This policy applies to:

- Councillors
- Members of delegated committees.



## Councillor Expense and Support Policy

### 4. DEFINITIONS

#### 4.1 In this Policy:

**Act** means the *Local Government Act 2020* (Vic)

**Carer** means a carer as defined under section 3 of the *Carers Recognition Act 2012*

**Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic)

**Committee secretariat** means the City officer/team/Unit that manages the committee

**Council** means the Greater Bendigo City Council being all the Councillors collectively

**Councillor** means a person holding the office of member of Greater Bendigo City Council

**CTM** means Corporate Travel Management which is a provider of travel management solutions to the City under the State Government Travel Services Contract.<sup>1</sup>

**Delegated Committee** means delegated committees defined under section 63 of the *Local Government Act 2020* (Vic)

**Delegated Committee member** means a person appointed to a Delegated Committee

**Information and Communication Technology equipment** means any device including mobile phones, tablets, laptops, computers and any peripheral or related devices or accessories

**Mayor** means the Councillor elected to the Office of Mayor of the City or any person appointed by Council to be acting as Mayor

**Municipality** means the Greater Bendigo municipality

**Out-of-pocket expense** means an expense that has been met by the Councillor or delegated committee member, using their own funds, which may later be reimbursed

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<sup>1</sup> The Technology One supplier number is G8660





## Councillor Expense and Support Policy

### 5. PRINCIPLES

5.1 The general principles underpinning this policy are as follows:

- Councillors must meet the standards of conduct set out in the Councillor Code of Conduct prescribed under section 139 of the Act;
- encouraging diversity in participation, equity, inclusion and access; and
- accountability and transparency.

5.2 This policy ensures that the reimbursement of 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.

5.3 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 their role; and
- are reasonably necessary to perform their role.

5.4 The City is committed to ensuring that all claims are processed effectively and efficiently as possible.

### 6. POLICY

#### Entitlements - Councillor

#### 6.1 General

6.1.1 All exercise of entitlements, including claims for reimbursement, must comply with the Principles detailed at section 5 of this Policy.

#### 6.2 Travel

6.2.1 **Private vehicle use.** Councillors are entitled to reimbursement for the use of their own vehicle where:

- (a) Vehicle use is entirely within the municipality;
- (b) Vehicle use is outside the municipality, that is pre-authorised by the Manager Governance. Councillors should, whenever possible, use a City fleet vehicle or public transport when performing duties outside the municipality;
- (c) Car mileage will be reimbursed at the rate specified at Attachment One.



## Councillor Expense and Support Policy

### 6.2.2 City Fleet Vehicles

- (a) **Mayoral Vehicle.** The City may provide a vehicle for the Mayor's exclusive use during their term. The provision of the vehicle is subject to the following terms and conditions:
  - (i) Use of vehicle is in accordance with the [Fleet Policy](#) and [Drivers Licence Policy](#);
  - (ii) The Mayor may use the vehicle for reasonable private use;
  - (iii) Any damage, accident or fault to be reported to Manger Governance as soon as practicable.
- (b) **Fleet Vehicles.** Councillors may book City fleet vehicles, through the Governance Unit, for use when performing duties. The provision of the vehicle is subject to the following terms and conditions:
  - (i) Use of vehicle in accordance with the [Fleet Policy](#) and [Drivers Licence Policy](#);
  - (ii) The vehicle must not be utilized for private use;
  - (iii) Any damage, accident or fault to be reported to Manger Governance as soon as practicable.
- (c) Where required, a designated fleet vehicle will be made available for use by a Councillor with disability for the purpose of supporting that Councillor to effectively undertake their role as a Councillor.

### 6.2.3 Intrastate travel. Intrastate travel is subject to the following terms and conditions:

- (a) Travel must utilise City fleet vehicle or public transport, unless otherwise approved by the Manager Governance;
- (b) The Governance Unit can arrange transportation, upon request;
- (c) Where accommodation is required, Councillors must obtain approval from the Mayor prior to travel;

### 6.2.4 Interstate travel. Interstate travel is subject to the following terms and conditions:

- (a) Councillors must obtain written approval from the Mayor prior to travel;
- (b) The Mayor must obtain consensus from the Councillors prior to travel;
- (c) The Governance Unit will arrange prepaid travel, where possible through CTM, including:
  - (i) Transport;
  - (ii) Accommodation and meals, in accordance with rates at Attachment One;
  - (iii) Insurance.



## Councillor Expense and Support Policy

6.2.5 **International Travel.** International travel is subject to the following terms and conditions:

- (a) Councillors must obtain approval from Council prior to travel;
- (b) The Governance Unit will arrange travel, where possible through CTM, including:
  - (i) Transport;
  - (ii) Accommodation and meals, in accordance with rates at Attachment One;
  - (iii) Insurance;
  - (iv) Telecommunications – international travel pass, calling cards, local SIM cards and/or mobile phone roaming.

### 6.3 **Child or Dependant Care**

6.3.1 In accordance with sections 41(2)(c) and (d) of the Act, the City will reimburse costs to a Councillor or delegated committee member where:

- (a) the provision of childcare is reasonably required
- (b) the provision of care for a dependent is reasonably required

6.3.2 Care expenses that may be claimed include but are not limited to:

- (a) Childcare centre fees
- (b) Home care
- (c) Hourly fees
- (d) Agency booking fees
- (e) Reasonable travel expenses for transporting the carer to the dependent or the dependent to the carer

6.3.3 Except by prior written agreement of the Manager Governance, payments for carer and childcare services will not be made:

- (a) to a person who resides with the Councillor
- (b) has any financial or pecuniary interest with the Councillor
- (c) has a relationship with the Councillor or their partner (i.e. immediate family member)
- (d) has recognised care responsibility (i.e. parent or other regular care giver)

6.3.4 Evidence of out of pocket costs incurred by the Councillor must be provided with any claim.

6.3.5 The level of financial support shall be determined by the Manager Governance in consultation with the claimant.



## Councillor Expense and Support Policy

### 6.4 Information and Communication Technology (ICT)

- 6.4.1 The City will provide information communication technology (ICT), including equipment, software, and support including basic training, subject to the:
  - (a) Conditions in Attachment Two
  - (b) [General IT Use Policy](#)
  - (c) [Portable and Attractive Assets Policy](#)
- 6.4.2 Councillors must return all items to the City on the next business day at the conclusion of a Councillor's term, unless otherwise agreed by Manager Governance.
- 6.4.3 Reasonable personal use is permitted as long as it does not affect the primary use of the equipment, or waste equipment or network resources.
- 6.4.4 The City reserves the right to review or audit anything created or stored on the equipment.
- 6.4.5 The City reserves the right to monitor usage.
- 6.4.6 Decisions regarding new product/service selection and existing product/service retention, repair or replacement is vested solely in the City.

### 6.5 Office and Meeting Facilities

- 6.5.1 The City will provide Councillors with access (individual fob/security tag) to the City's office and designated spaces, including meeting rooms at the Bendigo Town Hall.
- 6.5.2 Designated spaces may be used by all Councillors for related Council business during usual business hours or by prior arrangement with the Governance Unit.
- 6.5.3 Councillors may book rooms for meeting with external parties through the Governance Unit.
- 6.5.4 Where a fob or security tag is misplaced or stolen, Councillors must contact the Governance Unit as soon as practicable (and may be responsible for replacement costs).

### 6.6 Professional Development

- 6.6.1 The City will meet the cost of training and development courses, seminars and activities of professional and personal development within the limits of the budget approved by Council and taking into consideration the relevance of the course for the Councillor and the Council.
- 6.6.2 The budget and the individual allocations will be set as agreed by Council on a yearly basis following assessment of professional development requirements.
- 6.6.3 To assist this process, the Mayor will undertake a professional development assessment with each Councillor.

### 6.7 Memberships

- 6.7.1 The City will pay professional membership where there is a demonstrated benefit to the Councillor performing their duties, and to the City as agreed by the Council.



## Councillor Expense and Support Policy

### 6.8 Conferences and Functions

- 6.8.1 The City will bear reasonable costs enabling Councillors to attend an event whilst performing duties. Reasonable costs may include:
  - (a) Registration fees
  - (b) Main conference dinner (if not covered by registration cost)
  - (c) Travel, including transport and accommodation as per section 6.2 Travel
- 6.8.2 **Spouse/Partner Accompanying Councillor.** Where prior approval is sought the City may cover the cost, limited specifically to the entry fee and meal, of a spouse or partner expressly invited to attend a function to accompany a Councillor.
- 6.8.3 **Charity Events.** The City may cover the costs to allow attendance of the Mayor (Acting Mayor or Deputy Mayor in the absence of the Mayor), as representative for the City.
- 6.8.4 Where Councillors attend a charity fundraising event for which contribution is required, Councillors attend at their own expense.

### 6.9 Access and Inclusion

- 6.9.1 The City is committed to ensuring equitable access, social inclusion and respect for human rights and may provide appropriate support to ensure Councillors can complete their duties proficiently.
- 6.9.2 The City will provide support to a Councillor upon consideration of written report from a medical practitioner or other relevant qualified professional or the Councillor making the claim where appropriate.
- 6.9.3 The level of support including financial provided by the City shall be determined by the Manager Governance, in consultation with the claimant.
- 6.9.4 Support may include reimbursement of a Carer's expenses to support Councillor travel and/or attendance at meetings, professional development, and conferences and functions.

### 6.10 Councillors' Welfare

- 6.10.1 The Mayor and CEO can provide support to Councillors, specific guidance, counselling or coaching that may be required to enhance their performance as a Councillor.
- 6.10.2 A Councillor shall be entitled to counselling on a confidential basis through the City's approved Employee Assistance Program.

### 6.11 Insurance

- 6.11.1 Councillors are covered by the following Council Insurance Policies, whilst performing duties:
  - (a) Personal Accident Insurance
  - (b) Public Liability Insurance
  - (c) Professional Indemnity Insurance
  - (d) Councillors and Officers Liability Insurance



## Councillor Expense and Support Policy

- (e) Travel Insurance
- (f) WorkCover (as a deemed employee).
- 6.11.2 The City will pay the insurance policy excess in respect of any claim made against a Councillor arising whilst performing duties, where the claim is accepted by the City's insurers.
- 6.11.3 Spouses and partners are covered by the City's Personal Accident Insurance when accompanying Councillors whilst performing duties.
- 6.11.4 Insurance does not cover any criminal, wilful or negligent acts of the Councillor or related parties.

### 6.12 Legal Expenses

- 6.12.1 Legal expenses incurred by a Councillor shall be the responsibility of that Councillor unless:
  - (a) Prior written approval of the CEO is provided; or
  - (b) By Council resolution

### 6.13 Working with Children Check and Police Check

- 6.13.1 The City will meet the costs of a Councillor undertaking a Working With Children Check and Police check, if required by the City.

### Entitlements - Members of Delegated Committees

- 6.14 **General.** All exercise of entitlements, including claims for reimbursement, must comply with the Principles detailed at section 5 of this Policy.
- 6.15 **Travel Expenses.** Members of Delegated Committees are entitled to reimbursement of travel expenses:
  - 6.15.1 As per Attachment One
  - 6.15.2 Only if pre-approved by the Delegated Committee secretariat.
- 6.16 **Carer and dependent-related expenses.** Members of Delegated Committees are entitled to reimbursement of carer and dependent-related expenses:
  - 6.16.1 In accordance with clause 6.3
  - 6.16.2 Only if pre-approved by the Delegated Committee secretariat.
- 6.17 **Access and Inclusion.** Members of Delegated Committees are entitled to reimbursement of Access and Inclusion related expenses:
  - 6.17.1 In accordance with clause 6.9.
  - 6.17.2 Only if pre-approved by the Delegated Committee secretariat.





## Councillor Expense and Support Policy

### Exclusions to Entitlements

- 6.18 The following out-of-pocket expenses are the responsibility of Councillors or members of delegated committees and cannot be the subject of a claim for funding or reimbursement:
- 6.18.1 The cost of any road, traffic, parking or public transport infringements or penalties incurred by Councillors or members of Delegated Committees, whether or not in the course of performing their role;
  - 6.18.2 Any private travel, regardless of whether it is conjoined with approved interstate or overseas travel in the course of performing their role;
  - 6.18.3 If Councillors choose to purchase the equivalent of any resources or facilities made available to them as outlined above, Councillors will not be entitled to claim reimbursement for their own purchase of those same resources and facilities.
  - 6.18.4 Any private-use costs associated with use of ICT that are deemed unreasonable.
  - 6.18.5 Any intentional, wilful, or negligent damage to ICT.
  - 6.18.6 Other general expenses including:
    - (a) Alcohol
    - (b) Passport application expenses
    - (c) Fees or charges incurred from a traveller's failure to cancel a guaranteed reservation
    - (d) Mini bar purchases
    - (e) Electronic organisers
    - (f) Toiletries
    - (g) Briefcases or bags
    - (h) Newspaper and magazine purchases
    - (i) Personal travel insurance
    - (j) Any in-room entertainment, including movie hire
    - (k) Kennel fees or animal expenses
    - (l) Hairdressing, barber and beautician services
    - (m) Loss of property (claims for loss of property may be available under the city's travel insurance)
  - 6.18.7 Other than by Council resolution, expenses or other support for attendance at political party events.



## Councillor Expense and Support Policy

### **Process for Reimbursements - Councillors**

- 6.19 Making a claim for payment:
  - 6.19.1 Claims must be submitted:
    - (a) For all car mileage claims using the Monthly Travel Log form (Attachment Three);
    - (b) For all other claims using the Expenses Reimbursement Form (Attachment Four).
  - 6.19.2 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).
  - 6.19.3 Receipts (or statutory declaration in absence of receipt) must be attached to the claim form (credit card receipts will not be accepted).
- 6.20 All claims for expenses must be lodged within three months of the expenses being incurred. At the end of the financial year all claims must be received no later than one month after the financial year.
- 6.21 All claims will be assessed (and approved or denied) for compliance by the Governance Unit.
- 6.22 A Councillor may request the CEO review of a decision made by the Governance Unit under this Policy.
- 6.23 All approved payments will be provided by either:
  - 6.23.1 Direct disbursement to the supplier; or
  - 6.23.2 Electronic funds transfer into the nominated bank account.
- 6.24 If the claim is denied, the Governance Unit will advise the Councillor in writing of the reasons.

### **Process for Reimbursements – Members of Delegated Committees**

- 6.25 All expense claims for members of delegated committees must be requested through the relevant committee secretariat.
- 6.26 Committee secretariats must follow the City's internal process for reimbursement.
- 6.27 All claims will be assessed for compliance by the Committee secretariat
- 6.28 All claims for expenses must be lodged within one month of the expenses being incurred.
- 6.29 A Member of a Delegated Committee may request the Governance Unit to review a decision made by the Committee secretariat under this Policy.
- 6.30 All approved payments will be provided by either:
  - 6.30.1 Direct disbursement to the supplier; or
  - 6.30.2 Electronic funds transfer into the nominated bank account.
- 6.31 If the claim is denied, the Committee secretariat will advise the member in writing of the reasons.



## Councillor Expense and Support Policy

### Reporting, Monitoring, Evaluation and Review

- 6.32 Monthly reports of all Councillor expenses will be published on the City website.
- 6.33 Quarterly reports of all Councillor and delegated committee member expenses will be provided to Council's Audit and Risk Committee.
- 6.34 Annual report of all Councillor expenses will be published in the City's Annual Report.
- 6.35 Reports will include:
  - 6.35.1 Expenses incurred by Councillor and delegated committee members; and
  - 6.35.2 Reimbursements made by the City to Councillors and delegated committee members
- 6.36 Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.
- 6.37 Within one month of funded travel and/or attendance at conferences and/or functions, the Councillor or delegated committee member will report to Council verbally and in writing outlining:
  - 6.37.1 Purpose for the travel;
  - 6.37.2 Its relevance to any Council plan, strategy, program or project;
  - 6.37.3 Perceived benefits to the Council and/or the community and/or the individual;
  - 6.37.4 Any other aspects deemed relevant.

### **7. REVIEW**

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@Bendigo.vic.gov.au](mailto:corporate.governance@Bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

### **8. ROLES AND RESPONSIBILITIES**

- 8.1 For the purpose of clarification in giving effect to this Policy, Councillor duties may include, but are not limited to:
  - 8.1.1 attendance at meetings of Council and its committees
  - 8.1.2 attendance at briefing sessions, workshops, civic events or functions convened by Council
  - 8.1.3 attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor
  - 8.1.4 attendance at meetings, events or functions representing Council
  - 8.1.5 duties in relation to constituents concerning Council business.
- 8.2 This Policy also applies to members of Council Delegated Committees when undertaking approved travel required for their role.



## Councillor Expense and Support Policy

### 9. RELATED DOCUMENTS

9.1 The following documents are related to this Policy:

- 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
- 9.1.2 [Councillor Code of Conduct](#)
- 9.1.3 [Fleet Policy](#)
- 9.1.4 [Drivers Licence Policy](#)
- 9.1.5 [Public Transparency Policy](#)

### 10. HUMAN RIGHTS COMPATABILITY

10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

### 11. ADMINISTRATIVE UPDATES

11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

### 12. DOCUMENT HISTORY

| Date Approved | Responsible Officer | Unit                   | Change Type               | Version |
|---------------|---------------------|------------------------|---------------------------|---------|
| Oct 2015      |                     | Executive Services     | Expenses & Support        | 1.0     |
| Oct 2015      |                     | Executive Services     | IT Use                    | 1.0     |
| Oct 2016      | Tania Herbert       | Information Management | Mobile Device             | 1.0     |
| Aug 2020      | Manager Governance  | Governance             | Expenses & Support Review | 2.0     |
| Feb 2022      | Manager Governance  | Governance             | Revision                  | 2.1     |

### 13. ATTACHMENTS

- 13.1 Travel Rates
- 13.2 ICT Conditions of Use
- 13.3 Monthly Travel Log Form
- 13.4 Expenses Reimbursement Form



## Councillor Expense and Support Policy

### Attachment One – Travel Rates

#### **Private vehicle reimbursement**

The Australian Taxation Office regularly publishes the [cents per kilometre method](#) for motor vehicle expenses.

Councillors are entitled to claim expenses not in excess of the most recent rate published.

#### **Accommodation and Meals Rates**

Each financial year the Australian Taxation Office publishes a [Taxation Determination](#) articulating reasonable travel expense amounts.

Councillors are entitled to claim:

- Domestic travel not in excess of Table 2 (mid-salary level)
- Overseas travel not in excess of Table 7 (mid-salary level)

With reference to the financial year the travel will be undertaken (or the most recent Determination if not yet published).



**Councillor Expense and Support Policy**

**Attachment Two – ICT Conditions of Use**

The City will provide information communication technology (ICT), including equipment, software, and support including basic training, subject to the following conditions:

- (a) All information technology provided remains the property of the City
- (b) Councillors must conduct council business utilising equipment supplied by the City
- (c) Equipment must only be used by Councillors and Officers
- (d) Councillors must maintain the confidentiality of their account and password, to prevent unauthorised access
- (e) Councillors must comply with the network enforced password procedures
- (f) Councillors must comply with all reasonable directions regarding devices and equipment for audit, maintenance, update or replacement
- (g) Councillors must not disable or circumvent the installed virus protection software
- (h) Councillors must use the installed virus protection software to scan all:
  - (i) Files, from non-Council sources, prior to downloading
  - (ii) External disks, immediately upon connection
- (i) Councillors must use all ICT in a safe manner, and in compliance with all City policy, and State and Federal legislation. Including but not limited to privacy, copyright, freedom of information, equal employment opportunity, Public Records Act, Intellectual Property and Occupational Health and Safety.
- (j) Councillors will manage constraints of usage inherent to system, including operating system and application space limitations
- (k) Councillors must manage appropriately any connection or usage charges (for example data and phone calls)
- (l) Councillors must not download or install unauthorised applications or files
- (m) Councillors must comply with any software licence obligations
- (n) Councillors must not utilise the equipment for online gambling
- (o) Councillors must ensure appropriate safe keeping of all equipment
- (p) Councillors must maintain equipment in fair/reasonable condition
- (q) Councillors must report, to the Governance Unit, as soon as practicable:
  - (i) Faulty equipment, breakages or issues
  - (ii) Lost, stolen or misplaced equipment
  - (iii) Any suspicion of a virus being introduced onto the equipment or network.





**Councillor Expense and Support Policy**

**Attachment Three – Monthly Travel Log Form**

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| Date  | Location |    | Councillor duty the travel relates to (provide detailed description) | Odometer Reading |             | Total Travelled (kms) |
|-------|----------|----|--|------------------|-------------|-----------------------|
|       | From     | To |  | Start of Trip    | End of Trip |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
|       |          |    |  |                  |             |                       |
| Total |          |    |  |                  |             |                       |

|  |  |       |
|--|--|-------|
| <b>Office Use only</b>   |  | Date: |
| Total amount for reimbursement \$<br>(current rate: \$1.00 per km) |  |       |
| Total kilometres   |  |       |
| Name:  |  |       |
| Position:  |  |       |
| Signature:   |  |       |



**Councillor Expense and Support Policy**

**Attachment Four – Expenses Reimbursement Form**

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**EXPENSES REIMBURSEMENT FORM**

|                        |  |                           |    |
|------------------------|--|---------------------------|----|
| <b>Full Name</b>       |  |                           |    |
| <b>Title</b>           |  |                           |    |
| <b>Contact details</b> |  |                           |    |
| <b>Date of Claim</b>   |  | <b>Total Amount Claim</b> | \$ |

|                                   |                                       |  |
|-----------------------------------|---------------------------------------|--|
| Details of Out-of-pocket expense: | Date Incurred:                        |  |
|                                   | Duty at the time expense was incurred |  |
|                                   | Item description                      |  |

**Attached:** ☐ Tax Invoice  
☐ Receipt  
☐ Statutory Declaration

| EFT Payment details -  |  |
|------------------------|--|
| <b>Account Name:</b>   |  |
| <b>BSB (6 digits):</b> |  |
| <b>Account number</b>  |  |

|  |       |
|--|-------|
| I certify the above information to be correct and are reasonable bona fide out-of-pocket expenses. |       |
| Signature:   | Date: |

**Please forward this form to Civic and Governance Support**

|                        |                    |   |   |   |
|------------------------|--------------------|---|---|---|
| <b>Office Use Only</b> | JL Account number: | - | - | - |
|                        | GL Account number: | - | - | - |

**Approved by**

|                   |  |       |
|-------------------|--|-------|
| <b>Name:</b>      |  | Date: |
| <b>Position:</b>  |  |       |
| <b>Signature:</b> |  |       |

**Attachment 6 - 5 - Councillor Appropriate Behaviour Policy**



**GREATER BENDIGO CITY COUNCIL**

**COUNCILLOR APPROPRIATE BEHAVIOUR POLICY**



## Councillor Appropriate Behaviour Policy

### DOCUMENT INFORMATION

|  |  |
|--|--|
| <b>Approval Level:</b>                 | Council  |
| <b>Policy Type:</b>                    | Council  |
| <b>Approval Date:</b>                  |  |
| <b>Review cycle:</b>                   | Within twelve months of each Council election  |
| <b>Review Date:</b>                    |  |
| <b>Responsible Officer:</b>            | Manager Governance   |
| <b>Owner:</b>                          | Governance   |
| <b>Responsible Director:</b>           | Corporate Performance  |
| <b>Relevant Legislation/Authority:</b> | <p><b>Victorian</b><br/> <i>Accident Compensation Act 1985</i><br/> <i>Equal Opportunity Act 2010</i><br/> <i>Privacy and Data Protection Act 2014</i><br/> <i>Local Government Act 1989</i><br/> <i>Occupational Health and Safety Act 2004</i><br/> <i>Racial and Religious Tolerance Act 2001</i><br/>           The Victorian Charter of Human Rights and Responsibilities 2006</p> <p><b>Federal</b><br/> <i>Age Discrimination Act 2004</i><br/> <i>Australian Human Rights Commission Act 1986</i><br/> <i>Disability Discrimination Act 1992</i><br/> <i>Fair Work Act 2009</i><br/> <i>Racial Discrimination Act 1975</i><br/> <i>Sex Discrimination Act 1984</i></p> |
| <b>DOCSETID:</b>                       | 4657219  |





## Councillor Appropriate Behaviour Policy

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## Councillor Appropriate Behaviour Policy

### 1. PURPOSE

#### 1.1 The purpose of this policy is to:

- Inform Councillors of expectations regarding acceptable and appropriate behaviour, including the appropriate use of social media (official and private use) and being respectful towards all people associated with the City.
- Align Councillor policies with organisational policies

### 2. BACKGROUND

#### 2.1 Councillors' expect all Councillors to display the standards of behaviour outlined in the Code of Conduct and described in this policy in their treatment of each other; of City staff, consultants and contractors; and of all other members of the public encountered in the course of their Councillor duties.

#### 2.2 Councillors are committed to:

- A safe, healthy and supportive environment that is free from discrimination, harassment and bullying; and
- A workplace where all individuals treat each other with respect, dignity and courtesy.

#### 2.3 Councillors are committed to taking all reasonable and proportionate measures to prevent and eliminate discrimination, harassment, bullying and victimisation.

#### 2.4 Councillors are committed to a zero-tolerance approach to sexual harassment as set out in the Prevention of Sexual Harassment Councillor Policy.

### 3. SCOPE

#### 3.1 This policy applies to Councillors and Delegated Committee members whenever and wherever they are performing the duties and functions associated with their role or would be considered by a reasonable person to be acting in capacity in the capacity as a Councillor and applies to circumstances including but not limited to:

- Activities undertaken whilst performing duties as outlined in the Role of a Councillor;
- On-site and off-site Councillor-related social functions, conferences and meetings;
- When travelling to attend conferences, meetings and functions;
- Treatment of Council officers, Clients and members of the public encountered in the course of their duties.



## Councillor Appropriate Behaviour Policy

### 4. DEFINITIONS

#### 4.1 In this Policy:

**Bullying** means persistent and repeated negative behavior directed at an Individual that creates a risk to health and safety.

**Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020* (Vic).

**Client** means all persons to whom services are provided by the City.

**Councillor Conduct Officer** means a person appointed by the CEO pursuant to section 150 of the *Local Government Act 2020*.

**Council** means the Greater Bendigo City Council being all the Councillors collectively.

**Council Officer** means an employee, volunteer, student, contractor, subcontractors and consultants engaged by the City.

**Councillor** means a person holding the office of member of Greater Bendigo City Council.

**Delegated Committee** means delegated committees defined under section 63 *Local Government Act 2020* (Vic).

**Delegated Committee member** means a person appointed to a Delegated Committee.

**Discrimination** means unfavourable treatment of a person on the basis of a protected attribute.

**Direct Discrimination** means when someone is treated unfairly and is disadvantaged because of a personal characteristic that is protected under law.

**Equal (Employment) Opportunity (EEO)** means freedom from discrimination on the basis of protected classes such as race, colour, sex, national origin, religion, age, disability, or genetic information. EEO rights are guaranteed by federal and state fair employment laws (see 'indirect discrimination' below).

**Harassment** means unwelcome behaviour or conduct which has no legitimate Workplace function, which intimidates, humiliates or offends another person or persons and is on the basis of a characteristic of the person (from the list of Protected Attributes). Harassment may take a variety of forms, including (but not limited to) verbal (for example, racial slurring or imitating someone's accent), non-verbal (for example, putting offensive material on display) or physical conduct (for example, unwelcome practical jokes) and written communication. A one-off incident can constitute Harassment.

**Indirect Discrimination** means treating people the same, but in fact people are treated less favourably due to certain Protected Attributes or characteristics. This occurs when an unreasonable requirement, condition or practice that purports to treat everyone the same ends up actually disadvantaging someone with a protected attribute.



## Councillor Appropriate Behaviour Policy

**Protected Attributes** mean characteristics or behaviours that may not be discriminated against at law, including, but not limited to, age, breastfeeding, employment activity, gender identity, impairment (also known as 'disability'), industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation and personal association (whether as a relative or otherwise) with a person who is identified by reference to any of these Protected Attributes. See 'Appendix A' for a detailed description of each Protected Attribute.

**Values** means the defined and agreed values of the City which are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect

**Victimisation** means it is unlawful for a person to subject or to threaten to subject another person to any detriment because the other person, or someone associated with the other person, has made an allegation or complaint of discrimination or harassment on the basis of a protected attribute. In addition, this can include treating or threatening to treat an Individual less favourably because they have:

- Made an allegation that another person has breached anti-discrimination laws
- Lodged, or are proposing to lodge, a complaint of discrimination or harassment
- Provided information/documents to an investigation
- Attended a conciliation conference
- Asserted their rights, or supported someone else's rights, under federal anti-discrimination laws.

**Workplace** means any premise or location a Councillor attends in the course of discharging their duties.



## **Councillor Appropriate Behaviour Policy**

### **5. PRINCIPLES**

- 5.1 Councillor conduct aligns with the City's organisational values. Our core values are We Lead, We Learn, We Care, We Contribute, We Respond, We Respect.
- 5.2 Councillors have a responsibility to care for their own health and safety and that of their colleagues and staff. Accordingly, Councillors' must not engage in acts which constitute discrimination, harassment and bullying behaviour.
- 5.3 Councillors will take reasonable and proportionate measures to prevent and eliminate discrimination, harassment and bullying.

### **6. POLICY**

#### **Expected Standard of Conduct**

- 6.1 Councillors do not support and will not tolerate behaviour which constitutes discrimination, harassment or bullying.
- 6.2 All Councillors are expected to:
  - 6.2.1 behave in an appropriate manner in accordance with the Councillor Code of Conduct
  - 6.2.2 treat each other during all interactions with fairness, respect
  - 6.2.3 conduct themselves in a respectful manner at all times and ensure that they do not engage in behaviour towards others which constitutes discrimination, harassment or bullying.
- 6.3 The expectations referred to in clause 6.2 extend to the treatment of all people who Councillors encounter or interact in the course of performing their duties and functions as Councillors including interactions which occur online.

#### **Reporting Inappropriate Behaviour**

- 6.4 A Councillor who feels that they have been subject to discrimination, harassment, or victimisation is strongly encouraged to immediately make it clear to the person engaging in the inappropriate behaviour that such behaviour is unwelcome, offensive and must stop.
- 6.5 A Councillor who believes they have been discriminated against, bullied or harassed is responsible for reporting the matter as soon as possible to the Mayor, Deputy Mayor, CEO or Councillor Conduct Officer.
- 6.6 In circumstances where a Councillor observes behaviour in breach of this policy, that Councillor is responsible for reporting the behaviour as soon as possible to the Mayor, Deputy Mayor, CEO or Councillor Conduct Officer.

#### **Employee Assistance Program 'EAP'**

- 6.7 Councillors at the City are entitled to professional and confidential counselling free of charge via our EAP. Councillors can access EAP by contacting Converge International on 1300 687 327 or by visiting [www.convergeinternational.com.au](http://www.convergeinternational.com.au).



## Councillor Appropriate Behaviour Policy

### Failure to comply

- 6.8 Failure to comply with this policy may lead to a breach of the Councillor Code of Conduct.
- 6.9 Non-compliance with this policy may breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the Councillor. In the event of legal proceedings, Councillor may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment in some circumstances.

### **7. REVIEW**

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@bendigo.vic.gov.au](mailto:corporate.governance@bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

### **8. ROLE AND RESPONSIBILITIES**

- 8.1 In accordance with section 28 of the *Local Government Act 2020*:
  - 8.1.1 The role of every Councillor is to:
    - (a) participate in the decision making of the Council
    - (b) represent the interests of the municipal community in that decision making
    - (c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.
  - 8.1.2 In performing the role of a Councillor, a Councillor must:
    - (a) consider the diversity of interests and needs of the municipal community
    - (b) support the role of the Council
    - (c) acknowledge and support the role of the Mayor
    - (d) act lawfully and in accordance with the oath or affirmation of office
    - (e) act in accordance with the standards of conduct
    - (f) comply with Council procedures required for good governance.





## Councillor Appropriate Behaviour Policy

- 8.2 For the purpose of clarification in given effect to this Policy, Councillor duties may include, but are not limited to:
- 8.2.1 attendance at meetings of Council and its committees
  - 8.2.2 attendance at briefing sessions, workshops, civic events or functions convened by Council
  - 8.2.3 attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor
  - 8.2.4 attendance at meetings, events or functions representing Council
  - 8.2.5 duties in relation to constituents concerning Council business.
- 8.3 This Policy also applies to members of Council Delegated Committees members when undertaking duties in accordance with their agreed role.

## 9. RELATED DOCUMENTS

- 9.1 The following documents are related to this Policy:
- 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
  - 9.1.2 [Councillor Code of Conduct](#)
  - 9.1.3 Councillor Prevention of Sexual Harassment Policy
  - 9.1.4 Councillor Communication & Information Policy
  - 9.1.5 Community Complaints Against a Councillor Policy

## 10. HUMAN RIGHTS COMPATIBILITY

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 11. ADMINISTRATIVE UPDATES

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

## 12. DOCUMENT HISTORY

| Date Approved | Responsible Officer         | Unit             | Change Type           | Version |
|---------------|-----------------------------|------------------|-----------------------|---------|
| Jul 2021      | Coordinator Human Resources | People & Culture | Developed (Staff)     | 1       |
| Feb 2022      | Manager Governance          | Governance       | Revision (Councillor) | 1.1     |

## 13. ATTACHMENTS

- 13.1 Detailed description of protected attributes



## Councillor Appropriate Behaviour Policy

### Attachment 1 - Detailed Description of Protected Attributes

#### **Age**

Refers to a person's age, whether young or old, or because of age in general

#### **Breastfeeding**

Refers to breastfeeding infants or expressing milk for later use.

#### **Employment activity**

Making an enquiry or expressing a concern as an Individual about your own employment entitlements (for example, pay, leave and training).

#### **Gender identity**

Includes transgender, transsexual and intersex people. Includes the situation where a person previously considered being of one gender genuinely takes on the characteristics of the other sex or seeks genuinely to live as a member of the other gender.

#### **Impairment (also known as 'disability')**

Includes the following:

- a) partial or total loss of a bodily function or part of the body (which can be permanent or temporary, visible or invisible);
- b) the presence in the body of a disease-causing organism (for example, hepatitis or HIV/AIDS);
- c) malfunction of part of the body;
- d) mental or psychological disease or disorder or learning disability; and
- e) malformation or disfigurement of a part of the body, including an impairment that may exist in the future (including because of a genetic predisposition to that impairment) and behaviour that is a symptom or manifestation of an impairment (may also be 'physical features' – see below).

#### **Industrial activity**

Includes the following situations:

- a) being or not being a member of an association of employees (for example, a union), employers or a profession; and
- b) establishing or being involved in establishing an industrial organization;
- c) organising, promoting (or proposing to organise or promote) a lawful activity organised on behalf of an industrial organisation or association;



### **Councillor Appropriate Behaviour Policy**

- d) Encouraging, assisting or participating in (or proposing to encourage, assist or participate in) the lawful activities organised or promoted by an industrial organisation or association).
- e) not participating in the lawful activities organised or promoted by an industrial organisation or association; and
- f) being part of a group discussion or action around Workplace rights and benefits.

#### **Lawful sexual activity**

Includes the following situations:

- a) engaging in, not engaging in, or refusing to engage in lawful sexual activity. Includes adult, consenting sexual relationships (for example, between employees);
- b) using the services of (or being employed as) a legal prostitute; and
- c) does not include illegal sexual activity such as child pornography or sexual assault.

#### **Marital status**

Refers to being or not being married, single, separated, divorced or widowed. Also includes having or not having a domestic partner.

#### **Parental status or status as a carer**

Refers to being or not being a parent, including foster parent, adoptive parent, step-parent, or guardian. Also includes responsibilities to the children of your domestic partner (see 'marital status' above).

#### **Physical features**

Refers to a person's weight, height or other bodily characteristic. Does not automatically include make-up or clothing, but may include body piercing, body hair or tattoos.

#### **Political belief or activity**

Refers to holding or not holding a lawful political belief or view as well as participating in or refusing to participate in a lawful political activity.

#### **Pregnancy**

Refers to being pregnant or planning to become pregnant as well as the assumption that someone is or will become pregnant.

#### **Race**

Includes the following:

- (a) color;
- (b) descent or ancestry;



## **Councillor Appropriate Behaviour Policy**

- (c) nationality or national origin;
- (d) ethnicity or ethnic origin; and
- (e) language spoken at home.

### **Religious belief or activity**

Includes the following:

- (a) holding or not holding a lawful religious belief or view; and
- (b) participating or not participating in a lawful religious activity.

Note: to be protected by the *Equal Opportunity Act 2010* (Vic) the religion must be recognised by law.

### **Sex**

Refers to being male or female.

### **Sexual orientation**

Refers to being heterosexual, homosexual, lesbian or bisexual.

### **Personal association**

Refers to being a friend, relative, associate or companion of anyone with an attribute listed above.

**Attachment 7 - 6 Councillor Policy - Prevention of Sexual Harassment Policy**



**GREATER BENDIGO CITY COUNCIL**

**COUNCILLOR PREVENTION OF SEXUAL HARASSMENT POLICY**



### Councillor Prevention of Sexual Harassment Policy

#### DOCUMENT INFORMATION

|  |  |
|--|--|
| <b>Approval Level:</b>                 | Council  |
| <b>Policy Type:</b>                    | Council  |
| <b>Approval Date:</b>                  |  |
| <b>Review cycle:</b>                   | Within twelve months of each Council election  |
| <b>Review Date:</b>                    |  |
| <b>Responsible Officer:</b>            | Manager Governance   |
| <b>Owner:</b>                          | Governance   |
| <b>Responsible Director:</b>           | Corporate Performance  |
| <b>Relevant Legislation/Authority:</b> | <i>Australian Human Rights Commission Act 1986 (Cth)</i><br><i>Equal Opportunity Act 2010 (Vic)</i><br><i>Fair Work Act 2009 (Cth)</i><br><i>Occupational Health and Safety Act 2004 (Vic)</i><br><i>Sex Discrimination Act 1984 (Cth)</i><br><i>The Victorian Charter of Human Rights and Responsibilities 2006</i><br><i>Local Government Act 2020 (Vic)</i><br><i>Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)</i> |
| <b>DOCSETID:</b>                       | 4657435  |





**Councillor Prevention of  
Sexual Harassment Policy**

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## **Councillor Prevention of Sexual Harassment Policy**

### **1. PURPOSE**

- 1.1 The purpose of this policy is to support the Councillor Code of Conduct and prevent and eliminate sexual harassment by:
- Ensuring all Councillors recognise sexual harassment; and
  - Informing Councillors of behavioural expectations and related obligations.

### **2. BACKGROUND**

- 2.1 All Councillors are expected to display the standards of behaviour outlined in the Councillor Code of Conduct in their treatment of other Councillors, City staff, volunteers, and of other members of the public encountered in the course of their duties including:
- To take positive action to eliminate discrimination, sexual harassment, and victimisation in accordance with the *Equal Opportunity Act 2010* (Vic);
  - Not to engage in behaviour that is or is likely to be discrimination, sexual harassment or victimisation as defined in the *Equal Opportunity Act 2010* (Vic); and
  - To acknowledge that Councillors engaging in bullying or sexual harassment of other Councillors or Council staff commit serious misconduct in accordance with the *Local Government Act 2020* (Vic) and may face other consequences at law.
- 2.2 The City is an Equal Opportunity employer and is committed to providing:
- A safe, healthy and supportive work environment that is free from sexual harassment; and
  - A workplace where all Individuals associated with the City treat each other with respect, dignity and courtesy and behave in ways that are safe and inclusive
- 2.3 The City will take all reasonable and proportionate measures to prevent and eliminate sexual harassment.

### **3. SCOPE**

- 3.1 This policy applies to Councillors and delegated committee members and includes but is not limited to:
- All activities undertaken whilst performing duties as outlined in the Role of a Councillor;
  - On-site, off-site, Councillor-related social functions, conferences or meetings regardless of time and location; – wherever and whenever a Councillor may be as a result of their duties; and
  - Treatment of all people encountered in the course of their duties.
- 3.2 Responding to and/or reporting sexual harassment is outside the scope of this policy.
- 3.3 Councillors who believe they have experienced or witnessed sexual harassment are encouraged to respond to or report the inappropriate behaviour. A range of responding and reporting options are available.
- 3.4 For further information and guidance please refer to the Councillor Code of Conduct.



### **Councillor Prevention of Sexual Harassment Policy**

- 3.5 Where reporting of sexual harassment does occur, the City commits to taking a Victim-centred, Safety-driven approach to management of the process.

#### **4. DEFINITIONS**

4.1 In this Policy:

**Bystander** means an individual who heard or witnessed the incident of offensive behaviour / sexual harassment or hears about it subsequently. In the workplace, Bystanders can include co-workers who are informed of workplace sexual harassment through the 'grapevine' or those sought out by victims or harassers for support or advice.

**City** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020 (Vic)*

**Client** means all persons to whom services are provided by the City.

**Councillor Conduct officer** means a person appointed by the CEO pursuant to Section 150 of the *Local Government Act 2020 (Vic)*

**Council** means the Greater Bendigo City Council being all the Councillors collectively.

**Councillor** means a person holding the office of member of Greater Bendigo City Council.

**Delegated Committee** means delegated committees defined under section 63 *Local Government Act 2020 (Vic)*

**Delegated Committee member** means a person appointed to a Delegated Committee

**Council Officer** means a person who receives a salary or wages from the City (employed on either a full-time, part-time or casual basis where the nature of the work is permanent/ongoing or temporary for a specified period).

**Individual** means a Councillor, employee, volunteer, student, trainee, apprentice, contractor, subcontractor or consultant.

**Safety-driven** means, in line with Health & Safety focused, the requirement that Councillors, employees, other persons at the City and members of the public be given the highest level of protection against risks to their health and safety that is reasonably practicable in the circumstances.

**Victim-centred** means giving priority to the complainant's wishes, safety, and wellbeing in all matters and procedures. This ensures the compassionate, sensitive and non-judgmental responses to complaints.



**Councillor Prevention of  
Sexual Harassment Policy**

**5. PRINCIPLES**

**5.1** The principles associated with this policy are that:

- 5.1.1 Sexual harassment is unlawful and will not be tolerated in the workplace, beyond the workplace where there is a link to employment or in any other situation connected to the performance of a Councillors duties and functions including from third parties;
- 5.1.2 A single incident can constitute sexual harassment;
- 5.1.3 Sexual harassment is driven by gender inequality;
- 5.1.4 Sexual harassment is gendered. Most instances of sexual harassment (but importantly not all) are experienced by women;
- 5.1.5 The City has a positive duty to ensure the health and safety of employees to eliminate risks to health and safety so far as is reasonably practicable; and
- 5.1.6 If it is not reasonably practicable to eliminate risks to health and safety, to reduce those risks so far as is reasonably practicable.
- 5.1.7 Victimisation (subjecting or threatening to subject someone to detrimental or unfavourable treatment because they have raised a complaint or issue) is unlawful and will not be tolerated;
- 5.1.8 All Councillors have a role to play in intervention and action when behaviour is inconsistent with expectations;
- 5.1.9 Councillors may be personally liable if allegations of sexual harassment are substantiated against them;
- 5.1.10 Legal action (civil and/or criminal) may be taken against a person who has engaged in sexual harassment; and
- 5.1.11 Conduct constituting sexual harassment by a Councillor may also expose the City to liability. The City may be vicariously liable for a Councillor's conduct undertaken in the course of, or in connection with, their duties.

**5.2** Councillors recognise that comments and behaviour that do not offend one person can offend another. Councillors are required to treat others with dignity, courtesy, respect and professionalism and must not engage in unlawful conduct, including sexual harassment.

**6. POLICY**

- 6.1 Sexual harassment is unacceptable, unlawful and prohibited by both the *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* and has the potential to adversely affect the harmony of the City and cause harm or injury to others.
- 6.2 Councillors are required to conduct themselves in a manner that is consistent with the Councillor Code of Conduct.



**Councillor Prevention of  
Sexual Harassment Policy**

**Sexual Harassment in the Workplace**

**6.3 What is Sexual Harassment?**

- 6.3.1 Sexual harassment means an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.
- 6.3.2 A working environment or workplace culture that is sexually permeated or hostile will also amount to unlawful sexual harassment.
- 6.3.3 Sexual harassment in the workplace may be physical, spoken, written or image-based and may include, but is not limited to:
  - (a) Unwelcome physical contact of a sexual nature;
  - (b) Comments or questions of a sexual nature about a person's private life or their appearance;
  - (c) Sexually suggestive behaviour, such as leering or staring or offensive gestures;
  - (d) Brushing up against someone, touching, fondling or hugging;
  - (e) Sexually suggestive comments or jokes;
  - (f) Displaying offensive screen savers, photos, calendars or objects;
  - (g) Repeated invitations to go out on dates;
  - (h) Unwanted displays or declarations of affection;
  - (i) Requests for sex;
  - (j) Sexually explicit emails, text messages or posts on social networking sites;
  - (k) Sexual assault, indecent exposure, physical assault and stalking (which are also criminal offences); and
  - (l) Actions or comments of a sexual nature in a person's presence (even if not directed at that person).

**6.4 Threshold**

- 6.4.1 The *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* provide that sexual harassment occurs in circumstances in which the conduct is unwelcome and where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
- 6.4.2 There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. Equally, a broader pattern of behaviour can constitute sexual harassment.
- 6.4.3 Just because someone does not object to inappropriate behaviour in the workplace at the time it occurs does not mean that they are consenting to the behaviour or consenting for the behaviour to continue at another time.



**Councillor Prevention of Sexual Harassment Policy**

**6.5 Councillors and the workplace**

- 6.5.1 Sexual harassment by a Councillor towards a fellow Councillor or an employee of the Council is unlawful under the *Equal Opportunity Act 2010* (Vic), just as for employees. However, as they are not contracted employees, Councillors are not subject to the same internal disciplinary procedures as staff.
- 6.5.2 The *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic) sets out how employees can access compensation for workplace injuries, including those caused by sexual harassment. This legislation considers Councillors to be employees of the Council who can access compensation for workplace injuries.
- 6.5.3 The Councillor Code of Conduct sets out expectations for Councillor behaviour and applies to Councillors, at all times and in all places, in the course of performing their duties and functions as Councillors.

**6.6 Within the workplace**

- 6.6.1 For the purposes of sexual harassment law, a workplace is any place a person attends for the purpose of carrying out functions in connection with, or in the course of their employment or prospective employment. It includes a place that is a workplace of either, or both people involved in an incident of sexual harassment.
- 6.6.2 Section 94 of the *Equal Opportunity Act 2010* (Vic) provides that a workplace is the place a person attends for the purpose of carrying out functions in relation to their employment. It does not need to be the person's principal place of business or employment.
- 6.6.3 The workplace is not confined to the actual physical location used by the Individuals. It also extends to common areas such as lifts, entrances, vehicles, reception areas, corridors, kitchens and toilets of the premises.

**6.7 Beyond the workplace and outside working hours**

- 6.7.1 Behaviour constituting sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur where there is a link to a Councillor's role including (but not limited to):
  - (a) At social functions sponsored and paid for by the City;
  - (b) At social functions in connection with the team/workplace but not sponsored or paid by the City
  - (c) In vehicles while on the way to Council functions or community meetings;
  - (d) At after-parties to such events (regardless of their location);
  - (e) In accommodation (including hotel rooms) associated with or provided by the City;
  - (f) Online via use of technology and social media; and
  - (g) Any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice versa.





**Councillor Prevention of  
Sexual Harassment Policy**

- 6.7.2 Consumption of alcohol at Council functions or at a Council-related event outside the usual workplace and hours of work is not an excuse for conduct that constitutes sexual harassment. Individuals should regulate their own behaviour and consumption of alcohol to ensure that their behaviour does not adversely impact others.

**6.8 Consent**

- 6.8.1 A key element of sexual harassment is that it is unwelcome.
- 6.8.2 It is important to note that if a person does not object to inappropriate behaviour at the time, it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

**6.9 Intent**

- 6.9.1 The *Equal Opportunity Act 2010 (Vic)* and the *Sex Discrimination Act 1984 (Cth)* provide that sexual harassment occurs in circumstances in which the conduct was unwelcome and a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
- 6.9.2 Sexual harassment can still occur even when a harasser does not intend it. Motive is irrelevant; the test focuses on how the behaviour is received by the other person. It is the responsibility of every Individual to ensure that they do not engage in any behaviour that could amount to sexual harassment.
- 6.9.3 The City will not excuse sexual harassment that was intended as a joke if it meets the legal definition of sexual harassment.

**6.10 Technology and social media**

- 6.10.1 Sexual harassment can occur through electronic means (such as emails or text messages or by viewing pornographic websites) and through social media, Councillors are subject to the same rules about sexual harassment in the virtual world as they are in the real world.
- 6.10.2 As such, Councillors are required to use technology and social media responsibly and in relation to anything or anyone associated with their role of a Councillor.

**6.11 Bystander intervention**

- 6.11.1 Bystanders who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment.
- 6.11.2 Bystanders that are aware of sexual harassment are encouraged to:
  - (a) Provide support to the Individual who is being subjected to sexual harassment;
  - (b) Formally or informally challenge concerning behaviour; and
  - (c) Report sexual harassment.
- 6.11.3 The standard that people walk past is the standard that people accept.



### **Councillor Prevention of Sexual Harassment Policy**

- 6.11.4 Councillors who are bystanders to sexual harassment involving an Individual or a member of the public, in the course of performing their duties, must report this in accordance with the Dispute Resolution process of the Councillor Code of Conduct.
- 6.11.5 A Bystander may wish to remain anonymous and where appropriate, anonymity will be provided. In certain circumstances it may not be possible to keep the identity of a person, or people providing information, confidential. In some situations, a respondent may need to be provided with the full details of allegations when consideration of procedural fairness and natural justice are taken into account.

#### **6.12 Failure to comply**

- 6.12.1 Failure to comply with this policy may lead to a breach of the Councillor Code of Conduct.
- 6.12.2 Non-compliance with this policy may breach applicable anti-discrimination, equal employment opportunity or health and safety laws and may result in legal proceedings being commenced against the Individual. In the event of legal proceedings, Individuals may be exposed to legal costs, penalties, orders to pay compensation and even imprisonment in some circumstances.

#### **Support Options**

#### **6.13 Contacts**

- 6.13.1 A range of options are available to provide advice and support in regard to sexual harassment. The City's primary contacts include:
  - (a) Mayor or Deputy Mayor
  - (b) CEO
  - (c) Councillor Conduct Officer
- 6.13.2 Relevant external service providers are listed in the attachment.

#### **6.14 Employee Assistance Program**

- 6.14.1 Councillors at the City are entitled to professional and confidential counselling free of charge via our EAP. Councillors can access EAP by contacting Converge International on 1300 687 327 or by visiting [www.convergeinternational.com.au](http://www.convergeinternational.com.au).
- 6.14.2 The EAP is staffed by independent qualified practitioners.

#### **7. REVIEW**

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@Bendigo.vic.gov.au](mailto:corporate.governance@Bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.



**Councillor Prevention of  
Sexual Harassment Policy**

**8. ROLES AND RESPONSIBILITIES**

8.1 In accordance with section 28 of the *Local Government Act 2020 (Vic)*:

8.1.1 The role of every Councillor is to:

- (a) participate in the decision making of the Council
- (b) represent the interests of the municipal community in that decision making
- (c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

8.1.2 In performing the role of a Councillor, a Councillor must:

- (a) consider the diversity of interests and needs of the municipal community
- (b) support the role of the Council
- (c) acknowledge and support the role of the Mayor
- (d) act lawfully and in accordance with the oath or affirmation of office
- (e) act in accordance with the standards of conduct
- (f) comply with Council procedures required for good governance.



### **Councillor Prevention of Sexual Harassment Policy**

- 8.2 For the purpose of clarification in given effect to this Policy, Councillor duties may include, but are not limited to:
- 8.2.1 attendance at meetings of Council and its committees
  - 8.2.2 attendance at briefing sessions, workshops, civic events or functions convened by Council
  - 8.2.3 attendance at conferences, workshops and training programs related to the role of Councillor, Mayor or Deputy Mayor
  - 8.2.4 attendance at meetings, events or functions representing Council
  - 8.2.5 duties in relation to constituents concerning Council business.
- 8.3 All Councillors must:
- 8.3.1 Comply with this policy;
  - 8.3.2 Model appropriate behaviour;
  - 8.3.3 Participate in any training mandated by the CEO and Mayor, including completing any assessments;
  - 8.3.4 Treat information in relation to claims of sexual harassment with appropriate confidentiality;
  - 8.3.5 Ensure that a person is not victimised for making, or being involved in, a sexual harassment complaint; and
  - 8.3.6 Act in accordance with the Councillor Code of Conduct and the City's values, policies and procedures.
- 8.4 This Policy also applies to members of Council Delegated Committees members when undertaking duties in accordance with their agreed role.

## **9. RELATED DOCUMENTS**

- 9.1 The following documents are related to this Policy:
- 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
  - 9.1.2 [Councillor Code of Conduct](#)
  - 9.1.3 Councillor Appropriate Behaviour Policy
  - 9.1.4 Councillor Communication & Information Policy
  - 9.1.5 Community Complaints Against a Councillor Policy

## **10. HUMAN RIGHTS COMPATIBILITY**

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.



## Councillor Prevention of Sexual Harassment Policy

### 11. ADMINISTRATIVE UPDATES

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a City unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation and by resolution of Council only.

### 12. DOCUMENT HISTORY

| Date Approved | Responsible Officer      | Unit             | Change Type           | Version |
|---------------|--------------------------|------------------|-----------------------|---------|
| July 2021     | Manager People & Culture | People & Culture | Developed (Staff)     | 1       |
| Feb 2022      | Manager Governance       | Governance       | Revision (Councillor) | 1.1     |

### 13. ATTACHMENTS

- 13.1 External Support, Information and Advice



**Councillor Prevention of  
Sexual Harassment Policy**

**Attachment 1 - External Support, Information and Advice**

All Councillors, employees, volunteers and work-experience students can access free and confidential counselling, coaching and support for workplace and personal issues from the **Employee Assistance Program**. Appointments can be made via phone: 1300 687 327, email: [eap@convergeintl.com.au](mailto:eap@convergeintl.com.au) or the provider's website: [www.convergeinternational.com.au](http://www.convergeinternational.com.au)

A Councillor, employee, volunteer, contractor or work-experience student who believes that they have experienced or been affected by Sexual Harassment may also wish to access other support services listed below.

**Victorian Centres Against Sexual Assault (CASA)**

CASA provides confidential support and intervention for women, children and men who are victim-survivors of sexual assault and who have experienced or been affected by Sexual Harassment.

Phone: 1800 806 292 (24 hours)  
Email: [casa@thewomens.org.au](mailto:casa@thewomens.org.au)  
[casacv@casacv.org.au](mailto:casacv@casacv.org.au) (local)  
Web: [casa.org.au](http://casa.org.au)  
[casacv.org.au](http://casacv.org.au) (local)

**Victorian Sexual Assault Crisis Line (SACL)**

SACL provides advice on services available in cases of sexual assault (emergency healthcare, protection services, police complaints processes).  
Phone: 1800 806 292 (24 hours) – diverts to local CASA services during standard business hours  
Email: [SACLFeedback@thewomens.org.au](mailto:SACLFeedback@thewomens.org.au)  
Web: [sacl.com.au](http://sacl.com.au)  
Police/emergency contact line: (03) 8345 3494  
SACL admin line: (03) 8345 3201

**National Sexual Assault, Domestic Family Violence Counselling Service**

**(1800RESPECT)** Qualified and experienced counsellors provide free telephone and online counselling, information and assistance to access other services.

Phone: 1800RESPECT (1800 737 732) (24 hours)  
Web: [1800respect.org.au](http://1800respect.org.au)



**Attachment 8 - 7 - Notice - Local Law - Process of Municipal Government**

## **NOTICE OF REVOCATION AND REVISION OF LOCAL LAWS**

In accordance with Division 3 of Part 3 of the Local Government Act 2020 (the Act) the Greater Bendigo City Council provides this notice of the intent to:

- Revoke the Local Law Process of Municipal Government (2020)
- Revise the Community Local Law
- Revise the Local Law No. 10 - Administration

This notice addresses the following items, as per section 73(3):

(a) the objectives of the proposed local law changes:

The objectives of these changes are to:

- Remove the content of the Local Law Process of Municipal Government (2020) that is now contained within the Governance Rules;
- Continue to consolidate all Local Laws as part of the City's continuous improvement plan; and
- Ensure alignment between the newly created Part to the Community Local Law (Part E) and the Local Law No. 10 – Administration.

The objective of the newly created Part to the Community Local Law (Part E) remains:

- To regulate the use of the common seal of the municipality;
- To aid the enforcement of the Governance Rules to maintain order;
- To promote and encourage good governance.

(b) the intended effect of the proposed local law changes:

The intended effects of these changes are to:

- Remove the content of the Local Law Process of Municipal Government (2020) that is now contained within the Governance Rules;
- Move the remaining content of the Local Law Process of Municipal Government (2020) into the Community Local Law; and
- Ensure the offences and penalties for the contravention of the Governance Rules are aligned between Community Local Law (Part E) and the Local Law No. 10 – Administration.

(c) a copy of the proposed local law is available for inspection at:

City of Greater Bendigo office, 15 Hopetoun Street or online at [www.letstalkgreaterbendigo.com.au/councillor-only-governance-documents](http://www.letstalkgreaterbendigo.com.au/councillor-only-governance-documents)

(d) the community engagement process that applies in respect of the making of the local law.

The proposed community engagement process is to inform and consult in accordance with the IAP2 spectrum of public participation, as per the City Community Engagement Policy.

**CRAIG NIEMANN**  
**CHIEF EXECUTIVE OFFICER**



[www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)

**Attachment 9 - 7a - Community Local Law Track**

**Greater Bendigo City Council  
Community Local Law**

Greater Bendigo City Council Community Local Law

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## **PART A - PRELIMINARY**

### **1.1 Title**

This is the Greater Bendigo City Council Community Local Law.

### **1.2 Power to make this Local Law**

This Local Law is made under Section 111 of the *Local Government Act 1989*.

### **1.3 Objectives of this Local Law**

The objectives of this **Local Law** are to:

- (a) provide for the peace, order and good governance of the municipal district,
- (b) provide a safe and healthy environment so that the community and visitors can enjoy a quality of life that meets its expectations,
- (c) prohibit, regulate and control activities, events, practices or behaviours in public places so that no detriment is caused to the amenity of the area, nor nuisance to a person nor detrimental effect to a person's property,
- (d) provide for the safe and fair use and enjoyment of public places,
- (e) provide for the safe and fair use of roads,
- (f) protect Council assets and land and regulate their use; and
- (g) to provide standards and conditions for certain activities in relation to the physical and visual environment within the municipality.

### **1.4 Commencement**

This Local Law comes into operation on the first day of September 2018.

### **1.5 Revocation of Local Law**

On the commencement of this Local Law the following City of Greater Bendigo Local Laws are revoked:

- Local Law no. 3 - Environment
- Local Law no. 4 - Streets and Roads
- Local Law no. 5 - Municipal Places Local Law

### **1.6 Application of this Local Law**

- (a) This Local Law applies throughout the whole of the Greater Bendigo City Council, except where it is indicated that a Clause or Schedule applies to specific areas.

- (b) This Local Law does not apply where any act or thing otherwise prohibited or regulate by this Local Law is authorised by any Act, Rule, Regulation or Planning Scheme.

#### 1.7 Cessation date

Unless this Local Law is revoked sooner its operation will cease on the day which is 10 years after the day on which it came into operation.

#### 1.8 Definitions

|                     |   |
|---------------------|---|
| Act                 | means the <i>Local Government Act 1989</i> <del>or <i>Local Government Act 2020</i></del> , whichever Act is relevant   |
| Advertising sign    | means any placard, notice board, sign, structure, banner, A-frame or similar device, whether portable or affixed to any structure, which is used for the purposes of soliciting sales or notifying persons of the presence of an adjacent property where goods or services can be obtained. |
| Amenity             | means a desirable or useful feature or facility of a building or place.   |
| Authorised Officer  | means a person appointed by Council under Section 224 of the <i>Local Government Act 1989</i> or a Police Officer appointed under Section 224A of the <i>Local Government Act 1989</i> .  |
| Barbecue            | means a structure or device:<br>(a) designed or constructed for the primary purpose of cooking food, and<br>(b) which is being used for the purposes of cooking food or is being prepared to cook such food.  |
| Busk/busking        | means to perform to the public, whether by acting, juggling and singing, playing a musical instrument or otherwise entertaining passers-by, with or without collecting money.   |
| Camp/camping        | means using a caravan, tent, swag, motor vehicle, shipping container, shed or like structure for residential accommodation (either temporary or permanent) by a person or persons, and 'camp' has corresponding meaning.  |
| Caravan/mobile home | means any campervan, mobile home or similar vehicle which includes sleeping and/or living facilities, whether manufactured or converted, and includes a caravan, camper trailer and other similar   |



towed living/sleeping trailer facility, whether or not any of the wheels or axles have been removed so the body of the structure is resting on the ground or other supports and includes structure annexed thereto.

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

Chief Executive Officer means the person appointed by Council to be its Chief Executive Officer or any person acting in that position.

Clause means a clause of this Local Law and sub-clause has a corresponding meaning.

Common seal means the common seal of Council

Council means the Greater Bendigo City Council

Outdoor Dining and Street Trading Code of Practice means a policy document that supports the City's decisions for approving outdoor dining and street trading, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.

Commercial Fitness Operator Policy means a policy document that supports the City's decisions for determining suitable commercial fitness activities, which is attached to this Local Law as an incorporated reference document and which may be amended from time to time.

Commercial means land zoned for the purpose of commercial uses and development as defined under the Greater Bendigo Planning Scheme.

Council means the Greater Bendigo City Council.

Council land means any land owned by or vested in or under the care, management and control of Council, and include, all roads, reserves and water courses.

Environmental Management Plan for Scheduled Reserves and Park Land means a list of Council owned or managed reserves, which specifies prohibited activities on those reserves for the protection and conservation of those reserves and which is attached to this Local Law as an incorporated reference document.

|                 |  |
|-----------------|--|
| Heavy vehicle   | has the same meaning as the <i>Road Safety Act 1986</i> .  |
| Incinerator     | means a structure or device able to be used for the purpose of burning matter, substance or material, but does not include a barbecue or pizza oven. |
| Industrial zone | means land zoned for the purpose of industrial uses and development as defined under the Greater Bendigo Planning Scheme.                            |
| Liquor          | means any alcoholic beverage, and any liquid is deemed to be liquor until the contrary is proven.  |
| Mall            | means that part of Hargreaves Street, Bendigo between Mitchell Street and Williamson Street.   |
| Motor vehicle   | has the same meaning as the <i>Road Safety Act 1986</i> .  |

Offence means an act or default contrary to this Local Law

Open air fire means a fire lit in the open air, not including a barbecue.

Outdoor dining facility means any approved area containing tables or chairs or both tables and chairs, located out of doors on a footpath or part of a road in which food or drink is served and may be consumed.

Penalty unit means penalty unit as prescribed in Section 110 of the Sentencing Act 1991

Procession means an organised group of people proceeding along a road or gathering for a ceremony or function and includes fun runs and bicycle events.

Properly constructed fireplace means a fireplace constructed of stone, metal, concrete or other non-flammable material in a manner which contains the perimeter of a fire.

Public place means, but not limited to:

- (a) any public highway, road, street, footway, court, mall, alley or thoroughfare, notwithstanding that it may be formed on private property;
- (b) any public garden, reserve or other place of public recreation or resort;
- (c) any open space to which the public have or are permitted to have access;
- (d) Crown Land;
- (e) Council land or land owned by or vested in any public Authority.

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|                                 |   |
|---------------------------------|---|
| Refuse                          | includes rubbish of a domestic or commercial nature (except sewage and manure) produced in or about any house, building or premises, but does not include trade waste from food manufacturing plants, or industrial waste material.   |
| Residential                     | means any land used predominantly for residential purposes and includes land in the Residential Growth, General Residential, Low Density Residential, Mixed Use, Township and Rural Living zones pursuant to the Greater Bendigo Planning Scheme.   |
| Road                            | means any area that is open to or used by the public and is developed for, or has as one of its main uses, the driving of motor vehicles and includes a street, right of way, a public road under the <i>Road Management Act 2004</i> , footpath, bridge, bicycle path nature strip and other land or works forming part of the road. |
| Responsible road authority      | means the road Authority which has operational functions as determined in accordance with Section 37 of the <i>Road Management Act 2004</i> .   |
| Solid fuels                     | means heat beads, briquettes and dry timber.  |
| Street party                    | means an organised, recreational, cultural, commercial or social gathering of people held on a road.  |
| Street trading                  | means the use of a road or part thereof, including a footpath, for the sale or display of goods or signs or for an outdoor dining area, whether or not such activity has been approved by the Council.  |
| Traffic                         | means the movement of people by foot or in or on vehicles, along, across or within a road.  |
| Toy vehicle                     | means recreational equipment designed to be propelled by human power and includes a skateboard, scooter, roller and in-line skates.   |
| Vehicle                         | has the same meaning as the <i>Road Safety Act 1986</i> .   |
| Waste receptacle                | means a wheeled garbage bin approved by Council.  |
| Waste Services Code of Practice | means a policy document supporting the City's kerbside collection service, which is attached to this  |

Local Law as an incorporated reference document and which may be amended from time to time.

#### **1.9 Administration**

- (a) Notices to Comply, Notices of Impounding, Infringement Notices and Permits for this Local Law may be issued by an Authorised Officer pursuant to the Administration Local Law No. 10.
- (b) A Police Officer appointed as an Authorised Officer pursuant to Section 224a of the *Local Government Act 1989*, may serve an Infringement Notice on any person believed to have contravened or failed to comply with Clause 4.1 of this Local Law.

#### **PART B - ENVIRONMENT**

#### **2.1 Kerbside waste collection**

- (a) The occupier(s) of any premise where a kerbside waste collection service is provided shall use waste receptacles which are approved by Council.
- (b) In Residential areas, waste receptacles shall not be placed outside the property boundary except within twenty four (24) hours either side of the day of refuse collection.
- (c) In Commercial areas waste receptacles shall not be placed outside the property boundary between 10.00am (1000hrs) and 5:30pm (1730hrs) each day, regardless of the frequency of collection.
- (d) Municipal litter bins must not be used for the disposal of general residential or commercial waste.
- (e) The occupier(s) of any premises where a kerbside waste collection service is provided will have regard to any matters prescribed within the City of Greater Bendigo's Waste Services Code of Practice.

**PENALTY: Two penalty units**

#### **2.2 Open air burning**

This section applies to all land within the Greater Bendigo Municipality, including land zoned Commercial or Industrial under the Greater Bendigo Planning Scheme.

- (a) A person must not light an incinerator at any time.

**PENALTY: Two penalty units**

- (b) A person must not light or allow to be lit, or allow to remain alight any fire in the open air during the declared Fire Danger Period as specified by the

Country Fire Authority, unless authorised by a written permit issued under the *Country Fire Authority Act 1958*.

**PENALTY: Five penalty units**

- (c) Unless prohibited pursuant to any Act, Regulation or fire danger period, a person may only light an open air fire for cooking or warmth, provided only dry solid fuels are used and that the fire is in:-
  - (i) a barbeque; or
  - (ii) a properly constructed fire place.

**PENALTY: Three penalty units**

- (d) An open air fire constructed for warmth or cooking shall:-
  - (i) be located no closer than 3 metres to the property boundary or 3 metres to any building; and
  - (ii) be cleared of flammable material for a minimum radius of 3 metres; and
  - (iii) not occupy an area in excess of 1 metre square and the size and dimensions of solid fuel used are the minimum necessary for the purpose; and
  - (iv) must not be used when the wind speed in the vicinity of the fire is stronger than 15kph; and
  - (v) be supervised by an adult at all times whilst an open air fire is being used and who shall ensure that there is immediately available a container of not less than 9 litres of water or a charged hose for safety precautions; and
  - (vi) must use dry solid fuel, untreated timber; and
  - (vii) shall not cause a nuisance to neighbours.

**PENALTY: Three penalty units**

- (e) This clause applies only to land one (1) hectare or less in size.
  - (i) A person shall not without a written permit from an Authorised Officer light an open air fire to burn dry solid fuels for fuel reduction purposes only unless authorised pursuant to an Act or Regulation.

**PENALTY: Three penalty units**

- (ii) A person who has lit or allowed to remain lit a fire in the open air to burn dry solid fuels without a permit from an Authorised Officer must immediately extinguish same when directed to do so by an Authorised Officer, Police Officer or an officer or member of a Fire Authority acting in an official capacity.

**PENALTY: Three penalty units**

- (f) This clause applies only to land greater than one (1) hectare in size:-
  - (i) Any person before lighting an open air fire to burn dry solid fuel for fuel reduction purposes, must ensure that it does not exceed any of the prescribed dimensions of 4 metres width, 4 metres length and 3 metres in height, unless authorised by a written permit to do so.

**PENALTY: Five penalty units**

- (ii) Subsection (i) does not apply to the owner or occupier of any land or a person acting under the direction of an owner or occupier of any land conducting a burn for primary production or broad acre farming purposes.
- (g) In determining whether to issue a permit under clause (f)(i), the Authorised Officer shall have regard to whether the permit is required in order to protect property, the general health of the community or any other purpose that in the opinion of the Authorised Officer is deemed to be a reasonable request.
- (h) Any person before lighting an open air fire must ensure that before the open air fire is lit, it must:-
  - (i) not be located closer than 3 metres to the property boundary or 3 metres to any building; and
  - (ii) is cleared of flammable material for a minimum radius of 3 metres; and
  - (iii) not be lit when the wind speed in the vicinity of the fire is stronger than 15kph; and
  - (iv) be supervised by an adult at all times whilst an open air fire is being used and who shall ensure that there is immediately available a container of not less than 9 litres of water or a charged hose for safety precautions; and
  - (v) must use dry, untreated timber; and
  - (vi) shall not cause a nuisance to neighbours.

**PENALTY: Three penalty units**

- (i) Before an open air fire is lit the property owner or responsible person must notify adjoining neighbours and the Emergency Services Telecommunications Authority (ESTA), or relevant Authority of their intention to light an open air fire.

**PENALTY: Three penalty units**

**2.3 Burning of materials causing offence**

- (a) A person shall not burn or cause to be burned any of the following or any



substance containing any of the following:-

- (i) manufactured chemicals; or
- (ii) rubber or plastic; or
- (iii) petroleum, oil or derivative thereof; or
- (iv) paint or receptacle which contains or which contained paint, food waste, fish or other offensive or noxious matter; or
- (v) explosive material; or
- (vi) container which may cause an explosion; or
- (vii) green waste or damp garden refuse including leaves; or
- (viii) cardboard or newspaper; or
- (ix) any other material deemed offensive or dangerous by an Authorised Officer of the Council.

**PENALTY: Five penalty units**

#### **2.4 Motor vehicles on Council land**

- (a) A person shall not cause or permit a motor vehicle to be on Council land other than:-
  - (i) on a road; or
  - (ii) in a designated parking area; or
  - (iii) in an area where provision has been specifically made for the entry or accommodation of motorised vehicles.

**PENALTY: Five penalty units**

- (b) Any person responsible for a breach of subsection (a) shall meet the costs incurred by Council of any repair or reinstatement works considered by Council to be necessary as a result of damage caused by such vehicle.
- (c) Subsection (a) shall not preclude the entry onto public land of an emergency vehicle, City of Greater Bendigo Council vehicle or a vehicle operated by a Public Authority.

#### **2.5 Dangerous or unsightly land**

Unless otherwise permitted by a permit issued pursuant to the Greater Bendigo Planning Scheme, an owner or occupier of land must ensure that the land in the opinion of an Authorised Officer:-

- (a) does not constitute a danger to health or property,
- (b) does not constitute a fire hazard,
- (c) is not unsightly or detrimental to and does not adversely affect the general amenity of the adjoining land or the neighbourhood by the appearance of (including but not limited to):-
  - (i) stored unregistered motor vehicles;
  - (ii) machinery or any parts thereof;

- (iii) scrap metal;
- (iv) second hand timber and or building materials;
- (v) waste paper;
- (vi) rags;
- (vii) bottles;
- (viii) soil or similar materials;
- (ix) overgrown vegetation.

- (d) is not used in any manner that may cause a nuisance or become detrimental to the amenity of the immediate area.

**PENALTY: Five penalty units, and one penalty unit for each day after a finding of guilt by any Court during which the breach continues.**

## **2.6 Heavy Vehicles**

- (a) It is an offence for a person to allow a heavy vehicle to be parked, kept, stored or repaired on any property in a Residential area without a permit issued by the Chief Executive Officer or his/her delegate.

**PENALTY: Five penalty units, and one penalty unit for each day after a finding of guilt by any Court during which the breach continues.**

- (b) In determining whether to grant a permit for the purposes of sub-clause (a), the Authorised Officer shall have regard to-
  - (i) the possible impacts on adjoining properties; and
  - (ii) the amenity of the area; and
  - (iii) any other matters considered relevant by the Chief Executive Officer or his/her delegate.
- (c) A permit will not be granted under sub-clause (a) unless the following minimum conditions are complied with:-
  - (i) the engine of such vehicles shall not be started before 6.00am; and
  - (ii) no exhaust breaks shall be used when parking; and
  - (iii) animals shall not be housed within the heavy vehicle when stationary; and
  - (iv) operation of any compressor driven refrigeration unit on the vehicle shall not be permitted; and
  - (v) parking of the heavy vehicle shall not cause any visual obstruction for motorists using adjoining roads or driveways; and
  - (vi) any other matter considered relevant by the Chief Executive Officer or his/her delegate.

## **2.7 European wasps and bees**

- (a) Any person who is the owner or occupier of any land upon which is located a colony of European wasps, shall cause all such colonies to be destroyed in such a manner that ensures that all the wasps are killed

within five (5) days of being directed to do so by an Authorised Officer.

**PENALTY: One penalty unit**

- (b) Any person who is the owner or occupier of any land upon which is located an unmanaged or abandoned colony of bees, shall cause all such colonies to be removed or destroyed in such a manner that ensures that the colony is removed or destroyed within five (5) days of being directed to do so by an Authorised Officer.

**PENALTY: One penalty unit**

#### **2.8 Protection and preservation of scheduled Council reserves and parkland**

- (a) A person shall not, within any area listed in the Environmental Management Plan Scheduled Reserves and Park Land, carry out any activity prohibited in that schedule.

**PENALTY: Five penalty units**

- (b) The Environmental Management Plan Scheduled Reserves and Park and is attached to this Local Law.

## **PART C - STREETS & ROADS**

### **3.1 Vehicle crossings**

This section applies to all properties which have vehicles accessing them.

- (a) Require by written notice that the vehicle crossing be constructed, modified or replaced, so that it complies with Council's approved standard drawings for vehicle crossings.
- (b) Notice in writing shall specify reasonable time for compliance with sub-clause (a) failure to comply with the notice in the specified time frame is an offence.

**PENALTY: Five penalty units**

### **3.2 Advertising signs placed on roads**

- (a) A person shall not place an advertising sign on any part of a road without a permit from the Chief Executive Officer or his/her delegate

**PENALTY: Five penalty units**

- (b) In considering whether to grant a permit for an advertising sign on any part of a road the Chief Executive Officer or his/her delegate shall have regard to the following criteria:-
  - (i) any matter prescribed within the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice,
  - (ii) such sign shall be suitably constructed and weighted to be safe and stable in strong winds
  - (iii) such advertising sign shall be located to ensure a clear footway area measuring a minimum of 1.8 metres from the property frontage and a minimum of 0.75 metres from the face of the kerb
  - (iv) such signage shall be placed where it does not affect traffic visibility
  - (v) such signage shall not be placed on a median roundabout, tree reserve or other public reserve
  - (vi) public liability insurance shall be provided by the owner of such signage to a sum specified by Council.
- (c) An Authorised Officer may impound any advertising sign erected or placed on any part of a road contrary to Clauses 3.2 (a) and (b). An Authorised Officer may take all reasonable steps to facilitate the impounding of such signs. Where such steps are taken Council and the Authorised Officer whether together or individually shall not be liable for any reinstatement costs.

**3.3 Sale of motor vehicles or goods on roads or road reserves.**

- (a) A person must not park a vehicle or goods on a road or public place as defined under Clause 1.8 of the Local Law while that vehicle displays a sign or inscription which promotes or advertises the sale of the vehicle.

**PENALTY: Five penalty units**

- (b) An infringement for this offence may be served in the same manner as section 12(c) of the *Infringements Act 2006*.

**3.4 Waste skip bins placed on the road or road reserve.**

- (a) A person must not without a permit, place a waste skip bin on any road or road reserve.

**PENALTY: Five penalty units**

- (b) In considering whether to grant a permit for any waste skip bin on any part of a road the Chief Executive Officer or his/her delegate shall have regard to the following criteria:
  - (i) Vic Roads Code of Practice for the Placement of Waste Bins on Roadsides 2001, with any amendments or its successor is incorporated into this Local Law; and
  - (ii) public liability insurance shall be provided by the owner of such waste skip bin to a sum specified by Council.

**3.5 Occupancy of footpath or road reserve for works.**

- (a) A person must not occupy a footpath or road reserve to conduct works on private property without a permit.

**PENALTY: Five penalty units**

- (b) In considering whether to grant a permit to temporarily occupy a footpath or road reserve, on any part of a road, the Chief Executive Officer or his/her delegate shall have regard to the following criteria:
  - (i) safety and amenity of other users of the footpath/or road reserve; and
  - (ii) public liability insurance shall be provided by the person conducting the works to a sum specified by Council.

**3.6 Third party advertising on footpaths or road reserves.**

- (a) Third party advertising and promotion is not permitted on footpaths or road reserves.

**PENALTY: Two penalty units**

- (b) A person wishing to install street art, information signage on the footpath or road reserve must obtain a permit.

**PENALTY: Two penalty units**

- (c) In considering whether to grant a permit the Chief Executive Officer or his/her delegate shall have regard to the following criteria:
  - (i) safety and amenity of other users of the footpath/or road reserve; and
  - (ii) public liability insurance shall be provided by the person conducting the activity to a sum specified by Council.



**PART D - MUNICIPAL PLACES**

**4.1. Consumption of Liquor**

- (a) A person must not:
- (i) in or at a public place; or
  - (ii) in or on a vehicle which is in or at a public place

consume any liquor, or have any liquor in their possession or under their control, other than in a sealed container, in or on any public place located in areas proclaimed by Council, unless the public place is part of a licensed premises or authorised premises pursuant to the *Liquor Control Reform Act 1998*.

**PENALTY: Five penalty units**

- (b) The Chief Executive Officer or his or her delegate may grant a permit for the consumption of any liquor or for the possession of liquor in an unsealed container in any public place within a location proclaimed by Council.
- (c) In determining whether to grant a permit, the Chief Executive Officer or his or her delegate shall have regard to:
- (i) the nature of the event at which the liquor is to be consumed; and
  - (ii) any other matter considered relevant by the Chief Executive Officer or his or her delegate.

**PENALTY: Five penalty units**

**4.2 Designation of smoke-free zones within the municipality**

- (a) The Council, or the Chief Executive Officer under delegation, may designate by Notice in the Government Gazette an area or areas within the municipality as a smoke-free zone.
- (b) The Notice referred to in sub-section (a) must:
- (i) specify the date on which the designation has effect; and
  - (ii) be published in a newspaper circulating in Victoria; and
  - (iii) be kept in a register of designations under this clause available for public inspection.
- (c) The Council must cause any area designated under sub-section (a) to be sufficiently signed to reasonably notify members of the public it is a smoke-free zone and smoking is prohibited.
- (d) It is an offence for a person to smoke within an area designated under sub-clause (a).

**PENALTY: Two penalty units**

- (e) For the purpose of sub-clause (d) **smoke** means smoke, hold or otherwise have control over an ignited or heated tobacco product; or use an e-cigarette to generate or release an aerosol or vapour.

**4.3 Activities in public places**

- (a) It is an offence for a person while in a public place to:
  - (i) speak to an assembly of people; or
  - (ii) use amplifying equipment; or
  - (iii) perform or conduct any form of entertainment or instruction; or
  - (iv) hold a street party, procession, demonstration or other like assembly; or
  - (v) erect any booth, kiosk, tent or other temporary building structure or display; or
  - (vi) use Council owned or managed land or facilities for the purpose of commercial gain or events

without a permit issued by the Chief Executive Officer or his/her delegate.

**PENALTY: Five penalty units**

- (b) In determining whether to grant a permit for the purposes of sub-clause (a), the Chief Executive Officer or his/her delegate shall have regard to:
  - (i) any matter prescribed within the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice as amended from time to time;
  - (ii) any matter prescribed within Commercial Fitness Operator Policy as amended from time to time;
  - (iii) in relation to businesses operating adjacent to roads and road reserves, whether the consent of Victoria Police or VicRoads is required and obtained; and
  - (iv) any other matter considered relevant by the Chief Executive Officer or his/her delegate.
- (c) It is an offence for a person while in a public place to use or allow to be used any object or thing as to endanger, harm, intimidate, unduly obstruct or hinder any other person or vehicle using or intending to use the same area, or damage any public building, structure, furniture, object or fitting.

**PENALTY: Five penalty units**

**4.4. Activities in the Mall**

- (a) A person shall not without a permit from the Chief Executive Officer or his or her delegate:

- (i) display or erect any advertisement, notice, plaque or sign: except in Council approved community signage boards; or
  - (ii) conduct an event or activity; or
  - (iii) use Council owned or managed land or facilities for the purposes of commercial gain; or
  - (iv) perform any form of entertainment; or
  - (v) disrupt the flow of pedestrian traffic.
- (b) A person who desires to obtain a permit for such purposes shall make written application in the approved form. The application shall be lodged with Council and shall be accompanied by the prescribed fee and any such other information as Council may require as prescribed in the Code of Practice.
- (c) Dogs must be kept on a lead within the Mall at all times.

**PENALTY: Two penalty units**

#### **4.5. Street trading and outdoor dining facility**

- (a) A person shall not without a permit, engage in Street Trading or erect or place an Outdoor Dining Facility on any footpath or part of a road.

**PENALTY: Ten penalty units**

- (b) In determining whether to grant permission, the Chief Executive Officer or his or her delegate shall have regard to:
- (i) matters prescribed by the City of Greater Bendigo's Outdoor Dining and Street Trading Code of Practice; and
  - (ii) any other matter considered relevant by the Chief Executive Officer or his or her delegate.
- (c) It is an offence for a person to not comply with all conditions relevant to the approval given.

**PENALTY: Ten penalty units**

#### **4.6 Camping and caravans**

- (a) A person shall not without a permit occupy a tent, caravan or other temporary or make-shift structure in any public place.
- (b) A person shall not occupy a tent, caravan or other temporary or makeshift structure on private property for more than a total of 21 days in any calendar year, without a permit.
- (c) Subclauses (a) and (b) of this Clause do not apply to persons within an area registered under the Residential Tenancy Act 1997 or camping within a recognised camping reserve.

- (d) In determining whether to grant a permit pursuant to this Clause the Chief Executive Officer or his or her delegate shall have regard to:
  - (i) whether the amenity of the area will be detrimentally affected,
  - (ii) whether adequate facilities will be available to occupants; and
  - (iii) any other matter considered relevant by the Chief Executive Officer or his/her delegate.

Such a permit shall not be granted for a period greater than six months unless special circumstances apply:

- (e) A person wishing to obtain a permit to occupy a caravan upon a property where that person intends to build a dwelling must satisfy the following criteria:
  - (i) have a current valid building permit for the dwelling,
  - (ii) have installed an approved onsite wastewater management system or be connected to reticulated sewerage system,
  - (iii) have installed proper sanitation facilities as required by Councils Environmental Health Officers; and
  - (iv) that all domestic refuse will be adequately disposed of.

Such a permit shall not be granted for a period greater than six months but is renewable subject to the Council being satisfied as to the progress of the construction of the dwelling. The application must be in writing and give appropriate details of the proposed living arrangements whilst the dwelling is being constructed.

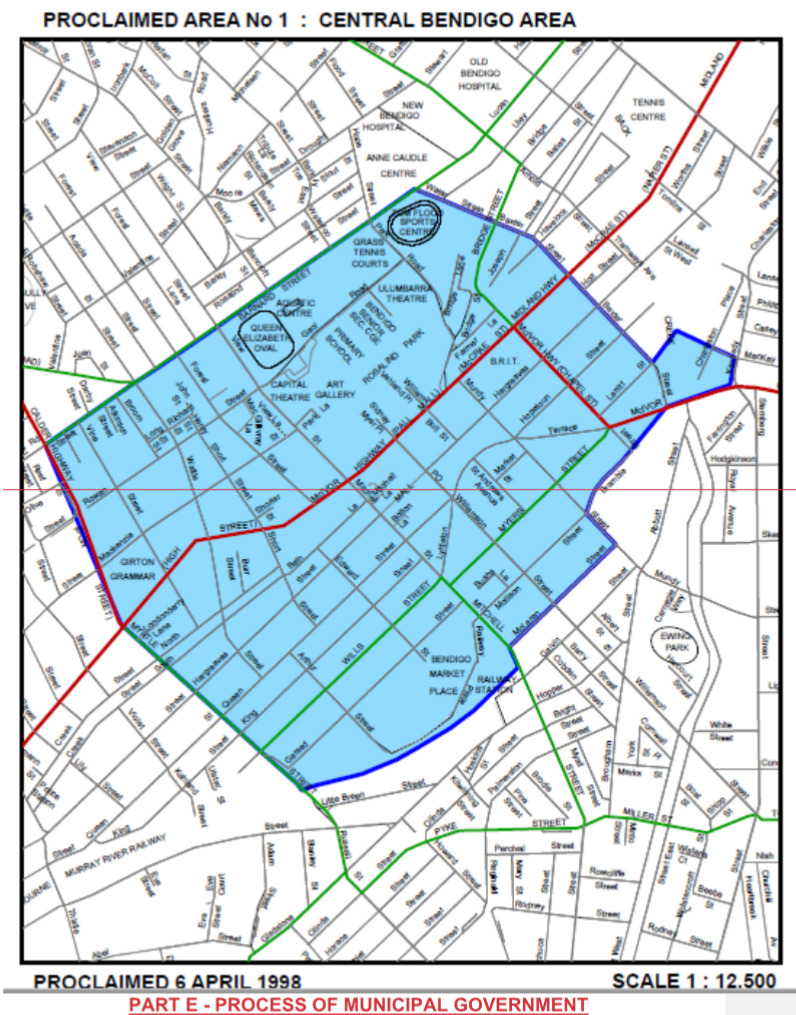
**PENALTY: Five penalty units**

#### **4.7 Behaviour**

A person must not in, on or within the hearing or sight of a public place:

- (a) cause or commit any nuisance;
- (b) adversely affect the amenity of that public place;
- (c) interfere with the use or enjoyment of that public place or the personal comfort of another person in or on that public place;
- (d) annoy, molest or obstruct any other person in or on that public place;
- (e) defecate or urinate except in a toilet or urinal (as the case may be) in a public convenience; or
- (g) use any threatening, abusive or insulting words.

**PENALTY: Ten penalty units**



**5.1. Use of the Common Seal**

(a) The Council's common seal must only be used on the authority of the Council and every document to which the seal is affixed must be signed by the Chief Executive Officer or his/her delegate.

(b) The CEO must ensure the security of the Council's common seal at all times.

(c) Any person who uses the Council's common seal without authority is guilty of an offence.

**PENALTY: Two Penalty Units**

**5.2. Maintenance of Order**

(a) It is an offence for any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.

**PENALTY: Two Penalty Units**

(b) It is an offence for a Councillor to not withdraw an expression, considered by the Chairperson to be offensive or disorderly, and satisfactorily apologise when called upon twice by the Chairperson to do so.

**PENALTY: Two Penalty Units**

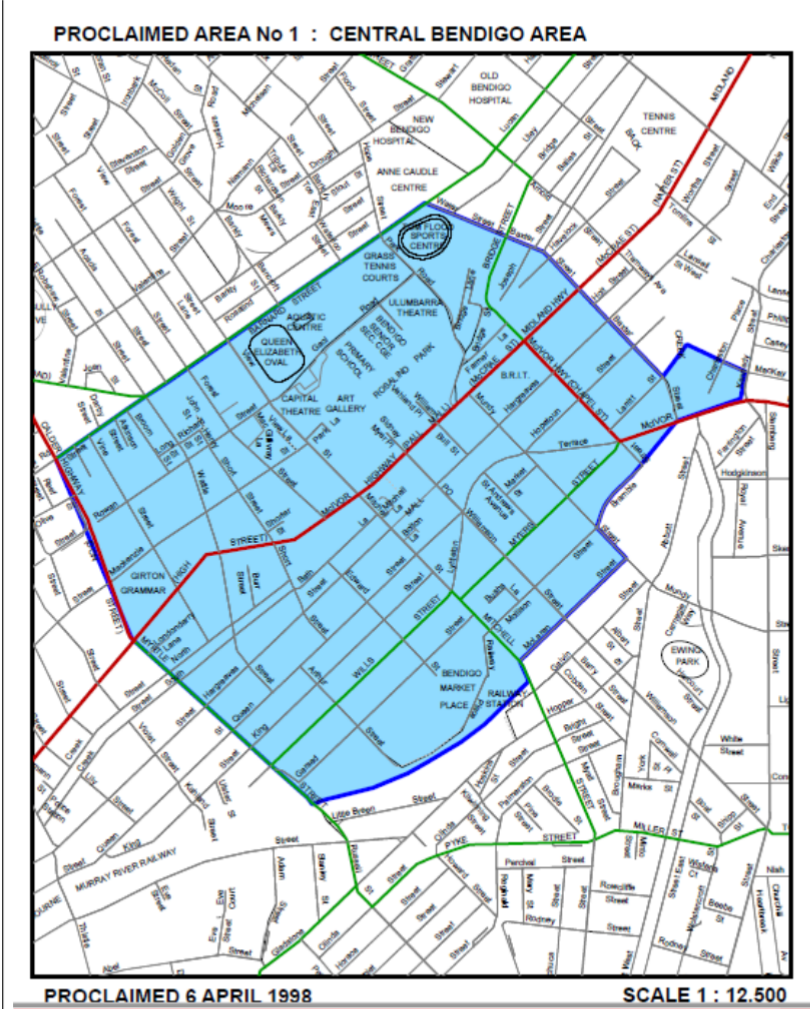
(c) It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave when requested by the Chairperson to do so.

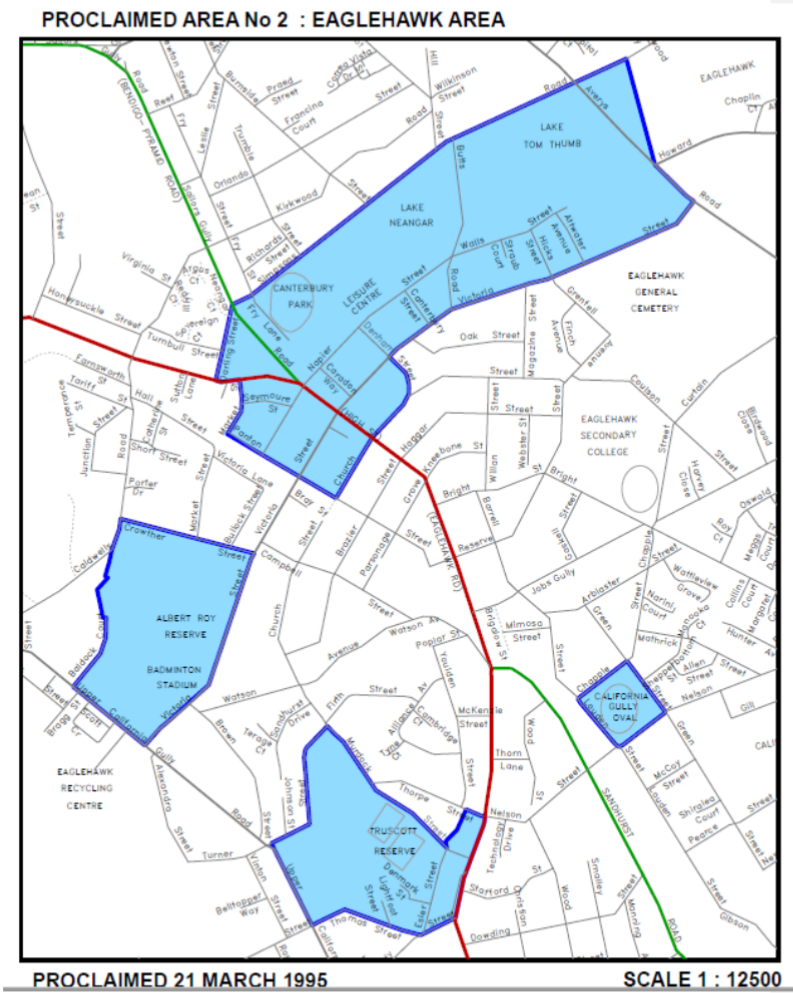
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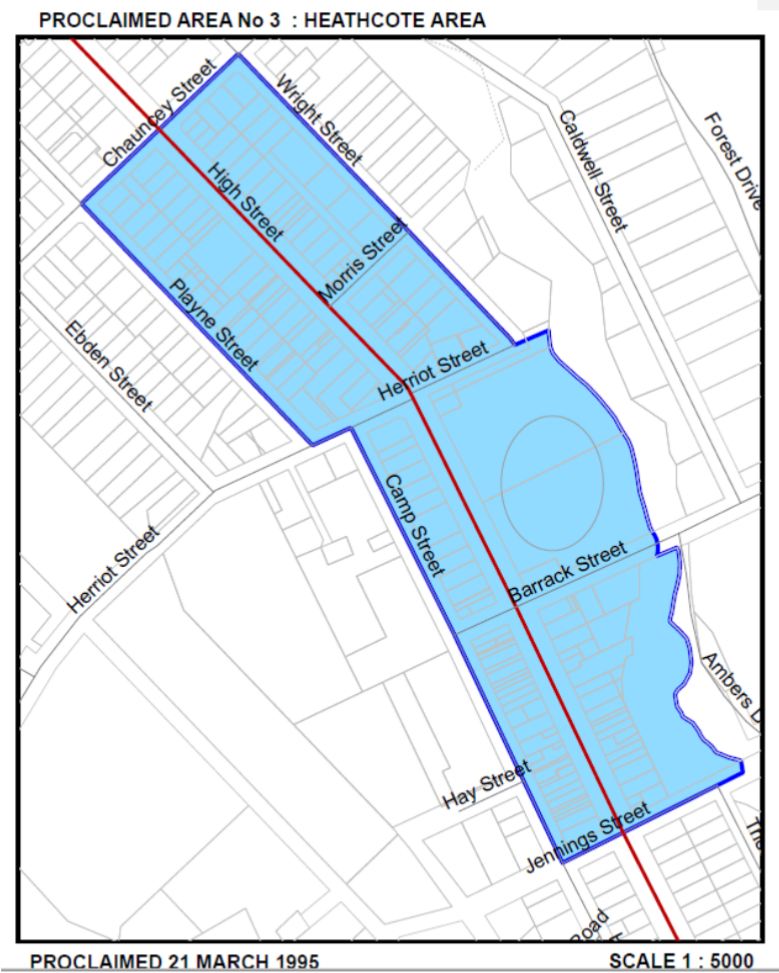
(d) It is an offence for a Councillor to refuse to leave the chamber on suspension.

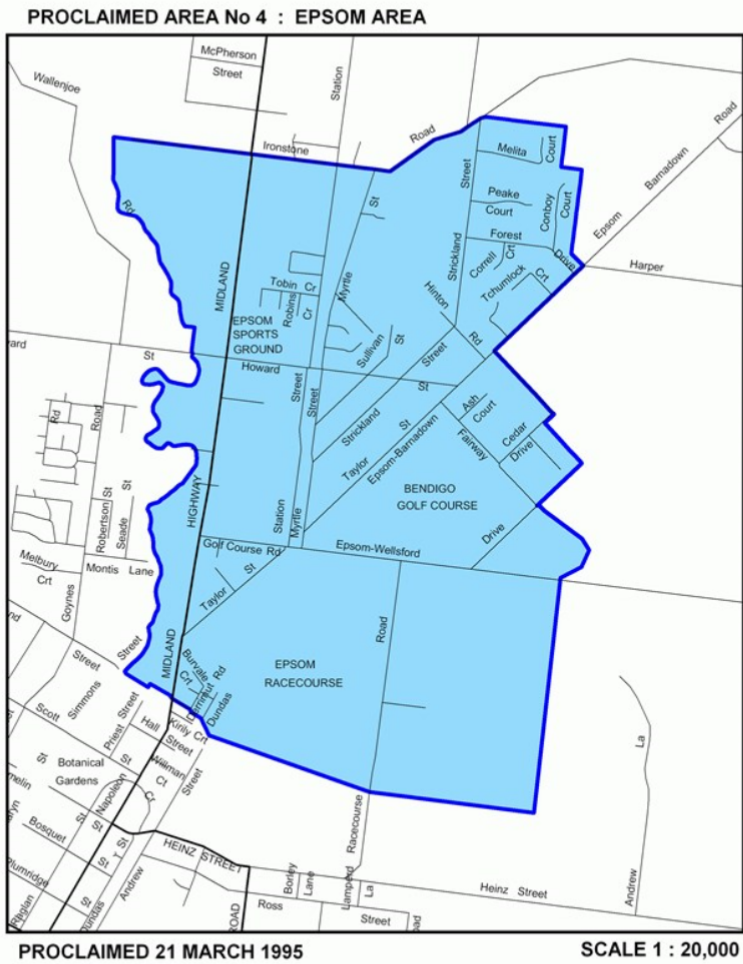
**PENALTY: Five Penalty Units**

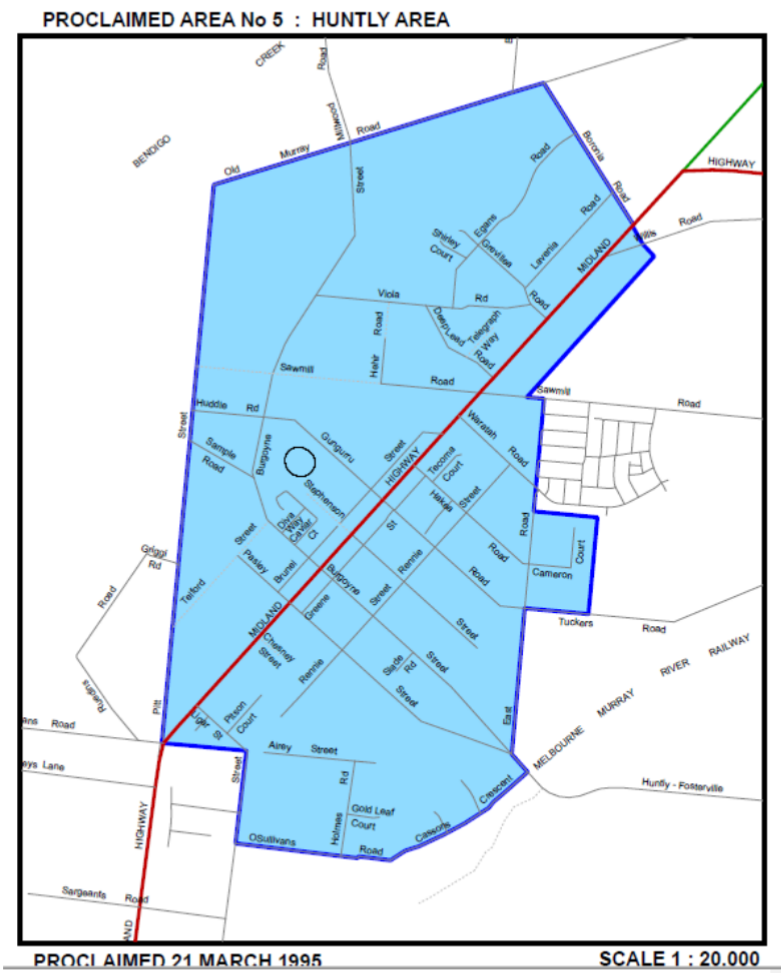


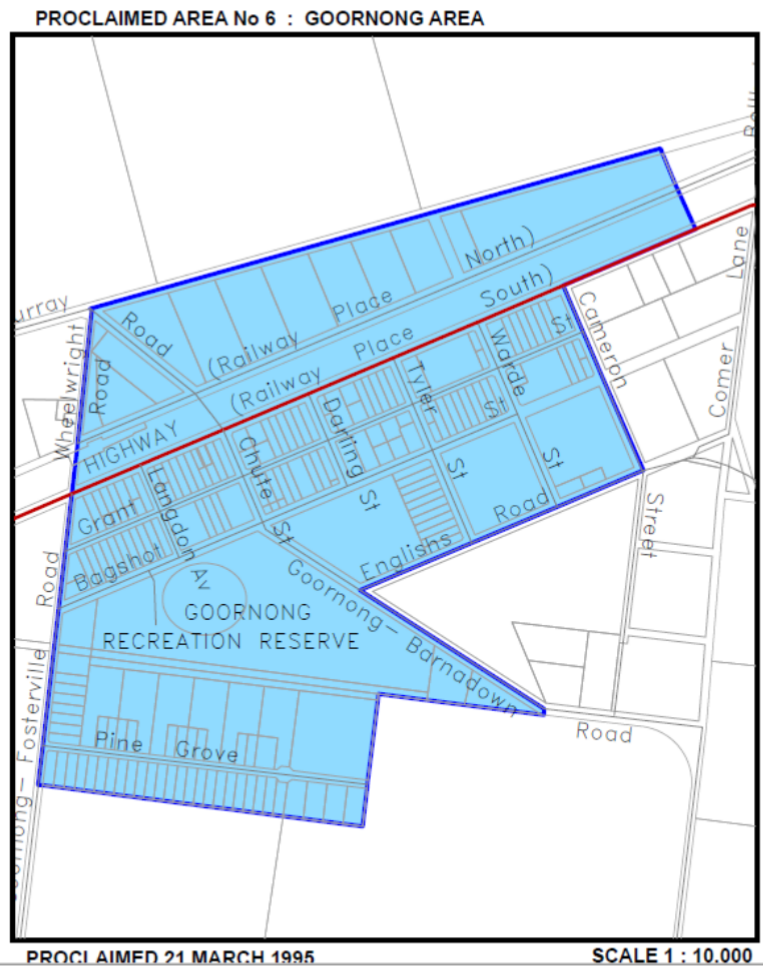


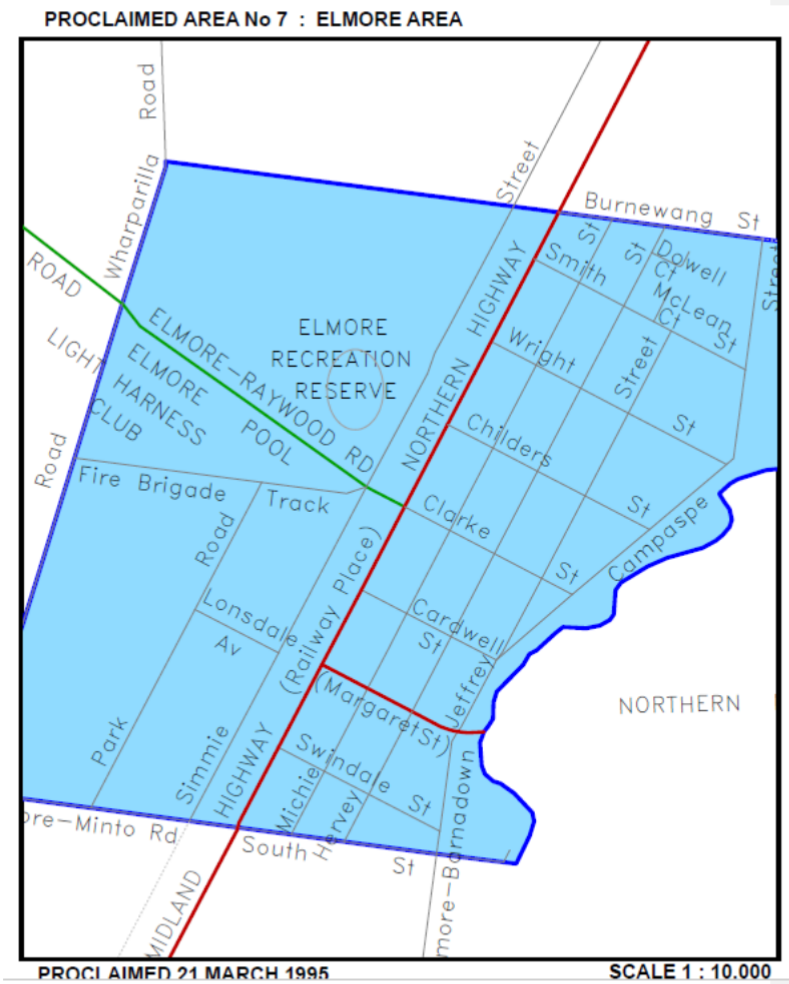




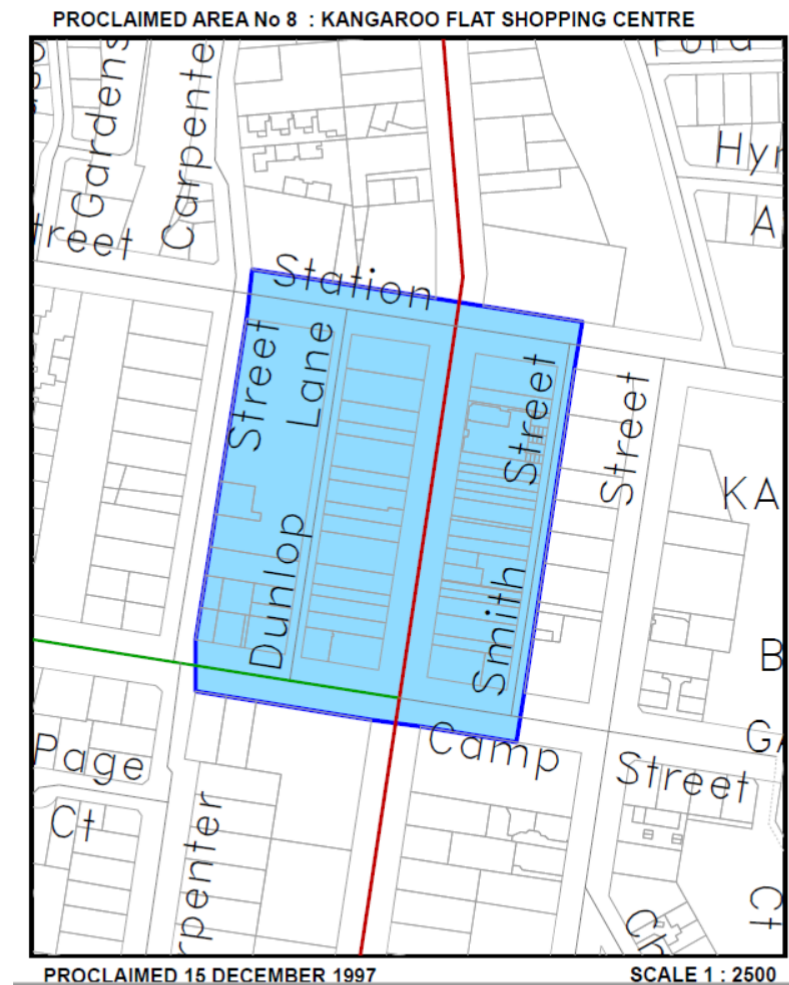












| Environmental Management Plan Scheduled Reserves and Park Land |   |                    |
|--|---|--------------------|
| Crusoe Reservoir and No.7 Park                                 | Kennington Reservoir Natural Reserve            | O'Keefe Rail Trail |
| Passive Recreation Allowed                                     | Passive Recreation Allowed                      |                    |
| Walking and Cycling Allowed                                    | Active Recreation Inc. Ball Games Prohibited    |                    |
| Fishing Prohibited (At No.7 Park)                              | Walking and Cycling Allowed                     |                    |
| Fishing Allowed (At Crusoe Res)                                | Fishing Allowed                                 |                    |
| Swimming Prohibited (At No.7 Park)                             | Dogs (On Lead Only)                             |                    |
| Swimming Allowed (At Crusoe Res)                               | Non-Power Boating Allowed                       |                    |
| All Domestic Pets Prohibited                                   | Power Boating Prohibited                        |                    |
| Dogs Prohibited  | Swimming Prohibited                             |                    |
| Horse Riding Prohibited  | Littering Prohibited                            |                    |
| Carry Out Rubbish Only   | Dumping of Garden Waste Prohibited              |                    |
| Littering Prohibited   | Motorcycles Prohibited                          |                    |
| Dumping of Garden Waste Prohibited                             | Prospecting Prohibited                          |                    |
| Camping Prohibited   | Lighting Fires Prohibited                       |                    |
| Prospecting Prohibited   |   |                    |
| Power Boating Prohibited                                       |   |                    |
| Non-Power Boating Allowed (At Crusoe Res)                      |   |                    |
| All Boating Prohibited (At No.7 Park)                          |   |                    |
| Motorcycles Prohibited   |   |                    |
| Horses Prohibited  |   |                    |
| Lighting Fires Prohibited                                      |   |                    |
| Lake Weeroona Reserve  | Lake Neangar Reserve (Including Lake Tom Thumb) |                    |
| Passive Recreation Allowed                                     | Passive Recreation Allowed                      |                    |
| Walking and Cycling Allowed                                    | Walking and Cycling Allowed                     |                    |
| Swimming Prohibited  | Active Recreation Inc. Ball Games Allowed       |                    |
| Fishing Allowed  | Fishing Allowed                                 |                    |
| Littering Prohibited   | Swimming Prohibited                             |                    |
| Dumping of Garden Waste Prohibited                             | Dogs (On Lead Only)                             |                    |
| Dogs (On Lead Only)  | Littering Prohibited                            |                    |
| Camping Prohibited   | Dumping of Garden Waste Prohibited              |                    |
| Prospecting Prohibited   | Camping Prohibited                              |                    |
| Power Boating Prohibited                                       | Prospecting Prohibited                          |                    |
| Non-Power Boating Permitted                                    | Power Boating Prohibited                        |                    |
| Motorcycles Prohibited   | Non-Power Boating Permitted                     |                    |
| Lighting Fires Prohibited                                      | Motorcycles Prohibited                          |                    |
|  | Lighting Fires Prohibited                       |                    |

**Attachment 10 - 7b - Local Law 10 Track**

**Greater Bendigo City Council  
Local Law No. 10 - Administration**

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## **Greater Bendigo City Council Local Law No. 10 - Administration**

### **1. Title**

This is the Greater Bendigo City Council Local Law No. 10 - Administration.

### **2. Objectives of this Local Law**

The objectives of this Local Law are:

- (a) to provide procedures for the administration of the local laws;
- (b) to provide procedures for the setting of fees and charges in relation to local laws;
- (c) provide penalty values for penalty infringement notice purposes; and
- (d) to provide procedures for the issue of:
  - i) Permits
  - ii) Notices to Comply
  - iii) Notices of Impounding
  - iv) Infringement Notices

### **3. Power to make this Local Law**

The Council's authority to make this Local Law is contained in Section 111 of the Local Government Act 1989.

### **4. Operational Date of this Local Law.**

This Local Law operates from the 1 September 2018.

### **5. Revocation of Local Law**

On the commencement of this Local Law, the previous version of this Local Law No.10 – Administration, is revoked.

### **6. Application of this Local Law**

The provisions of this Local Law apply to all City of Greater Bendigo Local Laws except where it is apparent that a Clause indicates otherwise or provides alternative provisions.

### **7. Date that this Local Law Ceases Operation**

Unless this Local Law is revoked sooner its operation will cease on the day which is 10 years after the day on which it came into operation.

### **8. Exemption**

The Council may prescribe specified persons, premises or areas within the municipality to be exempt from all or any of the provisions of this local law for a specified time and on specified conditions provided that;

- i) The exemption is in writing, with specified conditions

- ii) The exemption is complied with

An exemption may be cancelled or corrected as if it were a permit.

## **9. Definitions**

Authorised Officer means an Officer appointed under Section 224 of the Local Government Act 1989.

Chief Executive Officer means the Chief Executive Officer of the Greater Bendigo City Council.

## **PERMITS, FEES AND DELEGATIONS**

### **10. Applying for a Permit**

- (a) An application for a permit under a Local Law shall be in the form of Appendix 5 (except where a Local Law specifies otherwise) and be accompanied by the appropriate fee.
- (b) In considering such an application the Authorised Officer may:
  - i) require a person making an application for a permit to give public notice of such application
  - ii) take into consideration any response to that notice, any policy or guidelines adopted by the Council, any objections or submissions, any comments from other authorities, government departments or community organisations, any other matter that is considered relevant.
- (c) Submissions made in relation to an application may be heard in accordance with Section 223 of the Local Government Act 1989.
- (e) An Authorised Officer may require an applicant to provide additional information before considering an application for a permit or request for exemption under the Local Law.

### **11. Fees & Charges**

- (a) The Council may from time to time by resolution determine the fees and charges to apply under a Local Law and the Council shall give public notice of its resolution to set or alter fees and charges.
- (b) In determining any fees and charges the Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge if it considers it is appropriate to do so.
- (c) The Council or Authorised Officer may waive, reduce or alter any fee or charge with or without conditions.

### **12. Issue of Permits**

The Council or Authorised Officer may:

- (a) Issue a permit in the form of Appendix 6 (unless a Local Law specifies otherwise), or
- (b) Refuse to issue a permit.

A copy of the permit must be available for inspection at the address or place to which the permit relates on demand by an Authorised Officer.

### **13. Appeal of Decision to Refuse**

- (a) An applicant may appeal a decision to refuse to issue a permit.
- (b) Applications must be in prescribed form of Appendix 7 and be accompanied by the appropriate fee.
- (c) Appeals will be considered by a three member panel made up of a Director, a person with legal qualifications and an Authorised Officers.
- (d) The applicant may make written or verbal submissions to the panel within the time specified in writing by an Authorised Officer.
- (e) Within 10 days of considering any written submissions received from the applicant or after hearing the applicant's verbal submissions, an Authorised Officer shall notify the applicant in writing of the panel's decision.

### **14. Duration of Permits**

- (a) A permit remains in force until the expiry date indicated in the permit, unless it is cancelled before the expiry date.
- (b) If no expiry date is indicated on the permit, the permit expires on the 30 June next after the day on which it was issued.

### **15. Conditional Permits**

- (a) A permit may be subject to such conditions which the Council or Authorised Officer considers appropriate, including but not limited to:
  - i) the payment of a fee or charge;
  - ii) the payment of a security deposit , bond or guarantee to the Council to secure the proper performance of conditions on a permit or to rectify any damage caused to Council assets as a result of the use or activity allowed by the permit;
  - iii) the application of an appropriate standard;
  - iv) a time limitation specifying the duration, commencement or completion date of the permit;
  - v) the happening of an event, or the rectification, remedying or restoration of any damage caused to the place or thing by the activity permitted;
  - vi) where the applicant is not the owner of the subject property, the



consent of the owner.

- (b) before the granting of some other permit which may be required by the Authorised Officer whether under a Local Law or otherwise.

#### **16. Cancellation of Permit**

- (a) The Chief Executive Officer or his or her delegate may cancel a permit if it is considered that:
  - i) there has been a serious or ongoing breach of the conditions of the permit; or
  - ii) a notice to comply has been issued, but not complied with within seven days after the time specified in the notice to comply; or
  - iii) there was a significant error or misrepresentation in the application for the permit; or
  - iv) in the circumstances, the permit should be cancelled.
- (b) Before a permit is cancelled under sub-clause 16(a), the permit holder shall be invited to submit within a nominated time a written statement giving reasons why the permit should not be cancelled.

#### **ENFORCEMENT**

#### **17. Compliance with Directions**

A person must comply with any reasonable direction or instruction of an Authorised Officer, member of the Police Force or an emergency service when requested to do so in urgent circumstances or for public safety reasons whether or not a person has a permit under any Local Law.

#### **PENALTY: Two penalty units**

#### **18. Power of Authorised Officer**

An Authorised Officer may issue a warning, a Notice to Comply and an Infringement Notice on a person who is in breach of a Local Law, commence legal proceedings and may impound items, goods or equipment relevant to a breach of the Local Law.

#### **19. Notice to Comply**

An Authorised Officer may serve a written Notice to Comply in the form of Appendix I on any owner, occupier or other relevant person to remedy any breach of a Local Law.

#### **20. Time to Comply**

- (a) A Notice to Comply must state the time and date by which the breach must be remedied.
- (b) The time required by the Notice to Comply to remedy the breach must be

reasonable in the circumstances having regards to:

- i) The amount of work involved;
- ii) The degree of difficulty;
- iii) The availability of necessary materials or other necessary items;
- iv) Climatic conditions;
- v) The degree of actual risk or potential risk to health and safety;
- vi) Any other relevant factor.

**21. Failure to comply with a “Notice to Comply”**

- (a) Any person who fails to remedy a breach of a Local law in accordance with a Notice to Comply is guilty of an offence and liable to the amount of the penalty specified by the Local Law.
- (b) Where such failure to remedy occurs an Authorised Officer may take action to remedy the breach and the person who has failed to remedy the breach shall be liable to reimburse Council for all costs associated with such action.

**22. Power of Authorised Officers to Act in Urgent Circumstances**

- (a) An Authorised Officer may, in urgent circumstances arising as a result of a failure to comply with a Local Law take action to remove, remedy or rectify the breach without the necessity to serve a Notice to Comply provided:
  - i) The Authorised Officer considers the circumstances of the breach to be sufficiently urgent and that the time involved or difficulties associated with the serving of a Notice to Comply may place a person, animal, property or thing at risk or in danger.
  - ii) Wherever practicable, a senior officer of the Council is given prior notice of the proposed action.
  - iii) Details of the circumstances and remedial action taken are as soon as possible given to the person responsible for the breach.
- (b) Where action is taken by the Authorised Officer pursuant to Clause 22(a) the person responsible for the breach shall be liable to reimburse Council for all costs associated with such action.

**NOTICES OF IMPOUNDING**

**23. Power of Authorised Officer to Impound**

- (a) Where in the opinion of an Authorised Officer there is a risk to the environment or to the safety of a member of the public an Authorised Officer may seize and impound any goods, animals, birds, items or things where there is a breach of a Local Law.
- (b) If an Authorised Officer has impounded an item in accordance with this

clause the Council may refuse to release it until a charge equivalent to all costs incurred by it in such impounding has been paid to Council. Any such fee shall be determined by resolution of the Council.

- (c) At the time of the impoundment or as soon as practicable thereafter the Authorised Officer shall serve a Notice of Impounding in the form of Appendix 2 on the owner or registered owner or person apparently responsible for the good, animal, bird, item or thing setting out the fees and charges payable and time by which it must be retrieved from the Council. Where good, animal, bird, item or thing is required for evidence for a prosecution the owner or person responsible for it shall be advised of the time for collection following resolution of the prosecution.
- (d) If, after 28 days from the date of impoundment, an impounded good, animal, bird, item or thing has not been retrieved then the Authorised Officer may dispose of it by such means as is determined by the Chief Executive Officer including sale by public auction, public tender or private treaty, by disposal at a municipal land fill or transfer station or otherwise. Any proceeds of sale shall be paid into the municipal fund.
- (e) Where an impounded item has been disposed of in accordance with sub clause (d) the owner of the particular item may apply in writing to the Council for reimbursement of any proceeds from the sale. Subject to receipt of satisfactory proof of ownership by the Authorised Officer the proceeds from the disposal shall be paid to the owner except for the reasonable costs incurred by Council which may be retained by the Council.
- (f) Where the identity or whereabouts of the owner or person responsible for the impounded item is unknown the Authorised Officer must take reasonable steps to ascertain the identity or whereabouts of that person and may only proceed to dispose of the impounded item in accordance with sub clause (d) once he or she is satisfied that all reasonable efforts have been made to contact the owner or the person responsible for the impounded item.
- (g) A person must not, except with the authority of an Authorised Officer or pursuant to an order of a Court, remove, alter or interfere in any way with an animal or other thing, seized or detained by an Authorised Officer in the exercise of his power, functions or duties under this Local Law

**PENALTY: First offence - Two penalty units**  
**Second or subsequent offence - Four penalty units**

## **OFFENCES AND PENALTIES**

### **24. Offences**

- (a) A person must not refuse or neglect to furnish information to an Authorised Officer when reasonably required under this Local Law to do so.

**PENALTY: First offence - Two penalty units**  
**Second or subsequent Offence – Four penalty units**

- (b) A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

**PENALTY: First Offence – Five penalty units**  
**Second or subsequent offence - Ten penalty units**

- (c) A person must not assault, obstruct, or attempt to obstruct, threaten, abuse, insult, intimidate, or attempt to intimidate any Authorised Officer in the exercise of his powers, function or duties under this Local Law.

**PENALTY: First Offence – Two penalty units**  
**Second or subsequent offence - Four penalty units**

- (d) A person must not refuse to state his name and address of his usual place of residence or state a false name or address to an Authorised Officer when required under this Local Law to do so.

**PENALTY: First Offence – Two penalty units**  
**Second or subsequent offence – Four penalty units**

- (e) Where any provision in a Local Law requires that something shall not be done at all, any person who does that thing or act is guilty of an offence.

**PENALTY: First Offence – Two penalty units**  
**Second or subsequent offence – Four penalty units**

- (f) Where any provision in a Local Law requires that something shall not be done between specified hours of the day or night, during specified months of the year or in or at specified locations or specified parts of those locations, any person who does that thing or act between such hours, during such months, on such days, in or at such location or a specified part of such location is guilty of an offence.

**PENALTY: First Offence – Two penalty units**  
**Second or subsequent offence – Four penalty units**

- (g) Where any provision in a Local Law requires that a person obtain a permit before engaging in any particular activity a person is guilty of an offence if that person engages in that activity without a current permit (unless the requirement for a permit has been waived by an Authorised Officer).

**PENALTY: First Offence – Two penalty units**  
**Second or subsequent offence – Four penalty units**

- (h) Where any permit issued pursuant to a Local Law contains conditions, any person who breaches or fails to comply with a condition of such a permit is guilty of an offence.

**PENALTY: First Offence – Two penalty units**  
**Second or subsequent offence – Four penalty units**

- (i) A person is guilty of an offence if he or she:
  - i) Falsely represents himself or herself to be an Authorised Officer.
  - ii) Fails to comply with any reasonable direction, instruction or signal of an Authorised Officer, member of Victoria Police or an Emergency Service.

**PENALTY: Ten penalty units**

**25. Penalty Units**

Where a penalty unit(s) has been prescribed by a Local Law, the value of the penalty unit(s) shall be have the same value of a penalty unit prescribed at the time of the offence by the *Sentencing Act 1991*.

**26. Infringement Notices**

In accordance with the *Infringements Act 2006* the CEO, or his/her delegate may:

- (a) As an alternative to a prosecution, an Authorised Officer may issue and serve an Infringement Notice on a person who:
  - i) has committed one of the offences referred to in clause 24, or
  - ii) is reasonably suspected of having committed on of the offences referred to in clause 24.
- (b) A person served with an Infringement Notice may pay the penalty specified in the Notice to the cashier of the Council within 28 days after service of the Notice, failing which a prosecution may be instituted against that person by an Authorised Officer.
- (c) A person served with an Infringement Notice may make a written representation to the Chief Executive Officer or his delegate within 28 days of the service of the Infringement Notice.
- (d) The Chief Executive Officer or his delegate may by written notice withdraw an Infringement Notice within 28 days of the service of the same and then initiate a prosecution regardless of whether the Infringement Notice penalty has been paid or not. If the penalty indicated in the Infringement Notice has been paid, the payment shall be refunded to the alleged offender prior to the prosecution being initiated.
- (e) The Chief Executive Officer or his delegate may withdraw an Infringement Notice and not proceed to prosecute, providing the circumstances warrant such action in the opinion of the Chief Executive Officer or his delegate.
- (f) In the event of the failure of a person served with an Infringement Notice to pay the amount specified within 28 days of the service of the Notice or such further time as the Authorised Officer may permit, the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any other appropriate steps which may be available for enforcing penalties.

- (g) Any person served with an Infringement Notice is entitled to defend the prosecution in Court rather than pay the penalty specified therein.

**CITY OF GREATER BENDIGO**  
**LOCAL LAW No. 10 - APPENDIX ONE**  
**NOTICE TO COMPLY**

TO \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

The following constitutes a breach under Clause \_\_\_\_\_ of the Council's Local  
Law No. \_\_\_\_\_ (Title \_\_\_\_\_)

\_\_\_\_\_  
\_\_\_\_\_

To remedy the breach you must carry out the following, within \_\_\_\_\_ days  
from the date of this Notice.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You should contact \_\_\_\_\_ (contact officer) at the  
Municipal Office between the hours of 9:00am and 4:30pm for any further information  
about this Notice.

If you fail to comply with this Notice you will be guilty of an offence and liable for payment of  
a penalty of \$ \_\_\_\_\_ and the Authorised Officer may proceed to carry out the  
work, the cost of which, in addition to the above penalty, you will be liable to pay.

DATE:    /    /    \_\_\_\_\_  
(Name of Authorised Officer)

TELEPHONE:    \_\_\_\_\_  
(Signature of Authorised Officer)

*NOTE: if this Notice relates to a contravention of a permit and the Notice is not complied  
with, the permit may be cancelled. If you do not wish to have the permit cancelled you should  
comply with the directions in this Notice or show cause to the Council in writing why the  
permit should not be cancelled.*



**CITY OF GREATER BENDIGO**  
**LOCAL LAW No. 10 - APPENDIX TWO**  
**NOTICE OF IMPOUNDING**

TO \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

The following item(s) has/have been impounded in accordance with Local Law No. \_\_\_\_\_

(Title \_\_\_\_\_)  
Describe Items Impounded

\_\_\_\_\_  
\_\_\_\_\_

You may collect the items by attending at the Municipal Office / Depot between the hours of \_\_\_\_\_ and \_\_\_\_\_ to see \_\_\_\_\_ (Contact Officer) upon providing satisfactory proof of ownership and by paying the following:

Details of Fees and Charges

|       |          |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| TOTAL | \$ _____ |

If you fail to collect the item(s), or fail to provide satisfactory proof of ownership and pay the required fees and charges by \_\_\_\_\_ (date), the Authorised Officer will proceed to dispose of the item(s) in accordance with Local Law No. 10 - Administration.

DATE:    /    /    \_\_\_\_\_  
(Name of Authorised Officer)

TELEPHONE:    \_\_\_\_\_  
(Signature of Authorised Officer)

**CITY OF GREATER BENDIGO****LOCAL LAW No. 10 - APPENDIX THREE****INFRINGEMENT NOTICE**

DATE OF NOTICE: \_\_\_\_\_ NO. OF NOTICE: \_\_\_\_\_

REG. NO. OF ANY VEHICLE: \_\_\_\_\_ (STATE) \_\_\_\_\_

TO: SURNAME OR ORGANISATION NAME \_\_\_\_\_

OTHER NAMES \_\_\_\_\_

ADDRESS \_\_\_\_\_

I, \_\_\_\_\_ (name of Authorised Officer)  
being a duly Authorised Officer of the above Council have reason to believe that you have  
committed an offence against a Local Law of the Council. The nature of the alleged offence  
and the amount of the penalty is indicated below:

|  | Local<br>Law<br>Number | Clause<br>Number | Nature of Infringement | Penalty |
|--|------------------------|------------------|------------------------|---------|
|  |                        |                  |                        |         |
|  |                        |                  |                        |         |
|  |                        |                  |                        |         |

Other particulars of alleged offence:

TIME: \_\_\_\_\_ LOCATION: \_\_\_\_\_

If you pay the penalty indicated within 28 days from the date of service of this Notice to the  
City of Greater Bendigo by:

\* CHEQUE or MONEY ORDER for the FULL AMOUNT posted to P0 Box 733,  
Bendigo, 3550

\* CHEQUE, MONEY ORDER or CASH for the FULL AMOUNT to Municipal Offices at  
Lyttleton Terrace, Bendigo, 3550.

this matter will not be brought to Court (subject to Clause 25(d) of Local Law 10) and no  
conviction will be recorded.

You are entitled to elect to have the matter of the infringement offence heard and determined  
in the Court and if you are a child, by the Children's Court in accordance with the Children,  
Youth and Families Act 2005.

Should you wish to make any submission concerning this infringement notice contact should  
be made with \_\_\_\_\_

(telephone \_\_\_\_\_) at the Municipal Office.

\_\_\_\_\_  
(Signed by Authorised Officer)

**CITY OF GREATER BENDIGO****LOCAL LAW No. 10 - APPENDIX FOUR****INFRINGEMENT NOTICE****PENALTIES FOR INFRINGEMENT NOTICE PURPOSE IN RESPECT OF  
OFFENCES AGAINST LOCAL LAWS**

| <b>CLAUSE</b>   |  | <b>PENALTY</b>    |
|---|--|-------------------|
| <b>Offences Against<br/>Local Law No.2 Keeping of Animals</b>   |  |                   |
| Clause 9  | Keeping of Animals   | 2 penalty units   |
| Clause 10   | Limit on number of animals   | 2 penalty units   |
| Clause 11   | Keeping of poultry   | 2 penalty units   |
| Clause 12   | Fences of properties to restrain animals                                   | 2 penalty units   |
| Clause 13   | Animal litter  | 1.5 penalty units |
| <b>Offences Against<br/>Greater Bendigo City Council Community Local Law<br/>Part B – Environment</b> |  |                   |
| Clause 2.1  | Kerbside waste collection  | 2 penalty units   |
| Clause 2.2  | Open air burning   | 2 penalty units   |
| Clause 2.3  | Burning of offensive materials   | 2 penalty units   |
| Clause 2.4  | Motorised vehicles on council land   | 2 penalty units   |
| Clause 2.5  | Dangerous or unsightly land  | 2 penalty units   |
| Clause 2.6  | Heavy vehicles   | 2 penalty units   |
| Clause 2.7  | European wasps and bees  | 1 penalty unit    |
| Clause 2.8  | Protection and preservation of scheduled<br>Council reserves and park land | 2 penalty units   |
| <b>Part C – Streets &amp; Roads</b>   |  |                   |
| Clause 3.1  | Vehicle crossings  | 2 penalty units   |
| Clause 3.2  | Advertising signs placed on roads  | 2 penalty units   |
| Clause 3.3  | Sale of motor vehicles or goods on road or<br>road reserves                | 1 penalty unit    |
| Clause 3.4  | Waste skip bins placed on the road or<br>road reserve                      | 2 penalty units   |
| Clause 3.5  | Occupancy of footpath or road reserve for<br>works                         | 2 penalty units   |
| Clause 3.6  | Third party advertising on footpaths or<br>road reserves                   | 2 penalty units   |
| <b>Part D – Municipal Places</b>  |  |                   |
| Clause 4.1  | Consumption of liquor  | 2 penalty units   |
| Clause 4.2  | Designation of smoke-free zones within<br>the municipality                 | 2 penalty units   |
| Clause 4.3  | Activities in public places  | 2 penalty units   |
| Clause 4.4  | Activities in the Mall   | 2 penalty units   |
| Clause 4.5(a)   | Outdoor dining and street trading  | 1 penalty units   |
| Clause 4.6  | Camping and caravans   | 1 penalty units   |
| Clause 4.7  | Behaviour  | 2 penalty units   |

| <b>Offences Against<br/>Local Law No. 8 Part E - Process of Municipal Government</b>                     |   |                             |
|--|---|-----------------------------|
| Clause <del>95.1</del>   | Use of common seal  | 2 penalty units             |
| Clause <del>31</del>   | <del>Petitions (whole of Clause)</del>                                      | <del>1 penalty unit</del>   |
| Clause <del>325.2 (a-c)</del>  | Maintenance of order <del>(whole of Clause)</del>                           | <del>12 penalty units</del> |
| Clause <del>34(b)</del>  | <del>Removal from chambers</del>  | <del>1 penalty unit</del>   |
| Clause <del>34(e)5.2 (d)</del>   | <del>Removal from chambers</del> <u>Councillor refusal to leave Chamber</u> | 4.5 penalty unit            |
| <b>Offences Against<br/>Local Law No. 9 Bendigo Livestock Exchange</b>                                   |   |                             |
| Clause 12  | Use of Bendigo livestock exchange   | 2 penalty units             |
| Clause 14  | Sales before and after opening or closing of market or on non-sale days     | 2 penalty units             |
| Clause 17  | Pre-sale procedure  | 2 penalty units             |
| Clause 18(b)   | Allocations   | 2 penalty units             |
| Clause 19  | Penning of Stock  | 2 penalty units             |
| Clause 20(a)   | Stock not connected with sale   | 1 penalty units             |
| Clause 22  | Agents  | 2 penalty units             |
| Clause 23  | Behaviour   | 1 penalty units             |
| Clause 24(b)   | Exclusion from Bendigo livestock exchange                                   | 2 penalty units             |
| Clause 25(a)(b)(c)   | Dogs  | 1 penalty unit              |
| Clause 26(b)   | Removing the stock  | 1 penalty units             |
| Clause 27  | Moving Stock  | 1 penalty units             |
| Clause 28(b), (c)  | Vehicles  | 1 penalty units             |
| Clause 29  | Dead/Injured stock  | 2 penalty units             |
| Clause 30  | Obstruction   | 2.5 penalty units           |
| Clause 33  | Selling of sundry items   | 2.5 penalty units           |
| Clause 36  | Allotted time for selling   | 1 penalty unit              |
| <b>Offences Against<br/>Local Law No. 10 Administration</b>  |   |                             |
| Clause 24  | Offences  | 2 penalty units             |
| Clause 17  | Compliance with directions  | 2 penalty units             |
| Clause 21  | Failure to Adhere to Notice to Comply                                       | 2 penalty units             |
| Clause 23  | Power of Authorised Officer to Impound                                      | 2 penalty units             |
| <b>Offences Against<br/>Local Law No. 11 Protection of Public Assets &amp; Control of Building Sites</b> |   |                             |
| Clause 21  | Infringement Notices – Penalty Fixed  | 2 penalty units             |

**CITY OF GREATER BENDIGO**  
**LOCAL LAW No. 10 - APPENDIX FIVE**  
**APPLICATION FOR LOCAL LAW PERMIT**

I, \_\_\_\_\_  
(Name of Applicant)

of \_\_\_\_\_  
(Address)

wish to apply for a \_\_\_\_\_  
(Type of permit)

The relevant details are as follows:

The address / place to which the permit will relate to is \_\_\_\_\_

\_\_\_\_\_

Local Law Number \_\_\_\_\_ Section Number \_\_\_\_\_

I wish to be able to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For further information I may be contacted on \_\_\_\_\_ (telephone)

between the following times: \_\_\_\_\_ and \_\_\_\_\_.

Signed by the Applicant \_\_\_\_\_

Signature of Owner where required \_\_\_\_\_

Name of Owner \_\_\_\_\_

Address of Owner \_\_\_\_\_

**LOCAL LAW PERMIT**

Receipt Number

A copy of this permit must be available for inspection at the address / place to which the permit relates on demand by an Authorised Officer.

**CITY OF GREATER BENDIGO**

**LOCA LAW NO. 10 - APPENDIX SEVEN**

**APPLICATION TO APPEAL DECISION TO REFUSE PERMIT**

NAME OF APPEALANT: \_\_\_\_\_

POSTAL ADDRESS OF APPEALANT: \_\_\_\_\_

CONTACT NUMBER : \_\_\_\_\_

\_\_\_\_\_

**APPLICATION DETAILS**

APPLICATION NO.:- \_\_\_\_\_

WHAT WAS THE APPLICATION FOR \_\_\_\_\_

\_\_\_\_\_

THE ADDRESS OR PLACE THE APPLICATION RELATES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REASONS OF APPEAL**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date :     /     /     \_\_\_\_\_

Signature of Appellant

Fees                      \$ \_\_\_\_\_

Paid                      /     /

Receipt Number     \_\_\_\_\_



**Attachment 11 - 8 - Councillor Gift Policy**



**GREATER BENDIGO CITY COUNCIL**

**COUNCILLOR GIFT POLICY**

**Councillor Gift Policy****DOCUMENT INFORMATION**

|  |   |
|--|---|
| <b>Approval Level:</b>                 | Council                                     |
| <b>Policy Type:</b>                    | Council                                     |
| <b>Approval Date:</b>                  |   |
| <b>Review cycle:</b>                   | Within 12 months of each municipal election |
| <b>Review Date:</b>                    |   |
| <b>Responsible Officer:</b>            | Manager Governance                          |
| <b>Owner:</b>                          | Governance                                  |
| <b>Responsible Director:</b>           | Corporate Performance                       |
| <b>Relevant Legislation/Authority:</b> | <i>Local Government Act 2020 (Vic)</i>      |
| <b>DOCSETID:</b>                       | 4545424                                     |



## Councillor Gift Policy

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## **Councillor Gift Policy**

### **1. PURPOSE**

1.1 The purpose of the Councillor Gift Policy is to:

- 1.1.1 provide a transparent and consistent framework regarding offers of Gifts made to and by Councillors; and
- 1.1.2 minimise Gift offers made to and accepted by Councillors, in order to protect and promote public confidence in the integrity of the Council.

### **2. BACKGROUND**

- 2.1 Council considers that the proper management of Councillor Gifts is a practical demonstration of Councillors' integrity, impartiality and accountability and contributes to community confidence in the Council's decision making.
- 2.2 This policy is an important step in the proper management of Councillor Gifts and satisfies Council's obligation under the Act to adopt a Councillor gift policy.

### **3. SCOPE**

- 3.1 This policy applies to Councillors.



## Councillor Gift Policy

### 4. DEFINITIONS

#### 4.1 In this policy:

**Act** means the *Local Government Act 2020* (Vic).

**Ceremonial Gift** means an official Gift provided to the Council or a Councillor as part of the culture and practices of communities and government or as a token of gratitude.

**Council** means the Greater Bendigo City Council, being a body corporate constituted as a municipal Council under the Act.

**Councillor** means a person who holds the office of member of the Council.

**Gift** means:

- free or discounted items or services and any item or service that may be perceived by the public as a gift. Including without limitation high and low value items, consumables and services;
- benefits including preferential treatment, privileged access, upgrades, favours or other advantage offered to a Councillor. Including, without limitation, invitations to sporting, cultural or social events, access to discount or loyalty programs or the promise of a new job; and
- any kind of hospitality.

**Councillor Gift Register** is the record of Non-Token Gifts whether accepted or declined.

**IBAC** means the Independent Broad-based Anti-Corruption Commission.

**Non-Token Gift** means a Gift offered to a Councillor that is, or may be perceived to be, of more than inconsequential value by the recipient or by the wider community. All offers estimated to be worth more than \$20 (either individually or aggregated over the preceding 12-month period) are Non-Token offers and must be refused and recorded on the Councillor Gift Register (whether accepted or declined).

**Token Gift** means a Gift offered to a Councillor that is of inconsequential or trivial value. The primary determinant of a Token Gift is that it would not be reasonably perceived to influence or raise a conflict of interest. A Gift with an estimated value of equal to or less than \$20 is a Token Gift (unless the same offeror has made several Token Gift offers in the preceding 12-month period, which when aggregated exceed \$20).



## Councillor Gift Policy

### 5. PRINCIPLES

5.1 Councillors will uphold the following principles in applying this policy:

- 5.1.1 Impartiality - Councillors have a duty to place the public interest above their private interests when carrying out their duties as a Councillor.
- 5.1.2 Integrity - Councillors strive to earn and sustain public trust through providing or responding to offers of Gifts in a manner that is consistent with community expectations.
- 5.1.3 Accountability - Councillors ensure they and their fellow Councillors are accountable in accordance with this policy.
- 5.1.4 Risk-based approach - Councillors must ensure they consider the reputational and legal risks inherent with Gifts when dealing with offers.

### 6. POLICY

#### Gift assessment

- 6.1 Councillors must not seek, solicit, demand or request Gifts for themselves or anyone else, in any form.
- 6.2 When deciding whether to accept an offer of a Gift, Councillors should first consider if the offer could be perceived as influencing them in performing their duties or lead to reputational damage. The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.
- 6.3 Councillors must consider the GIFT test outlined in Figure 1. below when offered a Gift.

Figure 1. GIFT test

|          |           |  |
|----------|-----------|--|
| <b>G</b> | Giver     | <b>Who is providing the gift, benefit or hospitality and what is their relationship to me?</b><br>Does my role mean that the person or organisation may benefit from a decision I make?  |
| <b>I</b> | Influence | <b>Are they seeking to gain an advantage or influence my decisions or actions?</b><br>Has the gift, benefit or hospitality been offered to me publicly or privately? Is it a courtesy or a token of appreciation or a valuable non-token offer? Does its timing coincide with a decision I am about to make or function I am about to discharge? |
| <b>F</b> | Favour    | <b>Are they seeking a favour in return for the gift, benefit or hospitality?</b><br>Has the gift, benefit or hospitality been offered honestly? Has the person or organisation made several offers over the last 12 months?<br>Would accepting it create or imply an obligation to return a favour?  |
| <b>T</b> | Trust     | <b>Would accepting the gift, benefit or hospitality diminish public trust?</b><br>How would the public view acceptance of this gift, benefit or hospitality? What would my fellow Councillors, council staff, family, friends or associates think?   |

- 6.4 Councillors are encouraged to seek advice from the Council's Governance Unit if they have doubts about accepting a Gift, Benefit or Hospitality, regardless of the value.



## **Councillor Gift Policy**

- 6.5 Councillors must refuse all offers of Gifts which are:
- 6.5.1 likely to influence them in the course of their duties;
  - 6.5.2 likely to raise a material or general conflict of interest for the Councillor either immediately or in the future;
  - 6.5.3 of money, vouchers, credit or similar;
  - 6.5.4 made in secret with an express or implied expectation that the Councillor will not publicly disclose the Gift.

### **Token Gift offers**

- 6.6 Councillors may accept Token Gift offers without declaring the offer on the Councillor Gift Register, unless the offer must be refused in accordance with clause 6.5.

### **Non-Token Gift offers**

- 6.7 Councillors must not accept any Non-Token Gift offers.
- 6.8 All Non-Token Gift offers must be recorded in the Councillor Gift Register.
- 6.9 It is a Councillor responsibility to notify and provide adequate information to the Governance Unit to enable registration of a Non-Token Gift offer on the Councillor Gift Register.
- 6.10 Councillors may be offered a Non-Token Gift where there is no opportunity to decline prior to accepting. For example, they may receive a parcel in the post which contains a Gift. At first instance the Councillor should return the Gift to the sender. If that is not possible, the Councillor must notify and deliver the Gift to the Manager Governance for disposal.

### **Attendance at events and functions**

- 6.11 This policy does not apply to invitations to and reasonable hospitality provided at events and functions that a Councillor is required to attend in an official capacity, including where:
- 6.11.1 the Councillor is invited to open or speak at the event or function or is otherwise involved in the proceedings;
  - 6.11.2 the Councillor is a Council appointed representative of a committee or group involved in or relevant to the event or function; or
  - 6.11.3 a majority of Councillors or the Mayor consider that it is appropriate and aligned with community expectations for the Councillor to attend the event or function.
- 6.12 Invitations to attend events and functions in an official capacity are not considered Gifts under this policy and are not required to be declared on the Councillor Gifts Register.
- 6.13 If a Councillor is invited to attend a function or event and is not required to do so in an official capacity, determined in accordance with clause 6.11, the invitation to attend must be treated as a Token Gift offer or Non-Token Gift offer in accordance with this policy, save that the Councillor is not required to declare Non-Token Gift offers of this kind on the Council Gift Register.





## **Councillor Gift Policy**

- 6.14 Councillors should seek advice from Governance staff if they are unsure if their attendance at an event is or would be in an official capacity. However, it is ultimately for the Councillor to determine.

### **Councillor Gift Register**

- 6.15 Access to amend the Councillor Gift Register is restricted to relevant persons within the Council.
- 6.16 The Council's Audit and Risk Committee will receive a report at least annually on the administration and quality control of this policy, processes and Councillor Gift Register.
- 6.17 The Councillor Gift Register is maintained by the Council's Governance Unit.
- 6.18 The Councillor Gift Register is made available to the public, including by publication of the Council's website.
- 6.19 The Councillor Gift Register will include any information the Governance Unit consider from time to time is legal and relevant to disclose including the recipient's name, the date the Gift was offered, a description of the Gift, the reason for the Gift being offered, the estimated value of the Gift and the name of the organisation offering the Gift.

### **Ceremonial Gifts**

- 6.20 Ceremonial Gifts are the property of the Council, irrespective of value, and should be accepted by Councillors on behalf of the Council.
- 6.21 Councillors accepting a Ceremonial Gift on behalf of the Council must:
- 6.21.1 arrange registration of the Gift on the Councillor Gift Register; and
  - 6.21.2 discuss with the Governance Unit and other Councillors an appropriate means of displaying, disposing of or storing the Gift.
- 6.22 Note: In the event a consensus is not reached in discussions, the Manager Governance will determine whether and how to display, dispose of or store the Gift.



## Councillor Gift Policy

### Providing Gifts

6.23 Councillors must consider the HOST test outlined in Figure 2. below when providing Gifts.

**Figure 2. HOST test**

|          |             |  |
|----------|-------------|--|
| <b>H</b> | Hospitality | <b>To whom is the gift or hospitality being provided?</b><br>Will recipients be external business associates, or individuals of the host organisation?   |
| <b>O</b> | Objectives  | <b>For what purpose will hospitality be provided?</b><br>Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?   |
| <b>S</b> | Spend       | <b>Will public funds be spent?</b><br>What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?   |
| <b>T</b> | Trust       | <b>Will public trust be enhanced or diminished?</b><br>Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the Council? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures? |

### Considerations when providing Gifts

6.24 Councillors providing Gifts must ensure that:

- 6.24.1 any Gift, Benefit or Hospitality is provided for a business purpose in that it furthers the conduct of official business or other legitimate Council goals, or promotes and supports the Council's policy objectives and priorities;
- 6.24.2 it does not raise an actual, potential or perceived conflict of interest;
- 6.24.3 any costs are proportionate to the benefits obtained for the Council, and would be considered reasonable in terms of community expectations;
- 6.24.4 costs are contained wherever possible and expenditure complies with principles of financial probity and efficient use of resources.

### Personal celebrations

6.25 Gifts provided to Councillors for personal celebrations will not be funded by the Council. This includes anniversaries, birthdays or improving/brightening the spirits of a Councillor. Nothing in this policy will prohibit Councillors or Council staff from personally paying for a Gift for such occasions.



## Councillor Gift Policy

### Mayoral and Councillor Gifts

- 6.26 At the end of each Mayoral term the City provides gifts chosen by the City, not to exceed the following nominal amounts:
  - 6.26.1 \$150 - to the Mayor
  - 6.26.2 \$50 – to the Deputy Mayor
- 6.27 These gifts are a memento in recognition of the importance of these roles for the City of Greater Bendigo.
- 6.28 At the end of the Councillor term the City provides a gift to all Councillors which will not exceed the following nominal amount:
  - 6.28.1 \$100 per councillor.
- 6.29 These gifts:
  - 6.29.1 Must be registered by the City on the Gift Register
  - 6.29.2 Are otherwise exempt from this Policy (as in the individual may accept the gift)
- 6.30 The choice of gift remains the sole discretion of the City.
- 6.31 Gifts that are donations on behalf of the gift recipient (or in the name of the Council) must only be to a registered charity.
- 6.32 No other gifts, for example to the Mayor's spouse, will be provided.



## Councillor Gift Policy

### 7. REVIEW

- 7.1 Further information or advice on this policy should be directed to the Governance Unit at [corporate.governance@Bendigo.vic.gov.au](mailto:corporate.governance@Bendigo.vic.gov.au).
- 7.2 This Policy will be reviewed within 12 months of each municipal election.

### 8. ROLES AND RESPONSIBILITIES

- 8.1 Councillors are responsible for ensuring:
- 8.1.1 they do not seek, solicit or demand Gifts, Benefits or Hospitality for themselves or anyone else, in any form;
  - 8.1.2 all offers of Non-Token Gifts are declared; and
  - 8.1.3 they adhere to this policy.
- 8.2 The Manager Governance is responsible for facilitating the implementation and review of this policy, managing the disposal of Gifts under this policy, maintaining the Councillor Gifts Register and reporting to the CEO and Audit and Risk Committee on the receipt of Gifts, Benefits and Hospitality by Councillors.

### 9. RELATED DOCUMENTS

- 9.1 The following documents are related to this Policy:
- 9.1.1 [Local Government Act 2020 \(Victoria\)](#)
  - 9.1.2 [Councillor Code of Conduct](#)

### 10. HUMAN RIGHTS COMPATABILITY

- 10.1 The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

### 11. ADMINISTRATIVE UPDATES

- 11.1 It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

### 12. DOCUMENT HISTORY

| Date Approved | Responsible Officer | Unit       | Change Type | Version |
|---------------|---------------------|------------|-------------|---------|
| Oct 2015      | Manager Governance  | Governance | Developed   | 1.0     |
| Apr 2021      | Manager Governance  | Governance | Revision    | 2.0     |
| Feb 2022      | Manager Governance  | Governance | Revision    | 2.1     |

**15. HEALTHY, LIVEABLE SPACES AND PLACES****16. STRONG, INCLUSIVE AND SUSTAINABLE ECONOMY****16.1. Update on Outdoor Dining and Temporary Permits**

|                      |  |
|----------------------|--|
| Author               | Steve Hamilton, Director Strategy and Growth |
| Responsible Director | Steve Hamilton, Director Strategy and Growth |

**Purpose**

The purpose of this report is to provide an update on the current status of Outdoor Dining across the City and region, and to provide short and longer term resolutions to issues regarding the timing of expiry of applicable liquor licences, temporary expanded outdoor dining Local Law permits and fees, and Bendigo's forthcoming events through 2022 and beyond.

**Summary**

Since September 2020, with the support of State Government grant funding, the City has actively assisted food and beverage operators to expand their outdoor dining options by fast-tracking the assessment and issue of temporary Local Law permits and provided financial relief from permits and other fees. In most cases this has resulted in expanded outdoor dining and activation on footpaths, in car parking spaces (in View, Hargreaves, King, Water and Olinda Streets), and in one instance on a partial road closure (in Bull Street).

These temporary Council permits, with an expiry of 30 April 2022, were supported by the Victorian Commission for Gambling and Liquor Regulation implementing their own fast-track temporary liquor licenses permit processes, with an expiry date of 15 March 2022. This has very recently (within the last week) been extended to 15 December 2022. On 19 November 2021 the Minister for Planning introduced Amendment VC214 to the Greater Bendigo Planning Scheme (introducing Clause 52.18 - State of Emergency and Recovery Exemptions), which allows the hospitality industry to operate outdoor dining without the need for planning approval, which expires on 15 December 2022. These three initiatives have supported traders to activate their outdoor spaces, however these timelines are now ending and require addressing.

The City seeks, to provide further clarity regarding this situation and align permit end dates and seeks to commence proactive discussions with traders and community on how outdoor activation and dining can be implemented into the future.

## Recommended Motion

That Council:

1. Note the report.
2. Acknowledge the challenges facing business through the past 2 years of the COVID-19 pandemic and also the support given by local and State Government and confirm our commitment to work with our community and traders through these times and beyond.
3. Extend the current temporary Local Law permits and conditions to 15 December 2022 to align with current Planning Scheme exemptions and the recent announcement from the Victorian Gambling and Casino Control Commission extending temporary liquor licence permits to 15 December 2022.
4. Urgently advocate to the State Government to extend the completion timeline to 30 June 2023 for grant funds under the COVIDSafe Outdoor Activation Fund so these funds can be utilised to offset the currently Local Law permit fee waivers as per previous years. Refer the reintroduction of Local Law permit fees for outdoor dining to the 2022/2023 budget deliberations.
5. Note Officers will prepare a long term focused Outdoor Activation Strategy and supporting documents, including a review of the current fee structure and guidelines for outdoor dining, which will involve trader and community engagement in its development.

## RESOLUTION

Moved: Cr Alden

Seconded: Cr O'Rourke

That the recommended motion be adopted.

**CARRIED**

## Policy Context

### Primary Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

- Outcome 3 - Strong, inclusive and sustainable economy

### Secondary Council Plan Reference(s):

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

- Goal 3 - A transformed and revitalised City Centre

## Background Information

In late 2020, the City received a \$500,000 State Government grant to assist food and beverage operators to re-open by encouraging them to expand their outdoor dining areas, in consultation with their local government, as part of the COVID-19 pandemic recovery and reopening plan. This grant has now been acquitted and was primarily spent on traffic management and temporary infrastructure to allow businesses to expand their outdoor dining along footpaths, into car parking spaces or road space.

The fund was also used to recoup Council-waived outdoor dining fees, which have not been charged throughout the pandemic. Outdoor dining was the focus of the State Government partly because it could be moved outdoors relatively easily, that food and beverage businesses tend to employ a lot of staff and they have strong local supply chains. Evidence shows that local communities supported many of the businesses that were able to expand outdoors.

As a result of the funding, approximately 80 businesses were consulted, with 51 permits being applied for and issued by the City. There have been relatively few issues through its implementation, and businesses have been able to trade safely and keep staff employed as best as possible. It should be noted that there have been a small number of complaints lodged with the City, and some concerns raised about the equity of the program (as not all sectors, or even all food and beverage operators benefited from the scheme), and the use of carparking and road spaces for dining. However, it is acknowledged that the rollout was conducted in a fast-tracked manner to assist businesses and community through a particularly difficult time.

In mid-2021, Council agreed to extend the temporary outdoor dining permit process, with a new expiry date of 30 April 2022. This date was chosen as it was after Easter (and the 150th Easter Festival) and at a time when the weather would be cooling down and it was hoped that we would be in a more 'COVID normal / living with COVID' situation, with indoor dining back to full capacity. It is noted that when that decision was made, the Elvis exhibition at the Bendigo Art Gallery had not been announced, which has exhibition dates between 19 March and 17 July 2022. This exhibition is expected to bring many thousands of visitors to the Bendigo region who will be seeking food and accommodation options.

Several businesses had already contacted staff to query if the 30 April date could be extended to the end of the Elvis exhibition, noting that it made little sense to reduce seating capacity at a time of expected high demand. Reducing the amount of outdoor dining could result in our hospitality sector not being able to cater to the demand of visitors, which could impact on the visitor experience in Bendigo and have longer term impacts.

In addition to fast-tracked City processes, the State Government directed the (then) Victorian Commission for Gambling and Liquor Regulation (VCGLR) (now referred to as the Victorian Gambling and Casino Control Commission - VGCCC) to fast-track the approval of temporary liquor licences that aligned with the expanded outdoor dining areas approved by local governments. The VCGLR subsequently issued temporary permits with an expiry date of 15 March 2022 and has indicated that any permits beyond that date need to go through the standard (pre-pandemic) permit process. This would mean that a planning permit will be required for any business who needs a permanent change to their pre-pandemic 'red line' area. In practice this means that many businesses will need to revert to their pre-pandemic outdoor dining area or have areas where customers cannot be served alcohol after this time.



In terms of town planning and planning permit requirements, on 19 November 2021 the Minister for Planning introduced Amendment VC214 to the Greater Bendigo Planning Scheme. VC214 introduced Clause 52.18 - State of Emergency and Recovery Exemptions. These exemptions were introduced specifically for COVID-19 recovery and to allow the hospitality industry to operate outdoor dining without the need for planning approval.

Clause 52.18 of the Planning Scheme will effectively be in place until 15 December 2022 and essentially overrides any previous planning control at any licensed venue and allows, within this specified timeframe, a licensed venue to operate outdoor dining outside of any existing planning control and permit.

More recently, the State Government has granted the City \$975,000 from the COVIDSafe Outdoor Activation Fund to further assist businesses to trade outdoors and for the City to provide the infrastructure to support them. Action plans for the Part A (Rapid implementation) and Part B (Semi-permanent and permanent infrastructure) have been prepared and are being implemented. This grant money is required to be spent by 31 July 2022.

The grant funding is welcomed but does pose a challenge to spend the funding on time, on projects that have broad support. As there is limited time for project planning, many of the infrastructure works are projects that had already been identified or are aligned with adopted plans and strategies.

## Report

The management and activation of outdoor dining spaces through the COVID-19 pandemic (and to today), has seen many challenges for a lot of businesses. Whilst some businesses have been able to adapt to these challenges, we do acknowledge that some have regrettably experienced significant impacts, and we empathise with those involved and affected.

The City acknowledges and thanks the State Government for its assistance with grant funding, which when partnered with the City's support packages (including fee waivers), has helped businesses to alter their trading practices and adapt to new ways of trading – at the same time, enabling our community and visitors (when able) to visit, eat, stay and experience the hospitality offerings within our region.

Considering the background that is outlined above, some key permit expiration dates are imminent and need consideration in terms of their way forward. There are also decisions that need to be made around any further fee waivers and fee structures for outdoor dining, as the City progresses its budget development for the 2022/2023 financial year. In summary, the fee waivers constitute an income reduction of circa \$150,000 to \$180,000 per annum which would normally be used to provide broader community benefits, including streetscape amenity improvements (as an example).

At this point in time, when the existing permit conditions are close to expiring, a short and long term approach to outdoor dining and activation is needed. The following principle-based approach, over 2 steps is proposed:

Principle: *An integrated and equitable approach to manage the short and long term needs and outcomes for outdoor activation in our public places*

### Approach:

- Step 1: Short term (2022). *Resolve immediate priorities of current permit conditions and fees (currently waivers). Involves permit arrangements and advocacy.*

- Step 2: Longer term focussed. *Establish a strategic and equitable framework for activating outdoor dining and activation across our region. Needs to consider all public space elements, fees and fee structures, equity and be aligned to our existing City plans, strategies and vision.*

In the **short term**, it is critical to align all applicable permit dates and provide clarity for traders and community around outdoor dining and its ongoing implementation.

Very recently (within the last week) the VGCCC announced that temporary liquor license temporary permits will be extended to 15 December 2022. This is welcomed and means applications for a *new public outdoor area temporary limited license (TLL) will continue to be fast-tracked and determined within three business days. If granted, the new public outdoor area TLL will expire on the earlier of 15 December 2022, or the date that local council's temporary permission for you to use the public outdoor area expires.*

*Additionally, Licensees who currently hold a public outdoor area TLL may apply for a new TLL to extend their use of the public outdoor area to supply liquor until 15 December 2022 under a simplified process. Licensees will be required to pay an application fee, which will be refunded in full by the VGCCC.*

It is also important to note that the hospitality sector (amongst others) is currently experiencing severe staff shortages which also places significant strain and stress on businesses and the sector. Providing businesses more time and support to actively manage their businesses in these times is critical.

Outdoor dining permit fees (as per the current fee structure) have been included in previous budget deliberations (subsequently waived), and are proposed to be included in the 2022/2023 budget for consideration. Acknowledging that there will be mixed views in this regard, there is an important equity position that needs to be considered when referencing other fee structures such as parking, planning permit applications, building fees, etc which are currently being charged on a user pays basis. Council will also advocate to the State Government to have the current grant for the COVIDSafe Outdoor Activation Fund extended to 30 June 2023 (the full 2022/2023 financial year) to enable the grant funds to be used to offset permit fees where possible.

For the **longer term**, the activation of outdoor dining in the public space needs to be carefully coordinated to ensure we have an equitable situation for all businesses, the spaces they occupy, and how this interacts with our community. This includes the footpath space, current car park occupation, the nature of the installations and infrastructure, utilising space in front of other businesses and our overall streetscape amenity – to name a few. Exploring opportunities for outdoor dining in other locations outside the City Centre, and potentially at various times of the year, will also be important to ensure people and traders can have choices about how they can activate spaces outside their business and which best suits their business needs.

Noting that the current arrangements have emerged through fast-track and positive outcome-oriented activity: it is important that we now take the time to work through longer term solutions with our traders and community. We acknowledge that there will be differences of view around how to implement outdoor dining into the future, however, we need to step through the issues and work towards a longer-term solution together – engagement with community will be part of this discussion.

In parallel with the physical side of activation, the City will review the current Local Law fees, investigate what a contemporary fee structure should be and the principles necessary to ensure equity and the best framework for traders across the municipality. We will also review the interactions with active transport links (existing and proposed), parking and traffic considerations and other related aspects to ensure the solutions are complementary to each other.

The timing of these stages will need to be carefully managed through 2022 and into 2023 as we see more people moving around the City and our region. We are therefore likely to see an increase in car parking demand from current numbers, increased congestion in some areas and also increased visitation rates which will provide important economic uplift and support for our region. Providing the best “place” for people to visit and experience is a key part of the way forward.

Priority/Importance:

High, due to the timing of the expiry of current permits.

Options/Alternatives:

As optional considerations for Council, the following are presented:

Option 1. Do nothing. Not recommended as the current permit expiration dates and impact on traders and community will be unacceptable.

Option 2. Extend City permit dates into 2023. There is some risk with this option as we are uncertain as to the viability of other external permit and planning scheme dates being extended at this stage.

Timelines:

As noted in this report.

Risk Analysis:

The risk to business with ongoing uncertainty and expiration of permits and timing is considerable. Providing clarity around permit timelines and requirements is critical to ensure businesses can focus on their operations with confidence that the governance side of permits is better resolved.

There is some risk relating to reputation and mixed views when considering the longer-term approach and arrangements for outdoor dining. However, this needs to be broadly discussed and resolved.

**Consultation/Communication**

Internal Consultation:

Within the City, an Officer led Outdoor Dining Working Group, and now a COVIDSafe Outdoor Activation Working Group, have been formed to oversee the expenditure of the two grants and also to provide input into current and emerging issues. This includes nominated representatives from across the organisation. These groups, along with a Project Control Group (PCG) (recently established) will guide the implementation of the work noted in this report.

External Consultation:

Going forward, subject to the endorsement of this process, Officers will engage proactively with traders and community on the issue and seek feedback at appropriate times through the development of the strategy and other supporting documents and plans.

An engagement plan will be developed and representative trader / community advisory group(s) will be established to ensure the City receives input and engagement on the issue from stakeholders as we develop the strategy.

**Resource Implications**

Resources (financial and non-financial) will be managed via current budgets and staffing and via grant funding where possible.

**Attachments**

Nil.

## 16.2. Bendigo Regional Employment Precinct (BREP)

|                      |   |
|----------------------|---|
| Author               | Rob Anderson, Coordinator Development Contributions and Infrastructure Planning |
| Responsible Director | Steve Hamilton, Director Strategy and Growth                                    |

### Purpose

The purpose of the report is to update Council on potential development models for the Bendigo Regional Employment Precinct (BREP), and endorse City officers writing to Development Victoria (DV) to seek their involvement in the BREP as a development partner for the planning phase of the project.

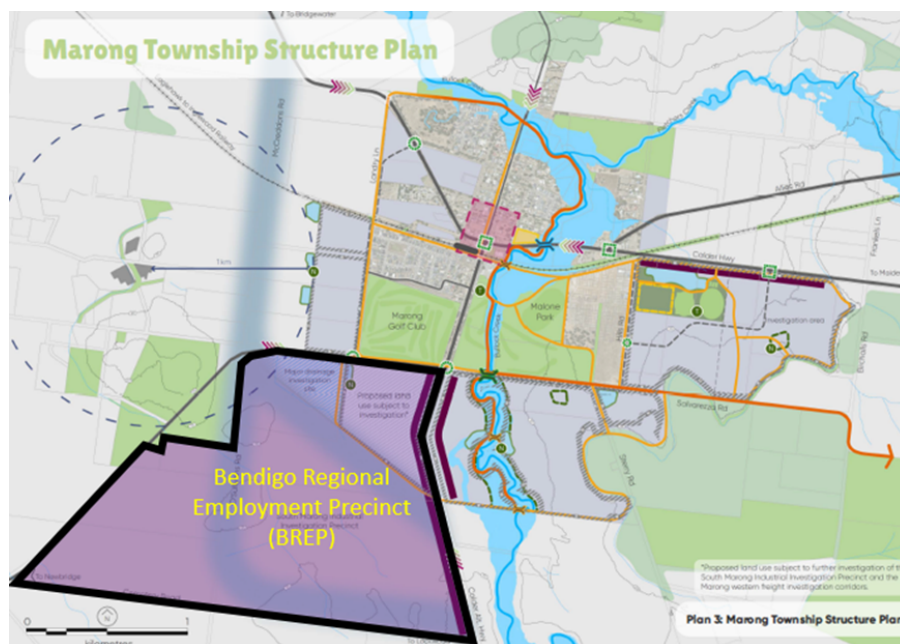
### Summary

The City of Greater Bendigo has been progressing the implementation of the Greater Bendigo Industrial Land Development Strategy (GBILDS) to guide the future supply, design and investment in industrial land across the municipality.

One of the major centre pieces of the strategy is the planning and delivery of a new industrial / employment precinct south of Marong, known as the BREP.

The BREP is a 294ha precinct bound by the Calder Alternative Highway, Wimmera Highway and Cemetery Road. The BREP includes five landowners.

The City is the major landowner within the BREP, owning 155ha in the south of the precinct (purchased in the middle of 2021). At its meeting of 15 November 2021, Council resolved to fast track the delivery of the BREP and request the Minister for Planning to appoint the Victorian Planning Authority (VPA) as the Planning Authority for the proposed BREP. The need for an industrial precinct is identified in GBILDS, as there is a need for additional industrial land supply.



**Figure 1:** Bendigo Regional Employment Precinct (BREP) Location

Preliminary financial modelling and industry market sounding has confirmed the BREP project will require significant external funding support to make the development viable for private sector developers. This is due to the significant amount of essential services and trunk infrastructure required to service the early stages of the development.

The City, in partnership with the VPA, is about to commence a detailed planning process to masterplan and rezone land within the BREP. Ideally this planning process is also supported by a development partner that helps tailor the masterplan and planning controls to ensure it meets the needs of industry (both developers and future tenants). However, due to early stage of the project and the need to secure external funding, engaging a private sector partner is challenging and could expose Council to unnecessary risks.

City officers' position is that the City should explore a partnership with Development Victoria (the development arm of the Victorian Government) as a Development Partner for the planning stage of the development. This would support the planning process, the business case for Government funding and an assessment of the best development model and process for Council to adopted (post planning).

### **Recommended Motion**

That Council:

1. Endorse City officers to undertake a due diligence process with Development Victoria to assess the risks and value of their involvement as a *Development Partner* for the planning phase of the Bendigo Regional Employment Precinct (BREP).
2. Note the preparation of a Memorandum of Understanding (MOU) between Development Victoria and the City of Greater Bendigo that confirms the role of Development Victoria and the key milestones and outcomes being sought during the planning phase of the BREP. Note – this MOU may also include the Victorian Planning Authority.
3. Delegate the Chief Executive Officer to approve and sign the Memorandum of Understanding between Development Victoria and the City of Greater Bendigo (and potentially the Victorian Planning Authority).
4. Support City Officers working with Development Victoria to assess the best development model for the BREP and report back to Council on these options and the preferred development model.

### **RESOLUTION**

Moved: Cr O'Rourke

Seconded: Cr Fyffe

That the recommended motion be adopted.

**CARRIED**



## Policy Context

### Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

Goal 3 - Strong, inclusive and sustainable economy

- Objective 3.1 – Inclusive employment opportunities for all, sustainable jobs and investment and a diverse economy
- Objective 3.4 – Employment land available for industry expansion and attraction.

### Background Information

The City of Greater Bendigo has been progressing implementation of the GBILDS to guide the future supply, design and investment in industrial land across the municipality.

One of the major centre pieces of the strategy is the planning and delivery of a new industrial / employment precinct south of Marong - known as the Bendigo Regional Employment Precinct (BREP).

The BREP is a 294ha precinct bound by the Calder Alternative Highway, Wimmera Highway and Cemetery Road and includes five landowners.

The City is the major landowner within the BREP, owning 155ha in the south of the precinct (purchased in the middle of 2021), and there is significant strategic support to facilitate the planning and early development of the precinct. This will ensure that much needed industrial land supply is provided to meet the growing needs of the Greater Bendigo region.

In November 2021 Council requested that the Minister for Planning approve the VPA to act as Planning Authority for the precinct and facilitate the background studies, precinct master planning and the delivery of a planning scheme amendment to rezone the land.

At the end of the planning process, the project will transition from a planning project to a development project, requiring the delivery of planning permits and key approvals, construction of major trunk infrastructure and the development of subdivision and industrial lots.

The City has very little previous experience in this type of development, noting these types of developments are usually led by the private sector and not government. It's only in a situation where development viability and / or a market failure has occurred that government intervention is then required to bring the land to market.

A preliminary assessment of essential services and trunk infrastructure required to service the BREP has confirmed that the precinct is not viable to development without significant government support to fund critical infrastructure (not only in relation to Council's land, but the whole precinct). This is especially relevant for transport, potable water and waste water infrastructure.

Financial modelling undertaken by Council's consultant, Navire, has confirmed that if appropriate levels of external funding could be secured the project could achieve a viable development model for the private sector. This work was also complemented by a market sounding process that involved detailed discussions with three national industrial land developers as well as DV (the Victorian Government's development arm).



Due to the early stages of the BREP project, and the uncertainty about the scale, timing and security of any external funding, this creates significant challenges for the advancement of an appropriate private sector development partnership. However, the project would benefit significantly from a development partner being involved in the planning process to ensure the masterplan and planning controls appropriately meet the needs of industry (both developers and future tenants).

Previous Council Decision(s) Date(s):

17 June 2020 – Council adopted the Greater Bendigo Industrial Land Development Strategy (GBILDS).

15 November 2021 – Council endorsed writing to the Minister for Planning to request the VPA to act as Planning Authority for the BREP and deliver the rezoning package for the precinct.

## **Report**

In mid-2021 an industry market sounding process was undertaken by the City's specialist consultant, Navire, that involved discussion with three private sector industrial developers as well as DV (the development arm of the Victorian government). This process raised the profile of the project with DV and led to a better understanding of any early issues or questions they had to help shape the projects planning and / or delivery.

The key outcomes of this market sounding process confirmed:

- Council should not engage with the private sector, be it during the planning phase or the full project, until they are 100% certain that this is the right development model (i.e. to ensure Council won't change its mind and to avoid reputational damage within the industry)
- Due to the BREP project needing significant external funding, and the current uncertainty relating to the scale, timing and security of these funds, this presented a significant risk for the private sector; noting this uncertainty will impact their development viability.
- The private sector would need greater certainty around the high-level ambition of the BREP projects that directly impact the development costs and complexity of the project. These ambitions may include environmentally sustainable development (ESD), alternative infrastructure models, and types and mix of industrial lots.
- DV will not compete with the private sector and only leads projects that involve government land, high risk elements or a major market failure that needs government intervention.

The above issues confirm the challenges with early partnership models with the private sector and the likely benefits of initially partnering with the Victorian Government (via DV) during the planning phase of the project.

In addition to the above challenges, development models can be quite complex and require the negotiation of detailed legal structures / agreements to ensure they effectively manage a variety of Council and industry risks and obligation. Therefore, even if a private sector development model was ultimately adopted, DV would be a valuable resource to also support this process.

In the context of likely development models for the BREP, the major options available to Council include:

- Full or partial sale of the land to the private sector (private development);

- Private sector development in partnership with Council;
- DV (trunk infrastructure delivery) and private sector development partnering with Council;
- DV – full development;
- Council lead development process (via tendered construction contracts).

All models (excluding option “a”) assumed Council would retain ownership of the land and sell the land in stages as the development progress. These models also reflect a sliding scale of Council / Government control, which is likely to be a critical element of the project noting the likely utilisation of external government funding, ambition, development controls and potential alternative / innovative infrastructure being explored.

In late 2021 City officers commenced preliminary, and without prejudice, discussions with DV to better understand their experience with industrial precinct planning and development. These discussions confirmed that DV was interested in the project and they understood the failure that has occurred in the Bendigo industrial market relating to advancing a major industrial precinct and the supply of large industrial lots.

The most notable project that DV is currently involved in is the development of Ballarat West Employment Zone (BWEZ). This project is delivering industrial lots on government land and has a very strong synergy with the BREP project due to its regional context, the need for a patient landowner and the critical supply constraint of large industrial lots.

Based on the above, City officers recommend the formally writing to DV and inviting their expression of interest to be considered as a potential development partner for the planning stage of the BREP project. This would support the planning process, the business case for Government funding and an assessment of the best development model and process for Council to adopted (post planning). It's expected that such a partnership would operate for approximately 12 – 18 months and be subject to a future Council report to confirm the recommended development model.

It is important to note that if Council supports the invitation to DV for it to become a development partner (planning phase), and if DV chooses to partner with Council, it will be clearly articulated in the MOU that any partnership arrangement does not infer an ongoing partnership arrangement for subsequent stages of the BREP.

#### Priority/Importance:

The VPA has commenced a procurement process for background technical studies to inform the masterplan and rezoning package. It would be desirable to have a development partner (planning phase) appointed in the early to mid-2022 to maximise the value this partner can provide.

If its agreed that DV is an appropriate partner for the planning phase, this partnership could be finalised during March / April 2022. Alternatively, if a private sector partner needed to be explored, this would unlikely be achieved until late 2022 (due to the need for detailed legal structures / agreements).

#### Options/Alternatives:

The primary development options considered for the BREP project include, but are not limited to:

- Full or partial sale of the land to the private sector (private development);
- Private sector development in partnership with Council;

- DV (trunk infrastructure delivery) and private sector development partnership with Council;
- DV – full development;
- Council lead development process (via tendered construction contracts).

All models (excluding option “a”) assumed Council would retain ownership of the land and sell the land in stages as the development progress.

In addition to DV as a development partner for the planning phase, other options include:

- A specialist consultant that has been involved in industrial development and / or works with private sector developers;
- The private sector, determined through an expression of interest process (with no commitment to development the BREP);
- A full private sector partnership (planning and development).

The critical consideration for selecting a development partner for the planning phase of the project is the need to ensure a level of independence while different models are explored.

#### Risk Analysis:

There are several risks that need to be considered when selecting a development partner (planning phase) for the BREP.

These risks include reputation damage if Council engages with the private sector too early, the selection of a development partner (planning phase) that can't effectively support the business case development and advocacy for government funding support, and delay in establishing this partnership to maximise the value during the planning process.

These risks have been considered in the report and highlight the benefit of partnering with DV, especially around a whole of government approach to the BREP project, a partner that has experience in regional industrial development and a non-competitive partner that is happy to facilitate private sector outcomes (if its confirmed that government intervention isn't required).

### **Consultation/Communication**

#### Internal Consultation:

A Project Control Group guides the project, which includes the CEO, Director Strategy and Growth, Manager Strategic Planning, Manager Statutory Planning, Manager Engineering, Manager Finance, Coordinator Planning Strategy and Policy and Senior Infrastructure Planner.

#### External Consultation:

The City, via its appointed consultant Navire, has meet with three national industrial developers as well as DV to understand the challenges and opportunities for the BREP, especially relating to the ultimate development of the land owned by Council.

### **Resource Implications**

#### Budget Allocation in the Current Financial Year:

This project has been funded in the 2021/22 financial year (both by the City and via support from the VPA).

A partnership with DV will not incur additional costs by Council outside the current budget.

External Funding Sources:

Council has been successful in a Victorian Government grant that will support the BREP planning process, in conjunction with the VPA.

There is currently no externally committed investment to deliver this project. Funding will be sought from State and Federal Governments to help deliver this project including early investment in infrastructure and subdivision development.

Projected costs for future financial years:

N/A

Any ongoing recurrent expenditure required:

N/A

**Attachments**

Nil.

## **17. ABORIGINAL RECONCILIATION**

Nil

## **18. A CLIMATE-RESILIENT BUILT AND NATURAL ENVIRONMENT**

Nil

## 19. A VIBRANT, CREATIVE COMMUNITY

### 19.1. Greater Bendigo Heritage Advisory Committee Member Appointments and Terms of Reference

|                      |  |
|----------------------|--|
| Author               | Cael Leskovec, Strategic Planner             |
| Responsible Director | Steve Hamilton, Director Strategy and Growth |

#### Purpose

The purpose of this Report is to seek Council's support to formally appoint proposed members to the Heritage Advisory Committee and to adopt the February 2022 revision of the Heritage Advisory Committee Terms of Reference.

#### Summary

In August 2021, Council resolved to make all positions on the Committee vacant, following the completion of members' four-year terms, and commence an Expression of Interest process to appoint new Committee members.

An Expression of Interest process was undertaken between 17 September and 15 October 2021. The Selection Panel met in November 2021 to interview candidates and select proposed members. A total of 10 community members, one representative from the Dja Dja Wurrung Clans Aboriginal Corporation and two agency representatives are proposed to join the Heritage Advisory Committee.

According to the Terms of Reference, the Committee is to be comprised of two elected Council members. As only one elected Councillor has been nominated, it is appropriate that an updated Terms of Reference (see Attachment 1) be adopted to reduce this requirement to only one elected Council member.

#### Recommended Motion

That Council:

1. Formally appoint the proposed members to the Heritage Advisory Committee.
2. Adopt the revised Heritage Advisory Committee Terms of Reference February 2022.

#### RESOLUTION

Moved: Cr Sloan

Seconded: Cr Fyffe

That the recommended motion be adopted.

**CARRIED**

## Policy Context

### Primary Council Plan Reference:

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025: <<Click here to select the primary reference - this will determine where in the Agenda the Report is located>>

- Goal 6: Embracing our culture and heritage
  - Recognise and celebrate our unique history and diverse cultures.

### Secondary Council Plan Reference(s):

City of Greater Bendigo Council Plan *Mir wimbul* 2021-2025:

Major initiative: Continue to enhance Council's ability to balance development and growth while protecting our heritage, through strengthened planning strategic and policy including completing the review of the Planning Scheme.

## Background Information

Heritage is a key element of the liveability and economy of the City of Greater Bendigo. The Greater Bendigo Heritage Advisory Committee (the Committee) has been providing strategic advice, guidance and representation to Council on the natural, Aboriginal and cultural heritage of the City since 2000.

As resolved at the Council Meeting of 16 August 2021 all positions on the Committee were made vacant and an Expression of Interest process to appoint new members was to be undertaken.

Terms of Reference provide the governance of both the purpose and function of the Committee. The purpose of the Committee is to provide strategic advice, guidance and representation to Council on the natural, Aboriginal and cultural heritage of the City.

The Terms of Reference also states the membership of the Committee shall comprise of:

- Two elected members of Council;
- One representative of Department of Environment, Land, Water and Planning;
- One representative of Heritage Victoria;
- One representative from each of the Registered Aboriginal Parties for City of Greater Bendigo; and
- Up to 10 representatives drawn from the community who have expertise, skills, qualifications, experience and passion for Greater Bendigo's heritage or heritage matters.

Members are appointed for a four-year term or until such time as Council or the relevant government authority chooses to replace them.

### Previous Council Decision Dates:

On 16 August 2021 Council resolved to:

1. Adopt the revised Heritage Advisory Committee Terms of Reference August 2021.
2. Endorse making all positions on the Heritage Advisory Committee vacant and commencing an Expressions of Interest process to call for new members.



3. Thank the outgoing and departed Committee members for their contribution over their term.

## **Report**

The Expression of Interest process was undertaken between 17 September and 15 October 2021. The Selection Panel met in November 2021 to interview candidates and select proposed members. A total of 10 community members, one representative from the Dja Dja Wurrung Clans Aboriginal Corporation and two agency representatives are proposed to join the Heritage Advisory Committee.

### Community Members

A total of 21 nominations from community members were received, including one received after the close of the Expression of Interest period.

On 4 November 2021 the Selection Panel (comprising of Councillor Metcalf, the Manager of Strategic Planning and the Executive Officer to the Committee) met to discuss the community member nominations. Interviews were conducted with community members on 23 and 25 November 2021. When considering the nominations attempts were made to ensure that the proposed Committee members represent a diversity of relevant expertise and experience, including a balanced representation of genders and Indigenous/non-Indigenous identification.

The Selection Panel reached an agreement that the following 10 community members be proposed to join the Committee:

- Dirk De Moore
- Dr Charles Fahey
- Brad Hooper
- Natasha Joyce
- Gavin McDevitt
- Sharon Opie
- Neil Pickering
- Dr Kiran Shinde
- Rod Spitty
- Darren Wright

A brief profile of each community member is provided in Appendix 2.

### State Government Agencies and Registered Aboriginal Parties

Formal letters were sent to the following State Government agencies and Registered Aboriginal Parties inviting them to nominate a representative to join the Committee:

- The Department of Environment, Land, Water and Planning (DELWP)
- Heritage Victoria (HV)
- Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC)
- Taungurung Land and Waters Council (TLaWC).

The following representatives have been nominated:

- Calum Walker (DELWP)

- Rebecca O'Brien (HV)
- Jon Marshallsay (DDWCAC)

#### Elected Council Members and Terms of Reference Update

The Greater Bendigo City Council nominated Councillor Dave Fagg to join the Heritage Advisory Committee as the elected Council member.

According to the Terms of Reference, the Heritage Advisory Committee is to be comprised of two elected Council members. As only one elected Council member has been nominated, the Terms of Reference need to be amended to reduce this requirement to one elected Council member.

A summary of the required changes to clauses 3.1 and 6 are provided below:

| Clause | Proposed Change  |
|--------|--|
| 3.1    | Modifies requirement for elected members of Council from 'two' to 'up to two'. Modifies requirement for Deputy Chairperson if only one elected official. |
| 6      | Clarifies requirement to chair the meeting if the Chairperson is absent and no Deputy Chairperson is in place.   |

The full Terms of Reference are located at Attachment 1.

#### Priority/Importance:

This is a matter of high priority so that a new Committee can be created to fulfil its role as an Advisory Committee to Council on matters of natural, Aboriginal and cultural heritage of the City.

#### Options/Alternatives:

1. Formally appoint the proposed Committee members and adopt the revised Terms of Reference. This is the recommended option.
2. Formally appoint the proposed Committee members and continue with the existing Terms of Reference, thereby requiring the appointment of another elected Council member to the Committee.
3. Do not appoint the proposed Committee members and do not reform the Committee.

#### Timelines:

Once Council has resolved to formally appoint the proposed Heritage Advisory Committee members and adopt the revised Terms of Reference, the Committee can commence its operation.

#### Risk Analysis:

The project has minimal risks. Minor risks include proposed members being absent for consecutive meetings without an apology to the Chair or acting outside the interests of the City of Greater Bendigo, their representative government authority or affiliated organisation. Should these situations occur, there is provision in the Terms of Reference to dismiss the offending members and for the Committee to make recommendations to Chief Executive Officer to fill the vacant position. There is also provision for the Council to disband the Committee.

## **Consultation/Communication**

### Internal Consultation:

The Selection Panel (comprising of Councillor Metcalf, the Manager of Strategic Planning and the Executive Officer to the Committee) consulted on the community member nominations and selection of the proposed members. The proposed Chairperson of the Committee, Councillor Dave Fagg, has been informed about the Heritage Advisory Committee selection and appointment process.

### External Consultation:

In accordance with the Terms of Reference, an Expression of Interest for community members were published in local papers on subsequent weekends and on the City of Greater Bendigo social media accounts. Formal letters of approach were also sent to the following local community groups:

- Australian Institute of Architects, Victoria Division;
- Bendigo Art Gallery;
- Bendigo Family History Group (AIGS);
- Bendigo Field Naturalists Club;
- Bendigo Harness Racing Club;
- Bendigo Heritage Attractions;
- Bendigo Historical Society;
- Bendigo Philatelic Society;
- Bendigo Regional Archive Centre
- Bendigo Regional Genealogical Society;
- Bendigo Tourism Board;
- Eaglehawk Heritage Society;
- Elmore Progress Museum; and
- Engineers Australia;
- Golden Dragon Museum;
- Heathcote Mclvor Historical Society;
- Huntly and Districts' Historical Society;
- La Trobe University, Bendigo;
- National Trust of Australia, Bendigo Branch;
- Northern District School of Nursing;
- Real Estate Institute of Victoria.

Formal letters were also sent to the Department of Environment, Land, Water and Planning, Heritage Victoria, the Dja Dja Wurrung Clans Aboriginal Corporation and Taungurung Land and Waters Council inviting them to nominate a representative to be a member of the Committee.

### **Resource Implications**

The administration of the Committee will continue to be managed through the existing staff resources of Strategic Planning.

### **Attachments**

1. Heritage Advisory Committee Terms of Reference February 2022
2. Heritage Advisory Committee Community Member Profiles

**Attachment 1 - Heritage Advisory Committee Terms of Reference February 2022**



# **HERITAGE ADVISORY COMMITTEE**

## **TERMS OF REFERENCE**

**2022 version for Adoption**

## 1. Introduction

Greater Bendigo is a major municipality of northern Victoria.<sup>1</sup> It includes the State's third largest city, Bendigo, rural areas, and hinterland towns of Axedale, Elmore, Heathcote, Marong and Redesdale. Extensive natural areas, including Box-Ironbark forests, are set aside in national and regional parks, crown land reserves, and public forests, as well as occurring on private land.

Aboriginal clans occupied the forests and plains of the area, before the arrival of pastoralists in the later 1830s and 1840s and still maintain a connection to this country. The discovery of gold in the municipal area in the early 1850s generated an extraordinary period of development; it brought diggers and settlers to Greater Bendigo, who established a rich and culturally diverse society. The expansion and influence of gold mining also impacted on the development of industry, manufacturing and commerce. The municipal landscape of today reflects all these layers of history and culture, in the spatial layout of urban areas, agricultural land, and natural environments.

Greater Bendigo is of outstanding historical, social, aesthetic, architectural, and scientific significance.

Greater Bendigo is of historical and social significance. It was the location of one of Victoria's earliest alluvial gold rushes, followed by the establishment and expansion of quartz mining. The Bendigo-Eaglehawk field was one of the world's great nineteenth century quartz mining centres (the largest in eastern Australia and the second largest in Australia after Kalgoorlie). The colossal output helped sustain global financial systems and trade, and was a significant contributor to the development of Melbourne. The mining activity initiated significant innovations and developments in commerce, manufacturing and technology. Examples include the first mining stock exchange in Australia (in the Beehive Building on Pall Mall), one of the largest railway workshops in Australia, and the foundation of Bendigo Bank and the Myer retail empire. Construction of a reliable water supply in the Coliban Water reservoir system also influenced historical development, including the location and viability of settlements and horticulture. Trans-national immigration associated with gold mining brought a diversity of traditions and cultural practice. In particular the Cornish, German and Chinese miners have made significant and ongoing contributions to the culture and development of Greater Bendigo.

German immigrant architects designed buildings which are now regarded as some of the most significant in regional Victoria, helping to make the municipality of aesthetic/architectural significance. Bendigo city has one of the highest concentrations of Victorian Heritage Registered properties in the State, and two of regional Australia's most architecturally distinguished boulevards in Pall Mall and View Street. Bendigo has an outstanding collection of historic civic buildings, complemented by more modest collections of civic buildings in other towns. Significant structures in Greater Bendigo include those associated with industry, public utilities, mining, transport, agriculture, engineering and manufacturing. Boom style homes and gardens built by mining speculators contrast with an extensive collection of modest German and Cornish miners' cottages. Many small settlements also retain buildings associated with gold rushes. In

<sup>1</sup> This Introduction is the Statement of Significance from the adopted *Greater Bendigo Thematic Environmental History* (2013).

addition, there are significant buildings that represent a diverse vernacular tradition. There are also fine examples of 19th century town planning layouts and botanic gardens, public parks and avenues of trees. Extensive natural areas, including Box-Ironbark forests, rivers, hills and valleys of cultural and aesthetic significance provide a contrast to the urban centres and agricultural landscapes.

The municipality is of scientific significance. Numerous historical and archaeological sites associated with different phases and types of gold mining and processing survive, and demonstrate aspects of mining technology. There are also outstanding examples of manufacturing industry associated with restructuring of the mining industry, in particular foundries and engineering works for defence and agriculture, where advances in technology were also made. There are in addition natural sites of significance throughout the municipality, including geological and geomorphological sites. These include the Big Hill ridge which marks the southern gateway to Bendigo.

In order to advise it on policy and matters affecting such areas and to act in the community interest in protecting and preserving such important assets, the Greater Bendigo City Council ('**Council**') has established an expert advisory committee.

## **2. Purpose**

The purpose of the Heritage Advisory Committee is to provide strategic advice, guidance and representation to Council on the natural, Aboriginal and cultural heritage of the City.

The Committee will achieve this by:

- 2.1 Providing advice into Council's strategic planning processes, as required, to ensure that heritage matters are given due consideration;
- 2.2 Providing advice to the Council on the identification, management and conservation, restoration and promotion of places of heritage significance, as required, in the municipality; and
- 2.3 Promoting community participation in heritage issues through awareness raising, education, engagement and mentoring.
- 2.4 Providing advice to Council on current and emerging issues and opportunities in heritage that Council can advocate for on a local, State and National level.
- 2.5 Assisting in the development of partnerships and communication networks to ensure effective dissemination of information and coordinated advice and feedback to Council.

## **3. Membership**

To ensure a balanced and comprehensive base for advice, the Committee should collectively have a diversity of relevant expertise and experience. Ideally there should be a balanced representation of genders and Indigenous / non-Indigenous identification.

Membership of the Committee shall comprise:



- 3.1 Up to two (2) elected members of Council. Where there are two elected members, one shall be the Chairperson of the Committee and the other Deputy Chairperson. Where there is one elected member, they shall be the Chairperson of the Committee and no Deputy Chairperson installed;
- 3.2 One (1) representative of Department of Environment, Land, Water and Planning;
- 3.3 One (1) representative of Heritage Victoria;
- 3.4 One (1) representative from each of the Registered Aboriginal Parties for City of Greater Bendigo;
- 3.5 Up to ten (10) representatives drawn from the community who have expertise, skills, qualifications, experience and passion for Greater Bendigo's heritage or heritage matters. Membership will be encouraged from, but not limited to, representatives or individual nominations from the following organisations:
  - Australian Institute of Architects, Victoria;
  - Bendigo Field Naturalists Club;
  - Bendigo Heritage Attractions;
  - Local historical societies/organizations with an historical collection interest;
  - Bendigo Tourism Board;
  - Engineers Australia;
  - La Trobe University, Bendigo;
  - National Trust of Australia (Victoria);
  - Real Estate Institute of Victoria;
- 3.6 An officer from the City's Strategic Planning unit will be Executive Officer to the Committee, and the Manager of Strategic Planning will provide managerial support. Other City staff will attend meetings as required.
- 3.7 Members may be nominated by three methods:
  - 1) All government or government appointed authorities listed in 3.1 - 3.4 will be formally approached and invited to nominate a suitable delegate.
  - 2) The Greater Bendigo community will be invited to participate as individuals in an Expression of Interest and interview process.
  - 3) Organisations listed in 3.5 will be formally approached and invited to nominate a representative to participate in an Expression of Interest and interview process.

#### **4. Expressions of Interest**

Expression of Interest appointments to the Committee shall be made by Council.

- 4.1 All members listed in section 3.5 will be open to self-nomination via an Expression of Interest and interview process. Expressions of Interest will be publicly advertised and relevant organisations will be formally notified.

- 4.2 All Expressions of Interest will be considered by a Selection Panel to be chosen by the Chairperson and the Manager Strategic Planning. The Panel will consist of the Chairperson, a City of Greater Bendigo Director or Manager from the Strategy and Growth Directorate; and the City of Greater Bendigo officer appointed as Executive Officer. The role of the Selection Panel will be to assess the Expressions of Interest, shortlist them for interview and following the interview, to make recommendations to the Council for their appointment.
- 4.3 The new Committee will be formally appointed by Council.

## **5. Terms of Appointment**

All members shall be appointed for a four (4) year term. At the conclusion of a term all positions become vacant.

- 5.1 Delegates (sections 3.1 - 3.4) shall remain on the Committee for their term so long as they represent the government authority referred to or until such time as Council or the relevant government authority chooses to replace them.
- 5.2 Community members as individuals (section 4.5) shall remain on the Committee for their term or until such time as Council chooses to replace them.
- 5.3 Community organisation representatives (section 3.5) shall remain on the Committee for their term so long as they represent the organisation they are affiliated with or until such time as Council or the relevant organisation chooses to replace them.
- 5.4 Exiting members (section 4.5) may apply for further terms of office through the Expression of Interest and interview process.
- 5.5 Should a vacancy occur during a term, the Committee may make recommendations to the Chief Executive Officer to fill it. The term served by the newly appointed member shall expire at the same time as the current Committee.

## **6. Chairperson**

If the Council appointed Chairperson is absent, the Deputy Chair, should one be appointed, will chair the meeting or a Council delegate or any Committee member present by agreement.

## **7. Conduct of Meetings**

- 7.1 The Committee will meet bi-monthly, from February to November. Special meetings may be called for urgent matters as required at the direction of the Chairperson.
- 7.2 A quorum shall consist of five (5) Committee members.
- 7.3 The Committee may invite any individual, interest group, or agency representative to attend a meeting as a delegation or to submit or present information that will assist the Committee in carrying out its functions.

- 7.4 The Committee will endeavour to reach decisions by consensus. Where this is not achievable, voting rights extend to organisational and community members. Voting rights do not extend to Councillors.

## **8. Conflict of Interest**

Committee members should declare a conflict of interest if they are to discuss an item that, if supported by Council, could result in a direct or indirect benefit or loss to them.

The provisions of the *Local Government Act* 1989 apply to Councillor members.

## **9. Dismissal of Members**

9.1 Council and the Chief Executive Officer retain the right to revoke the membership of any person found to be acting outside the interests of the City of Greater Bendigo, their representative government authority (sections 4.1 - 4.4) or affiliated organisation (section 4.5).

9.2 If a Committee member is absent for more than 3 (three) meetings without apology to the Chairperson or Executive Officer, that person will be contacted and their membership may be revoked.

## **10. Insurance**

10.1 Public Liability Insurance: Members of any Committee established by the Council under the Local Government Act or any other enabling legislation or, whilst acting in that capacity within the scope of their duties for and on behalf of the Council, are provided with cover under the LMI Broadform Public and Products Liability and Professional Indemnity Insurance, subject to the LMI policy terms, conditions, endorsements, exclusions and deductible provisions and relevant clauses.

10.2 Council appointed Committee members, whilst acting in that capacity within the scope of their duties for and on behalf of Council, are covered within the terms and conditions of the Council's LMI Public and Products Liability Insurance Policy for third party personal injury or damage to property (as defined) caused by an occurrence, and where applicable for breach of professional duty, in connection with the Business of the Council.

10.3 The City of Greater Bendigo's insurance policies provide indemnity for personal injury, property loss, products liability and claims for breach of professional duty, subject at all times to the Policy "Conditions and Exclusions".

## **11. Dissolution**

Council may resolve, for any reason, to disband the Committee and, upon written notice to the Committee to that effect, the Committee shall be disbanded.

## **12. Implementation and Review**

Sections of these Terms of Reference (Sections 5 - 16) are standard for Advisory Committees to Council and are only subject to review by Council or the City of Greater Bendigo.

The Committee will undertake a review of the other sections of the Terms of Reference every four (4) years prior to the conclusion of its term.

### **13. Resources**

The City of Greater Bendigo will provide administrative and technical support for the Committee's meetings and a suitable venue.

### **14. Communication**

14.1 Minutes of each meeting will be recorded and distributed to the Committee and Council.

14.2 The Chairperson will report to Council regularly.

14.2 A delegation from the Committee will present annually to Council Briefings on the Committee's activities and initiatives in the previous year.

14.3 Responding to media requests or making public comment on behalf of the Committee is the responsibility of the Chairperson, Chief Executive Officer or an authorised City of Greater Bendigo officer. In some circumstances it may be appropriate for a Committee member to speak publicly about the work of the Committee. In these instances, Chairperson approval must be sought.

### **15. Confidentiality**

The Committee will, from time to time, deal with matters subject to confidentiality. Confidential items will be specifically identified and Committee members are expected to observe this provision for the period that the provision applies.

### **16. Heritage Restoration Loan Scheme**

A report on the progress of the Heritage Restoration Loan Scheme over the previous financial year will be presented to the Committee annually.

## **Attachment 2 - Heritage Advisory Committee Community Member Profiles**

### **Dirk De Moore**

Dirk De Moore is the Director and Owner of the Bendigo Hearing Clinic. He has a great passion and appreciation for the heritage of Greater Bendigo and has been serving local community groups for the past 17 years.

### **Dr Charles Fahey**

Charles Fahey is a retired academic historian. Prior to that, he was employed as a historian for the State Government, working on the preservation of sites on Crown land. Charles has recently written historical reports on Bendigo Miners' Cottages and Prince's Park in Maryborough. He is a current member of the Bendigo Historical Society.

### **Brad Hooper**

Brad Hooper is a qualified architect with a strong interest in heritage management, adaptation and inclusion in contemporary urban development. He has significant experience serving on boards and committees, and currently serves as a member of National Trust (Victoria) Heritage Advocacy Committee.

### **Natasha Joyce**

Natasha Joyce is a qualified historian. She is currently employed as the Public Relations Officer for the Professional Historians Association (Victoria-Tasmania) and is working towards her PhD at La Trobe University. Natasha's doctoral research forms part of the Faith on the Goldfields project, which aims to rediscover, re-interpret, and share knowledge about the role and value of faith during the gold rush.

### **Gavin McDevitt**

Gavin McDevitt is a qualified archaeologist with a focus on Aboriginal heritage. He currently works as an Aboriginal Cultural Heritage Planning Coordinator for Parks Victoria. Gavin is interested in the representation and protection of Aboriginal cultural heritage across Greater Bendigo.

### **Sharon Opie**

Sharon Opie's love of Bendigo and Eaglehawk's history has led to careers in librarianship, history, education and celebrancy. She has significant experience serving the community, currently as the President of the Friends of the Bendigo Art Gallery and previously as the President of the Eaglehawk Heritage. Sharon is currently writing and researching a book on the memory of victory trees, the 100-year-old palms and pines that can be seen throughout many of Bendigo's private gardens.

### **Neil Pickering**

Neil Pickering is a qualified bricklayer with extensive practical and teaching experience in restoring traditional brickwork and mortars, including tuckpointing. He is currently employed by Remembrance Parks Central Victoria as a supervisor for the restoration and maintenance of cemeteries. Neil's background has fostered a keen interest in heritage, particularly its restoration component.

### **Dr Kiran Shinde**

Kiran Shinde is a qualified architect and planner. He currently heads up the planning program at La Trobe University, Bendigo. Kiran has a deep interest in heritage management and works in that area regularly through his teaching and research, for which he has won numerous awards.

### **Rod Spitty**

Rod Spitty is a qualified town planner, building surveyor and civil engineer. A Fellow of the Institute of Engineers Australia, he has 40 years of experience in heritage, conservation and restoration at the local government level. Rod has previously served two terms as a member of the Heritage Advisory Committee.

### **Darren Wright**

Darren Wright is a descendant of some of the region's earliest pioneers and has a profound interest in the history and development of the area. He is currently a committee member of the Bendigo branch of the National Trust. Darren has been a previous member of the Heritage Advisory Committee since 2011.

## 20. A SAFE, WELCOMING AND FAIR COMMUNITY

### 20.1. Huntly Lions Park

|                      |  |
|----------------------|--|
| Author               | Vicky Mason, Director Health and Wellbeing |
| Responsible Director | Vicky Mason, Director Health and Wellbeing |

#### Purpose

To seek Council direction with regard to the future purpose of the Huntly Lions Park.

#### Summary

The Huntly Lions Park has provided an informal short-term camping ground for travellers passing through the region for many years. Over the last few years there have been a number of complaints received by Councillors about the behaviour of some campers and the fact that they are residing in the park for longer periods of time. Housing stress is a significant issue for the Greater Bendigo community with demand for social housing increasing across the region. As a consequence, a number of campers have been using the park as their permanent place of residence.

Council staff regularly visit the site making sure that facilities are clean and tidy and monitoring camper behaviour. On occasion they have sought the support of local VicPol staff to deal with a range of safety issues. Some campers have refused to cooperate and have set up extensive campsites which impact on other visitors.

Staff have also sought support from Haven Home Safe to assist campers in finding alternate housing which has been successful on a number of occasions however some of the longer-term campers have refused offers of re-location.

The park is crown land zoned for recreation however has a current reservation purpose of camping and water supply. As a result, the Community Local Law cannot be used to move campers on.

Advice from the local office of the Department of Environment, Land, Water and Planning (DELWP) indicates that Council can apply in writing to them to remove this reservation purpose. Advice indicates this is likely to take at least 4 months.

In 2021 Council endorsed a recommendation to leave the situation as status quo due to the higher levels of homelessness being experienced across the City due to the COVID-19 pandemic. It was agreed that this decision would be reviewed in early 2022.

Following consultation with Council staff, VicPol, Haven Home Safe and DELWP it appears that the situation is not changing at the park. As a result, Council Officers are now proposing that the City seeks to have the reservation purpose removed and operate the park as a general recreation and picnic area.

In recognising the issues that this reserve purpose can cause, Council Officers did a review of other City of Greater Bendigo Managed Reserves and identified that the Marong Tourist Camping Reserve, located on the Bendigo side of Marong off the Calder Hwy, also has this reservation purpose. It is therefore proposed that Council seeks to have this removed at the same time as Huntly.



## Recommended Motion

That Council:

- Write to the Victorian Department of Environment, Land, Water and Planning seeking their support to remove the camping reservation purpose for the Huntly Lions Park and the Marong Tourist Camping Park.
- Provide early notice to current and prospective campers and local housing providers that it is likely that camping will not be permitted in the park in the future
- Inform the local community of Council's intention
- Thank local representatives from VicPol and Haven Home Safe for their support in managing this issue.

## RESOLUTION

Moved: Cr Alden

Seconded: Cr Sloan

That the recommended motion be adopted.

**CARRIED**

## Policy Context

*Council Plan 2021 – 2025: Mir wimbul*

Outcome: Lead and govern for all

Goal: Active community engagement and excellence in customer service

Outcome: Healthy, liveable spaces and places

Goal: The supply and quality of affordable housing is increased

Goal: Targeted investment in services, facilities, and programs to communities most in need

Outcome: A safe, welcoming and fair community

Goal: A community that feels safe

Goal: A community that promotes equity and addresses poverty and disadvantage

*Healthy Greater Bendigo 2021-2025*

Outcome: Liveable

Area for action: Access to:

- Affordable, safe and secure housing
- Quality public open space

*City of Greater Bendigo Affordable Housing Action Plan 2021*

## Background Information

The Huntly Lions Park at 565 Midland Highway, Huntly, has provided an informal short-term camping ground for travellers passing through the region for many years. Over the past few years there have been a number of complaints received by Councillors about the behaviour of some campers, the cleanliness of the park and the fact that they are residing in the park for longer periods of time.

The Huntly Lions Park is crown land zoned for recreation however has a current reservation purpose of camping and water supply. As a result, the Community Local Law cannot be used to move campers on.

Council staff visit the site regularly making sure facilities are clean and tidy and monitoring camper behaviour. On occasion they have sought the support of local VicPol staff to deal with a range of safety issues. Some campers have refused to cooperate and have set up extensive camp sites which impact on other visitors. Staff have also sought support from Haven Home Safe to assist campers in finding alternate housing.

Housing stress and homelessness are significant issues for the Greater Bendigo community. In responding to this in September 2021 Council endorsed the Greater Bendigo Affordable Housing Action Plan. The plan sets out the City's role and actions it will implement to support an increase in the supply and provision of affordable housing to meet the community's needs. The City is also working with State government and local housing providers to implement the Big Housing Build initiative that will provide over \$85M of investment in affordable housing for Greater Bendigo.

City staff are also working on the development of a Homelessness Protocol to guide Council staff in supporting community to find appropriate housing.

The COVID-19 pandemic has placed even greater housing pressure on the Greater Bendigo community. This is why in June 2021 Council endorsed a recommendation to not change the camping status of the Huntly Lions Park in the short term but instead work with Haven Home Safe to seek to relocate the current campers. It was agreed to review this situation in early 2022.

### Previous Council Decision(s) Date(s):

24 June 2021

That Council:

- Works with Haven Home Safe to relocate the current campers, continue to ensure the park is well maintained then review the status of the park in early 2022.

## Report

Council Officers, staff from Haven Home Safe and local VicPol representatives have continued working with campers to find alternative accommodation and manage behaviour whilst keeping the park neat and tidy. A number of campers have refused offers of other housing and have extended their camps to include more permanent fixtures.

At a liaison meeting on January 20, 2022 VicPol representatives indicated they would have more power to influence camper behaviour if the camping reserve status was removed as their camp would no longer be seen as a private residence. Haven Home Safe staff indicates that removing the camping reserve status would provide a further incentive for their current clients to take up alternate accommodation on offer. It is important that we recognise the support of these agencies in managing issues at the park.

Whilst the issues with homelessness across the community have not abated, this behaviour continues to create problems for the local community and other park users leading to continued complaints to Council Officers. The Lions Club have expressed concerns with having their name attached to the park given the current activities occurring there.

As highlighted above, the Huntly Lions Park is crown land zoned for recreation however has a current reservation purpose of camping and water supply. As a result, the Community Local Law cannot be used to move campers on. Advice from the local office of the Department of Environment, Land, Water and Planning (DELWP) indicates that Council can apply in writing to change this purpose to Public Recreation or Public Purposes. This is likely to take at least 4 months.

If the purpose of the park is changed, the current Community Local Law requirements will then apply.

The relevant sections state:

#### 4.6 Camping and caravans

- A person shall not without a permit occupy a tent, caravan or other temporary or make-shift structure in any public place.

(d) In determining whether to grant a permit pursuant to this Clause the Chief Executive Officer or his or her delegate shall have regard to:

- whether the amenity of the area will be detrimentally affected,
- whether adequate facilities will be available to occupants; and
- any other matter considered relevant by the Chief Executive Officer or his/her delegate

Given the concerns raised by some members of the Huntly community, it is unlikely that a permit would be issued.

If the purpose of the reserve is changed Council Officers would seek to make some minor changes to the park access stopping cars and caravans entering. Costings will be sought to install bollards and additional parking at the front of the park. Current longer-term campers would be encouraged to move on with assistance being sought from VicPol if they do not do this voluntarily.

In recognising the issues that the camping reservation purpose can cause, Council Officers did a review of other City of Greater Bendigo Managed Reserves and identified that the Marong Tourist Camping Reserve, located on the Bendigo side of Marong off the Calder Hwy, also has this reservation purpose. It is therefore proposed that Council seeks to have this removed at the same time as Huntly.

## **OPTIONS CONSIDERED**

A number of options are available for Council consideration. These include:

1. Do nothing whilst continuing to work with Haven Home Safe and VicPol and ensure the park remains well maintained. This option will lead to continued concerns being raised by the wider community.
2. Write to DELWP seeking removal of the purpose for the reserve as a camping ground.

## **Consultation/Communication**

If Council chooses Option 2, to limit the reputation risk of having to evict current campers, it is proposed that a comprehensive communications and engagement plan be put in place to ensure all stakeholders have enough warning of proposed changes.

The park is also currently listed on a range of free camping websites. Council staff would seek to have these listings removed once approval is provided from the Minister.

## **Internal Consultation**

Monitoring of the park has been undertaken the Local Laws and Parks and Open Space teams.

## **Resource Implications**

Actions arising from this recommendation would be completed using existing resources.

## **Attachments**

Nil

## 21. URGENT BUSINESS

Nil

## 22. NOTICES OF MOTION

Nil

## 23. COUNCILLORS' REPORTS

Cr Alden reported on her attendance at the following meetings and events:

- Unfortunately due to COVID recovery, missed the opportunity to participate in the Australia Day events and citizenship ceremony last month, but understood they were all very well attended
- Attended the Chamber Music Festival who continue to go from strength to strength
- Attended the celebrations for the Chinese Lunar New Year (Year of the Tiger) and commended the audience participation
- City of Gastronomy had the opportunity converse with the City of Ede in the Netherlands who are making great inroads in this area
- Together with fellow Councillors, visited the SafeScape business in Golden Square who are working with mining companies to establish electric vehicles for use
- Da Vinci Machines opening at Discovery Centre
- Participated in the March for Justice – further support to equality, justice and respect
- Vale Julie Rivendell – known Julie for over 25 years – a kind, gentle and thoughtful community-minded person and advocate

Cr Evans reported as follows:

- *A lot has happened since the January Council Meeting, started off with concerns with Omicron (COVID strain) and then to the modest easing of restrictions and getting back out into the community*
- *Bit of a 'youth' theme for this month with the Youth Council Meeting and election of a new Youth Mayor, Victoria Tangey and support by two Deputy Youth Mayors, Ryan Peterson and Remus Brasier; big thank to you outgoing Youth Mayor, Jack Smith for his work throughout the past year*
- *Civic welcome to the students at La Trobe University as part of 'O' Week*
- *Opportunity as Guest Speaker for the Bendigo Senior Secondary College's Student Team Leader Planning Day – terrific thought provoking conversations to say the least!*
- *To the people of Ukraine – the harrowing, heartbreaking and horrific scenes; the bravery of the Ukraine people is to be commended*
- *Also a difficult time for those of Russian heritage or descent – let's pray for peace*
- *There are many more events coming up in Bendigo which am looking forward to:*
  - *Elvis, Direct from Graceland is on its way, closely followed hot on its heels, 'Priscilla'*
- *As always, stay classy Greater Bendigo!*

Cr Penna reported on his attendance at the following meetings and events:

- Managed Growth workshop
- Positive Ageing Advisory Committee end-of-year break-up
- 1:1 meeting with the Mayor on the budget
- Kirkland Gold above and below ground tour of the facility at Fosterville
- Australia Day celebrations at Axedale
- Drop-in update sessions with Council staff on various topics
- Strategic Growth and Heritage Workshop
- Chinese Lunar New Year Celebrations: Year of the Tiger (this is my year!)
- Half-yearly performance review of the Chief Executive Officer
- Update on the Victoria Hill Diggins
- Capex workshop
- Attendance of the land handover to Dja Dja Wurrung
- Da Vinci Machines at Discovery
- Community presentations online
- Personal Interest Return workshop
- Local Government Culture submission
- Briefing meeting with Heathcote Township delegates
- Attendance several Briefings
- Attendance at several meetings with ratepayers

*Cr O'Rourke reported on her attendance at the following meetings and events:*

- *Starting to get a lot busier with the easing of restrictions due to COVID*
- *Election of the Youth Mayor and Deputy Youth Mayor – what an amazing group of people with wisdom beyond their years! Congratulated Cr Evans on his involvement with this inspiring group*
- *Bendigo Sportstar Awards – it is the longest running community awards in Australia!*
- *Development happening in the city centre: Galkangu and the Law Courts – crane has been removed from the Law Court development, but there is still some work to be done at Galkangu, so its crane is staying put for the moment, but with the erection of the woodwork it is looking terrific*

*Cr Fyffe reported on his attendance at the following meetings and events:*

- Attended the launch of the Queer Histories at Dudley House
- Represented the Mayor at the Lions Youth of the Year at Marong
- Youth Council Election – what a great job these young councillors do
- Civic welcome to the La Trobe University students during 'O' Week
- Opening of the Da Vinci Machines at Discovery
- Pleasure to represent the Mayor to officially open the Independent Builders' Network Conference – who could not give enough praise to the assistance received from the Visitor Information Centre – well done!

## 24. MAYOR'S REPORT

The Mayor, Cr Andrea Metcalf reported on her attendance at the following meetings and events:

- Attended underground and surface tour of Fosterville Gold Mine.
- Officiated at the Season Launch for Bendigo Venue and Events.
- Participated in the #ChangeTheHeart 2022 online event.
- Provided the Australia Day Address and officially introduced the Citizen and Young Citizen of the Year at the Bendigo Australia Day event held at the Bendigo Jockey Club.
- Presided at the Australia Day Citizenship Ceremony attended by 67 new citizens.
- Provided the Australia Day Address at the Huntly Australia Day Community Celebration.
- Participated in the online Loddon Waste Resource and Recovery Group State Chairs strategic session.
- Toured the new Huntly Train Station with the Hon. Jacinta Allan MP and Rail Projects Victoria.
- Participated in the online Strategy and Growth – Strategic Workshop.
- Met with representatives from the Bendigo U3A.
- Visited the Emporium Creative Incubator.
- Attended the Empowering Eaglehawk meeting.
- Attended The Bendigo Trust board meeting.
- Officially opened the Bendigo Chamber Music Festival held at The Capital.
- Attended the online Integrated Municipal Emergency Management Planning Committee meeting.
- Participated in the online ICLEI Oceania Mayoral Roundtable: the opportunity of the Australian Federal Election.
- Attended the Victorian Tourism Awards Gala Ceremony held at Melbourne Town Hall.
- Attended the Bendigo Chinese Association Inc 2022 Lunar New Year Festival.
- Participated in online meeting with the Hon. Anne Ruston, Minister for Families and Social Services of Australia.
- Participated in online meeting with Mr Greg Cox, Acting First Assistant Secretary, Infrastructure, Transport, Regional Development and Communications



- Participated in online meeting with representatives from the office of Hon. Greg Hunt MP, Minister for Health and Aged Care.
- Chaired the Eaglehawk Table Tennis and Badminton meeting.
- Attended meeting with Karen Community leaders.
- Attended the OPEX budget workshop.
- Attended the online Launch of the Getting Women into Trades.
- Attended the opening function for the Queer Histories exhibition by Denis Chapman held at Dudley House.
- Chaired the online Creative City of Gastronomy Advisory Committee meeting.
- Chaired the Pandemic Relief and Recovery Committee meeting.
- Attended the CAPEX budget meeting.
- Chaired the online Loddon Campaspe Councils Group meeting.
- Visited local business Safescape.
- Participated in online meeting with the Hon. Danny Pearson, Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries.
- Attended the Handover Ceremony for return of land to the Dja Dja Wurrung people and presentation of the Certificate of Title by the Attorney-General.
- Met with Member for Northern Victoria, Tania Maxwell, MP.
- Attended the Opening of Da Vinci at the Discovery Science and Technology Centre.
- Attended and laid wreath at the Darwin Defenders 80th Anniversary Commemorative Service.
- Attended and spoke at the Bendigo Gem Club: Gem Expo, held at the Baptist Church, Junortoun.
- Participated in media opportunity for the new Pride Flag artwork on Hargreaves Street, Bendigo.
- Participated in online meeting with the Hon. Don Farrell, Senator for SA.
- Participated in online meeting with the Hon. Tony Burke, Shadow Minister for the Arts.
- Attended the online Bendigo Safe Community Forum meeting.
- Attended the online Elmore Township Plan meeting.
- Officiated at the Civic Welcome to La Trobe University Students.
- Participated in online meeting with the office of Hon. Dan Tehan MP, Minister for Tourism.

- Chaired the online Community Presentations session attended by Bendigo Foodshare, Advance Heathcote Inc and Golden Dragon Museum representatives.
- Attended the online Youth Council Meeting.
- Participated in the Circular Economy Leadership Course webinar.
- Chaired the online Loddon Mallee Local Government Waste Forum Meeting.
- Attended the online City of Greater Bendigo Audit and Risk Committee meeting.
- Attended the Be.Bendigo State of the Economic Market breakfast held at The Conservatory, All Seasons Resort.
- Met with representative from the Eaglehawk Community House.
- Attended the Bendigo Sports Star of the Year Gala Night held at All Seasons Resort.
- Attended the Community Achievement Awards for Regional Victoria Gala Presentation Dinner held at the Sofitel Melbourne.
- Participated in online meeting with representatives from the office of the Hon. Paul Fletcher MP, Minister for Communications, Urban Infrastructure, Cities and the Arts.
- Held online weekly Meet the Mayor sessions.
- Spoken with residents, businesses and community groups regarding a wide range of issues.
- Participated in numerous radio, newspaper, television media interviews and photo opportunities.

## **25. ACTING CHIEF EXECUTIVE OFFICER'S REPORT**

The Acting Chief Executive Officer, Mr Andrew Cooney, presented his report as outlined below:

“Thank you to the Councillors for the opportunity to act in the role while the CEO takes a well-deserved break and, as you can tell from the Councillor reports tonight, it has been a really busy month and a really busy start to this calendar year. I would particularly like to thank the Councillors for their involvement in the budget. It is moving quite well, and we are quite organised. That is in part, due to the work of the team but also in part, due to the Councillor’s advocacy and efforts in engaging with the community so you can put forward ideas and projects and services that are in line with the community’s priorities, so thank you for your efforts with that. We have another couple of months to keep working through it, but I am confident we are on the right track.

“Today we welcomed staff back into the office for the first time since December 2021 without masks, but for the first time in a long time for a number of staff including for the first time ever for some new staff who have joined us over the last two years. It has been quite exciting to be back as part of that buzz and chatter and laughter and to see people actually happy to see each other in person. We know that we will continue to help staff transition towards that, but it is a good step back. We know that a lot of local businesses rely on the clientele and attendance of our staff in the city centre as well, so we really acknowledge the role we have to play in helping them to recover their businesses and to reenergise the city. It is good to see people moving in and around Bendigo again, there were 600 people up at Ulumbarra yesterday, we have had people back at Bendigo Stadium to watch the basketball, there are civic events coming and everybody is excited to talk about Elvis coming soon to Bendigo. It is going to be terrific for our businesses.

It is also good see that Council and Executive have been able to attend a Council meeting in person again and to be able to invite a public gallery back. Whilst we don't have too many people today, we know that the production and the livestreaming of Council meetings has also helped people to have a bit of accessibility and keep in touch with Council. We know that we have 200-300 people tuning in to most meetings and to watch the working of Council but we do look forward to having a gallery back at some stage. There is nothing like local democracy in front of people, so to anybody who is interested, we are open for business and able to host a gallery in Council chambers again.

The community may have heard about the exciting news that the Victorian Government is putting in a bid for the Commonwealth Games to be hosted around Victoria and outside of Melbourne. That is a huge opportunity for our athletes, our businesses, our community and our region and we know that we have got a number of really fantastic facilities and a great record of being able to host high quality events in Bendigo. We want the community to know that we will do everything we can to make sure we put Bendigo in the best place to attract as many events to Bendigo as possible and we are already meeting and working with the State Government to advocate for that.

On behalf of the City, I would like to acknowledge and congratulate Victoria Tangey, Ryan Peterson and Rhemus Brasier for their elections at Youth Council and also acknowledge Jack Smith for his incredible efforts over the past year. His enthusiasm and advice has set a real standard for Youth Council and I look forward to continuing to work with Victoria and her team. It is great that the Council pays such respect and puts such trust in the Youth Council and I think that is why we keep getting really good members wanting to join the Youth Council. If you think about the role youth had in the last year in listening and then acting on some of these ideas, it is a great credit to them.

As a couple of Councillors mentioned tonight, along with the Mayor, Councillors and CEO, I was able to attend the launch of the Dja Dja Wurrung Community and Corporate facility on 18 February at Golden Square on the site of the former Golden Square High School. This is a huge project for the Dja Dja Wurrung people and it was really significant to see the Attorney General hand the title back. It is a fantastic opportunity for Dja Dja Wurrung to really cement themselves in a corporate facility and consolidate their operations on the one site and help them to progress towards self-determination. It is a huge economic opportunity to develop that site with a project that is worth about \$11M and a project that will generate about 60 jobs during construction. Not an insignificant project.

Along with Councillors, I would like to pay our respects to former Mayor and Councillor Julie Rivendell. From what I have heard and read and researched about former Councillor Rivendell, she was a real people person and someone who had an incredible passion for her community and stood up for those people who didn't have a voice themselves. She will be a huge loss to our community and on behalf of the staff, I would like to pay our respects and pass on our best wishes to her family”.

## **26. CONFIDENTIAL (SECTION 66) REPORTS**

**26.1. Confidential Report pursuant to Section 66(2)(a) and (g) of the Local Government Act 2020 to consider a report relating to Council business information and private commercial information.**

### **Recommended Motion**

That Council close the meeting to members of the public pursuant to section 66(2)(a) and (g) of the Local Government Act 2020 to consider a report relating to Council business information and private commercial information.

### **RESOLUTION**

Moved: Cr Fyffe

Seconded: Cr Evans

That the recommended motion be adopted.

**CARRIED**

**There being no further business, the meeting closed at 8.11pm.**

**Confirmed:**

**March 28, 2022** \_\_\_\_\_ **Chair**