

Council Meeting

Agenda

Date: Wednesday 12 February 2025

Time: 6pm

Venue: Civic Centre (Council Meeting Room)
13 Mair Street, Benalla

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Governance Matters

This Council Meeting is conducted in accordance with the *Local Government Act 2020* and the Benalla Rural City Council *Governance Rules 2020*.

Recording of Council Meetings

In accordance with Rule 6.4 of the *Governance Rules 2020* the Council Meeting will be livestreamed via the Council's website and an audio recording will be made of the proceedings and made available for public access, with the exception of matters identified as confidential items in the agenda.

Members of the public can watch the live broadcast of the meeting at www.benalla.vic.gov.au

Question Time and Public Submissions

Any person wishing to participate in Question Time or Public Submissions in accordance with Rule 7.2 and 7.3 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning the Governance Coordinator Jess Pendergast on (03) 5760 2600.

Behaviour at Meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a 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.

Agenda

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor David Blore
Councillor Peter Davis
Councillor Puna Hewa Gunaratne
Councillor Justin King
Councillor Jillian Merkel
Councillor Nathan Tolliday

In attendance	Robert Barber	Acting Chief Executive Officer
	Nilesh Singh	Interim General Manager Corporate
	Cathy Fitzpatrick	Manager Finance
	Adrian Gasperoni	Manager Assets and Infrastructure
	Courtney Naughton	Manager Economic Development and Sustainability
	Jess Pendergast	Governance Coordinator

Opening and Acknowledgement of Country

The Chair will open the meeting and recite the following Acknowledgement of Country.

We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.

Apologies

Recommendation:

That the apology/ies be accepted.

Statement of Commitment

The Councillors will recite the following Statement of Commitment:

I declare,

that as a Councillor of Benalla Rural City

I will undertake on every occasion

to carry out my duties in the best interests of the community

and that my conduct shall maintain the standards of our Model Councillor Code of Conduct so that I may faithfully represent

and uphold the trust placed in the Council

by the people of Benalla and District.

Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.

Confirmation of the Minutes of the Previous Meeting

The minutes have been circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at this meeting.

Recommendation:

That the Minutes of the Council Meeting held on 18 December 2024 be confirmed as a true and accurate record of the meeting.

1. Public Question Time

The Council's *Governance Rules 2020* provide the opportunity for members of the public to lodge written questions of broad interest to the Council and the community.

Questions of the Council will not be allowed during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the *Local Government Act 2020* (the Act).

A question may be on any matter except if it:

- is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- relates to confidential information as defined under the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

No more than two questions will be accepted from any person at any one meeting. All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

Like questions may be grouped together and a single answer provided. The Chair may nominate a Councillor, the Chief Executive Officer or another member of Council staff to respond to a question.

Recommendation:

That the question(s) and answer(s) be noted.

2. Petitions

No petitions were submitted to the meeting.

Record of Committees

3.1 Recommendations from Finance and Planning Committee

The recommendations of the Finance and Planning Committee meeting held on Wednesday 5 February 2025 are attached as **Appendix 1**.

Recommendation:

That the recommendations of the Finance and Planning Committee meeting held on Wednesday 5 February 2025 be adopted.

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Business**1. Economic Development and Sustainability Department Activity Report For The Quarter Ended 31 December 2024**

The report presented the activity of the Economic Development and Sustainability Department for the quarter ending 31 December 2024.

Cr Hearn / Cr King:
That the report be noted.

Carried

2. Development Department Activity Report For The Quarter Ended 31 December 2024

The report presented the activities of the Development department for the quarter ended 31 December 2024.

Cr Hearn / Cr Blore:
That the report be noted.

Carried

3. Building and Planning Approvals – November and December 2024

The report detailed planning permit applications and building approvals for November and December 2024.

Cr King / Cr Blore:
That the report be noted.

Carried

4. People and Performance Department Activity Report For The Quarter Ended 31 December 2024

The report presented the activities of the People and Performance Department for the quarter ended 31 December 2024.

Cr Tolliday / Cr Hearn:
That the report be noted.

Carried

5. Community Department Activity Report For The Quarter Ended 31 December 2024

The report presented the activities of the Community Department for the quarter ended 31 December 2024.

Cr Tolliday / Cr Gunaratne:

That the report be noted.

Carried

6. Facilities and Information Technology Department Activity Report For The Quarter Ended 31 December 2024

The report presents the activities of the Facilities and Information Technology Department for the quarter ended 31 December 2024.

Cr King / Cr Gunaratne:

That the report be noted.

Carried

7. Urgent Business

No urgent business was submitted to the meeting.

Closure of Meeting

The meeting closed at 7.05pm.

3.2 Assemblies of Councillors, Advisory and External Committees

Under Council's *Governance Rules 2020* the Chief Executive Officer is required to provide a written record of the Assemblies of Councillors at a scheduled Council Meeting.

The record of Assemblies of Councillors, Advisory and External Committees are attached as **Appendix 1**.

Copies of the Minutes from the following meetings have been provided to councillors under separate cover.

December 2024

10 December	Audit and Risk Committee Meeting
11 December	CEO Employment and Remuneration Committee Meeting
18 December	Assembly of Councillors – Business Review

January 2025

14 January	Australia Day Advisory Committee
28 January	Benalla Art Gallery Redevelopment Project Control Group
29 January	Communications Advisory Committee
29 January	Assembly of Councillors – Business Review

Recommendation:

That the report be noted.

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Record of Assemblies of Councillors, Advisory and External Committees

December 2024 to January 2025

Audit and Risk Committee Meeting

5pm Wednesday 10 December 2024, Civic Centre (Council Meeting Room), 13 Mair Street, Benalla.

Chair Mr Cameron Gray**Committee** Councillor Peter Davis
Councillor Puna Hewa Gunaratne

Ms Rita Ruyters

In attendance Dom Testoni Chief Executive Officer
Robert Barber General Manager Corporate
Cathy Fitzpatrick Manager Finance
Janine McMaster Manager People and Performance**Internal Auditors** Brad Ead AFS Auditors**Apologies:** Nil**Conflicts of Interest disclosed:** Nil**Items discussed:**

1. Meeting with Auditors
2. Internal Audit Program
3. Risk Management Update
4. Procurement Process Exemptions
5. Financial Report, Performance Statement, Closing Report and Final Management Letter
6. Reports From Regulatory and Integrity Agencies
7. Audit and Risk Committee Annual Review
8. Audit and Risk Committee Compliance Management Items
9. General Business

Chief Executive Officer Employment and Remuneration Committee

5pm Wednesday 11 December 2024, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair Councillor Bernie Hearn (Mayor)**Councillors** Councillor David Blore
Councillor Peter Davis
Councillor Puna Hewa Gunaratne
Councillor Justin King
Councillor Jillian Merkel
Councillor Nathan Tolliday**Independent Advisor** Chris Eddy**Recruiter** Nick Kelly Gem Executive**Apologies:** Nil**Conflicts of Interest disclosed:** Nil**Items discussed:**

1. Meet Recruiter from Gem Executive
2. CEO Key Selection Criteria
3. Interim CEO Appointment
4. Chief Executive Officer Recruitment Final Appointment

Assembly of Councillors – Business Review

Midday Wednesday 18 December 2024, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor David Blore
Councillor Peter Davis
Councillor Puna Hewa Gunaratne
Councillor Justin King
Councillor Jillian Merkel
Councillor Nathan Tolliday

In attendance Dom Testoni Chief Executive Officer
Robert Barber General Manager Corporate
Adrian Gasperoni Manager Assets and Infrastructure
Eric Nash Interim Manager Economic Development and Sustainability
Tom Arnold Community Development and Recreation Coordinator
Jason Brown Brown Solutions
Laura Benson Brown Solutions

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. *Benalla Art Gallery Redevelopment Project and Benalla Indoor Recreation Centre Redevelopment Project Update*

Australia Day Advisory Committee

10am Tuesday 14 January 2025, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair To Be Confirmed

Committee Cr Bernie Hearn (Mayor) Councillor Representative
Cr Justin King Councillor Representative
Amanda Challis Community Representative
Robyn Goudie Community Representative
Jade Kirk Community Representative
Rex Nankervis Community Representative
Vicki Sherriff Community Representative
Christine Werner Community Representative
Diane Young Community Representative

In attendance Courtney Naughton Manager Economic Development and Sustainability
Kate Nolan Tourism and Events Officer

Apologies: Robyn Goudie, Jade Kirk and Vicki Sherriff.

Conflicts of Interest disclosed: Nil

Items discussed:

1. Election of Chair
2. Australia Day 2025
3. General Business

Benalla Art Gallery Redevelopment Project Control Group

2pm Tuesday 28 January 2025, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair	Adrian Gasperoni	Manager Assets and Infrastructure
Committee	Cr Justin King	Councillor Representative
	Cr David Blore	Councillor Representative
	Barbara Alexander OA	Chair Benalla Art Gallery Advisory Committee
	Jason Brown	Browns Project Solutions
	Laura Benson	Browns Project Solutions
	Eric Nash	Benalla Art Gallery Director
	Travis Vincent	Regional Development Vicotira
In attendance	Brianna Beggs	Administration Officer

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Terms of Reference Review
2. Benalla Art Gallery Redevelopment Project Update
3. Benalla Art Gallery Advisory Committee Update
4. Funding Provider Update
5. Action Sheet Review

Communications Advisory Committee

1pm Wednesday 29 January 2025, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair	Councillor Bernie Hearn (Mayor)	Councillor Representative
Councillors	Councillor David Blore	Councillor Representative
	Councillor Peter Davis	Councillor Representative
In attendance	Robert Barber	Acting Chief Executive Officer
	Jane Archbold	Manager Community
	Grant Banks	Communications and Engagement Coordinator
	Tracey Beaton	Executive Coordinator

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Review of Actions From The Previous Meeting
2. Current Community and Community Engagement Projects
3. Update on Council Facebook Page
4. Corporate Website Update
5. General Business

Assembly of Councillors – Business Review

6pm Wednesday 29 January 2025, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor David Blore
Councillor Peter Davis
Councillor Puna Hewa Gunaratne
Councillor Justin King
Councillor Jillian Merkel
Councillor Nathan Tolliday

In attendance	Robert Barber	Acting Chief Executive Officer
	Nilesh Singh	Interim General Manager Corporate
	Cathy Fitzpatrick	Manager Finance
	Adrian Gasperoni	Manager Assets and Infrastructure
	Courtney Naughton	Manager Economic Development and Sustainability
	Jane Archbold	Manager Community
	Tom Arnold	Community Development and Recreation Coordinator

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Road Safety Grant Funding Opportunities
2. *Benalla Rural City Destination Management Plan 2025-2029*
3. *Benalla Rural City Open Space Strategy 2026-2040 Update*
4. *Proposed 2025/26 Budget*
5. *Revenue and Rating Plan*
6. *Public Interest Disclosure Policy*
7. *Recording of Council Meetings Policy*
8. *Benalla Rural City Council Governance Rules 2020 Discussion*
9. *Benalla Sports and Equestrian Centre Community Asset Committee Update*

Officer Reports

4.1 Financial Report For The Half Year Ended 31 December 2025

Ref: 198090245-1418
Cathy Fitzpatrick – Manager Finance

PURPOSE OF REPORT

The report presents the financial result compared to budget for the quarter ended 31 December 2024 and presents outcomes from the 2024/25 half-year budget review.

BACKGROUND

Section 97 of the *Local Government Act 2020* requires that at 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 meeting that is open to the public.

The budget report must include a comparison of the actual and budgeted results to date and an explanation of any material variations. In addition, the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

OPERATING RESULT

Year to date 31 December 2024 Operating Result Compared To Budget

The report contains the Standard Income Statement and Statement of Capital Projects. The operating result for the quarter ended 31 December 2024 was a surplus of \$14.733 million which was \$2.155 million more than the budgeted surplus of \$12.578 million as shown in Table 1 below.

Full Year (30 June 2025) Forecast Operating Result Compared To Budget

The forecast operating result for the year ending 30 June 2025 has been updated to reflect the half-year budget review.

The forecast operating result for the year ending 30 June 2025 is a surplus of \$2.827 million which is a favorable variance of \$2.643 million compared to the budgeted surplus of \$184,000 as shown in Table 1 below.

Table 1 – Net Operating Result For the Period Ended 31 December 2024 and Half-Year Review Forecast Compared To Budget As At 30 June 2025

Income Statement	Notes	2024/24 YTD Actuals \$'000	2024/25 YTD Budget \$'000	2024/24 YTD Variance \$'000	Half-Year Review Forecast \$'000	Full Year Budget \$'000	EOY Forecast to Budget Variance \$'000
Income / Revenue							
Rates and charges	1	23,001	22,822	179	23,246	23,041	205
Statutory fees and fines	2	214	307	-93	450	617	-167
User fees	3	1,990	1,765	225	3,620	3,545	75
Grants - operating	4	6,655	5,790	(865)	7,869	6,588	1,281
Grants - capital	5	195	0	(195)	2,955	4,356	-1,401
Contributions - monetary and non-monetary	6	197	63	134	3,562	205	3,357
Other income	7	633	450	183	812	602	210
Total Revenue		32,885	31,198	1,687	42,515	38,956	3,559

Income Statement	Notes	2024/25 YTD Actuals \$'000	2024/25 YTD Budget \$'000	2024/25 YTD Variance \$'000	Half-Year Review Forecast \$'000	Full Year Budget \$'000	EOY Forecast to Budget Variance \$'000
Expenses							
Employee Costs	8	6,530	6,997	467	13,615	13,817	170
Materials and Services	9	7,377	7,464	87	17,465	15,564	-1,901
Depreciation	10	3,548	3,484	-64	7,154	7,941	787
Amortisation - intangible assets		197	197	0	394	394	0
Amortisation - right of use assets		155	161	6	326	322	-4
Bad and doubtful debts - allowance for impairment losses		-	-	-	14	14	-
Borrowing costs		48	58	10	116	116	-
Finance Costs leases		6	7	1	15	15	-
Other Expenses		259	252	-7	589	589	-
Net gain (or loss) on disposal of property, infrastructure, plant and equipment		32	0	-32	-1	-1	-1
Total expenses		18,152	18,620	468	39,688	38,771	-916
Surplus/(deficit) for the year		14,733	12,578	(2,155)	2,827	184	(2,643)

Income Statement Notes:

1. Rates and charges: favourable variance at 31 December 2024 by \$178,620 due to supplementary rate revenue.

Forecast favourable result \$205,000 as consideration of most objections to valuations are near finalisation.

2. Statutory fees and fines: unfavorable variance \$93,261 as Permit fees \$108,985 lower than budgeted offset by favourable variances for fines and legal costs (\$3,636) and Certificate charges (\$9,080).

Forecast unfavorable result \$167,319 mainly due to expected reduction in Permit fees to 30 June 2025.

3. User fees favourable variance of \$224,807 year-to-date (YTD) due to timing in YTD budget lines.

Significant favourable variances:

Landfill operation fees	\$98,072
Benalla Cinema operating income	\$59,156
Art Gallery	\$32,538
Benalla Airport and Facilities	\$21,472

Forecast results to 30 June favourable \$74,566 due to various services small variances.

4. Additional grant funding not budgeted for was received \$865,000. Significant favourable variances:

Natural Disaster Funding (will be adjusted throughout 24/25 by \$680,000)	\$214,505
Financial Assistance Grants - General	\$183,394
Financial Assistance Grants - Roads	\$131,438
Community Services Programs additional grant allocations	\$61,580
Municipal Emergency Resourcing Program	\$60,000
Creative Australia's - Visual Arts 4 Year Investment 2025-28	\$50,000
Roadside Weeds and Pest Program 24/25	\$41,251
Regional Planning Hub Project	\$35,062
Sustainability Victoria - Communications and Engagement	\$24,600
Plan Income	

Forecast results to 30 June favourable \$1.281 million due to the above mentioned grants full year impact (many are paid quarterly) and confirmed additional grants that will be received later in year:

Benalla Street Art grant	\$140,000
Free from Violence grant	\$16,101

- Capital Grants – favourable year to date variance Blackspot Funding \$195,056 received and not budgeted for.

Forecast results to 30 June unfavourable variance \$1.401 million less than budgeted due to the following significant changes:

- Art Gallery Redevelopment projected grant delivery planned in 24/25 income reduced from \$2.8 million to \$550,000
- Increased 24/25 Road to Recovery grant \$292,521

- Contributions: favourable variance \$133,908 as additional contribution funding received and timing variations:

Visit Victoria - Street Art (total in 23/24 \$150,000)	\$50,000
Additional Public Open Space contributions	\$56,028
Various Art Gallery programs	\$45,269

Forecast results to 30 June favourable \$3.357 million due to the above items and Contributions non-monetary \$3.2 million gifted assets from Subdivision - developer contributions.

- Other Income: favourable variance of \$183,000 due to more than budgeted interest revenue from investments.

End of year forecast is expected to be favourable by \$210,000.

- Employee Costs: overall were favourable by \$467,000 due to various staffing vacancies and several staff accessing long service leave. During 2023/24 financial year several grants were received and recognised, however, delivery of projects incurred salary costs throughout 2024/25. Emergency events also incurred additional salary expenses not budgeted for.

Forecast results to 30 June 2025 is expected to be favourable \$170,000, impacted by additional labour costs for emergency events operational requirements and additional grant projects increasing employee costs, offset by savings due to vacant positions.

- Materials and Services: results to 30 June expected to be unfavourable by \$1.9 million. Impacted by carry forward expenditure items from 2023/24 totalling \$1.358 million.

Additional grants projects in 24/25 resulting in additional Materials and Services cost:

Benalla Street Art Grant project	\$150,000
Asset management services	\$90,000
Corporate - Council Plan development	\$65,000
Art Gallery projects funded by contributions	\$43,200
Inland Rails Authority Project expenses	\$39,000
Benalla Economic Diversification Plan	\$36,000

Appendix 1 details Materials and Services expenditure to 31 December 2024.

- Depreciation: forecast results to 30 June is a favorable variance \$787,000 as 23/24 capital works expenditure building and infrastructure assets delivery has been delayed in 2024/25 which has impacted depreciation expense.

CAPITAL PROJECTS PROGRAM RESULT

The Capital Projects Program result for the six months ended 31 December 2024 was expenditure of \$1.940 million which was \$0.818 million more than the budgeted expenditure of \$1.122 million as shown in Table 2 below.

Table 2: Capital Program result for the period ending 31 December 2024 and Forecast to 30 June 2025

	2024/25 YTD Actuals \$'000	2024/25 YTD Budget \$'000	2024/25 YTD Variance \$'000	2024/25 Full Year Budget \$'000	2024/25 Half-Year Review Forecast \$'000
Buildings	381	146	-234	3,662	1,445
Computers and telecommunications	159	160	1	180	309
Fixture fittings and furniture	17	20	3	120	128
Library stock	85	85	0	96	96
Plant and equipment	98	100	2	1,160	1,450
Bridge	66	0	-66	600	665
Drainage	31	10	-21	972	972
Footpath	266	14	-252	248	436
Other Infrastructure	0	0	0	367	0
Parks open space and streetscapes	297	75	-222	75	700
Recreational, leisure and community	8	0	-8	0	80
Roads	507	489	-18	2,186	2,783
Waste management	25	23	-2	1,350	388
Total	1,940	1,122	-818	11,016	9,452

Material variances in the Capital Program budget are discussed in Agenda Item 4.2 Capital Works Program Status Update as at 31 December 2024.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- Good governance.
- High performance culture.

FINANCIAL IMPLICATIONS

Significant additional carry forward items from 2023/24 Budget for both operating statement items and capital works projects have been forecast to spend throughout 2024/25 year.

As a result, carry forward items from 2023/24 Budget \$1.401 million for materials and services expenditure is included in the 30 June 2025 forecast in employee costs and materials and services, this is partly funded from unspent grant revenue recognised in the prior year.

The forecast result is based on the Council's status as at 31 December 2024 and reviewed projection during January 2025.

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum.

Level of Public Participation	Promise to the community	Techniques to the used
Inform	We will provide information	<ul style="list-style-type: none">▪ Report presented to Council.▪ Report published on Council's website.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:
That the report be noted.

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Materials and Services expenditure to 31 December 2024

Appendix 1

Materials and Services	2024/25 YTD Actuals	2024/25 YTD Budgets	2024/25 YTD Variance	2024/25 Full Year Forecast
04: Vandalism	\$ 5,044.77	\$ 4,482.00	-\$ 562.77	\$ 8,985.97
05: Contract Staff	\$ 47,551.84	\$ 80,800.00	\$ 33,248.16	\$ 108,008.17
06: Catering & Refreshments	\$ 37,247.24	\$ 18,808.00	-\$ 18,439.24	\$ 39,901.26
07: Materials	\$ 302,778.17	\$ 382,039.68	\$ 79,261.51	\$ 825,131.13
08: Contract Payments	\$ 2,415,202.72	\$ 2,001,212.00	-\$ 413,990.72	\$ 3,964,159.12
09: Merchandise	\$ 43,290.85	\$ 30,420.00	-\$ 12,870.85	\$ 60,844.60
10: Functions & Receptions	\$ 10,032.71	\$ 14,314.00	\$ 4,281.29	\$ 28,634.21
11: Stores Issues	\$ 63,564.56	\$ 94,366.00	\$ 30,801.44	\$ 188,754.63
12: Repairs & Maintenance	\$ 178,128.35	\$ 180,590.00	\$ 2,461.65	\$ 437,499.86
18: Lease Payments	\$ 4,091.80	\$ 17,804.00	\$ 13,712.20	\$ 47,611.22
20: Bank Charges	\$ 21,830.54	\$ 26,414.00	\$ 4,583.46	\$ 52,833.60
21: Advertising & Promotion	\$ 46,540.66	\$ 40,965.54	-\$ 5,575.12	\$ 83,110.04
23: Exhibitions	\$ 29,466.93	\$ 40,456.00	\$ 10,989.07	\$ 80,915.63
24: Insurance	\$ 515,630.89	\$ 551,448.00	\$ 35,817.11	\$ 657,898.27
25: Legal Expenses	\$ 77,631.25	\$ 77,928.00	\$ 296.75	\$ 164,673.50
26: Consultants General	\$ 164,065.68	\$ 315,062.00	\$ 150,996.32	\$ 1,451,760.74
27: Membership & Subscriptions	\$ 212,066.02	\$ 157,952.57	-\$ 54,113.45	\$ 259,078.48
28: Security Expenses	\$ 20,999.07	\$ 20,382.00	-\$ 617.07	\$ 40,814.52
29: Postage & Freight	\$ 44,516.99	\$ 28,922.00	-\$ 15,594.99	\$ 57,847.92
30: Printing, Copying & Stationery	\$ 20,957.44	\$ 48,989.00	\$ 28,031.56	\$ 108,995.83
31: Rent	\$ 28,438.47	\$ 28,186.00	-\$ 252.47	\$ 56,378.56
32: Computer Support/Software	\$ 605,939.68	\$ 753,597.00	\$ 147,657.32	\$ 1,110,012.06
33: Internal Plant Hire Expense	-\$ 6,307.86	\$ 37,186.00	\$ 43,493.86	\$ 74,448.20
35: Travel Expenses	\$ 3,329.28	\$ 1,156.00	-\$ 2,173.28	\$ 4,256.34
36: Meeting Expenses	\$ 2,655.02	\$ 3,134.00	\$ 478.98	\$ 6,453.72
37: Staff Training / Courses	\$ 51,391.15	\$ 42,126.00	-\$ 9,265.15	\$ 144,885.75
38: Vehicle Expenses	\$ 7,802.13	\$ 100.00	-\$ 7,702.13	\$ 200.00
39: Electricity	\$ 163,880.86	\$ 272,246.00	\$ 108,365.14	\$ 546,449.47
40: Water Consumption	\$ 21,003.14	\$ 39,204.00	\$ 18,200.86	\$ 78,447.70
41: Gas	\$ 12,580.62	\$ 17,366.00	\$ 4,785.38	\$ 34,739.04
42: Telephone	\$ 44,246.04	\$ 77,256.00	\$ 33,009.96	\$ 154,527.07
43: Contributions & Reimburseme	\$ 11,575.00	\$ 26,092.00	\$ 14,517.00	\$ 52,188.44
47: Green Waste Mulching	\$ 68,526.84	\$ 18,750.00	-\$ 49,776.84	\$ 75,000.00
49: Machine Hire	\$ 11,002.48	\$ 5,250.00	-\$ 5,752.48	\$ 10,500.00
51: E.P.A. Levy	\$ 752,100.60	\$ 704,686.00	-\$ 47,414.60	\$ 1,409,375.00

Materials and Services	2024/25 YTD Actuals	2024/25 YTD Budgets	2024/25 YTD Variance	2024/25 Full Year Forecast
52: Domestic Animals Levy	\$ 12,071.04	\$ 7,152.00	-\$ 4,919.04	\$ 14,305.88
53: Management Committees	\$ 14,639.82	\$ 74,252.00	\$ 59,612.18	\$ 148,514.86
54: Cleaning Expenses	\$ 146,480.54	\$ 121,534.00	-\$ 24,946.54	\$ 291,116.43
103: Vehicle Fuel	\$ 215,827.53	\$ 196,518.00	-\$ 19,309.53	\$ 393,933.59
104: Vehicle Maintenance - Stand	\$ 18,092.58	\$ 33,434.00	\$ 15,341.42	\$ 68,175.04
105: Vehicle Lease Payments	\$ 43,994.13	\$ 6,802.00	-\$ 37,192.13	\$ 13,625.76
109: Canteen Trading Purchases	\$ 18,246.01	\$ 4,728.00	-\$ 13,518.01	\$ 16,457.00
110: Distibuter Costs - movies	\$ 40,395.81	\$ 36,445.00	-\$ 3,950.81	\$ 52,994.01
126: Landfill Daily Cover	\$ 3,422.52	\$ 7,500.00	\$ 4,077.48	\$ 15,000.00
127: Landfill Rock Supplied	\$ 6,192.00	\$ 17,500.00	\$ 11,308.00	\$ 35,000.00
128: Gas Monitoring - Landfill	\$ -	\$ 7,190.00	\$ 7,190.00	\$ 14,382.00
131: Diesel Rebate (Negative Exp	-\$ 33,077.00	-\$ 26,250.00	\$ 6,827.00	-\$ 52,500.00
138: Councillors Training	\$ 5,431.75	\$ 7,552.00	\$ 2,120.25	\$ 15,104.25
139: Councillors' Other Reimburse	\$ 26.96	\$ -	-\$ 26.96	\$ -
140: Carry Forward Expenditure	\$ 5,632.27	\$ 7,040.00	\$ 1,407.73	\$ 1,372,669.23
144: Vehicle Maintenance - Repair	\$ 91,167.97	\$ 72,558.00	-\$ 18,609.97	\$ 145,117.75
145: Tyres Purchased for Plant	\$ 3,419.91	\$ 17,794.00	\$ 14,374.09	\$ 35,591.35
146: Registrations	\$ 18,770.09	\$ 12,132.00	-\$ 6,638.09	\$ 24,267.53
16: Services (Non Contract) To Cd	\$ 635,628.39	\$ 638,607.00	\$ 2,978.61	\$ 2,210,254.85
160: Audit / Monitoring costs Land	\$ 37,765.63	\$ 26,320.00	-\$ 11,445.63	\$ 52,641.00
170: Museum Fees	\$ 3,597.50	\$ 546.00	-\$ 3,051.50	\$ 1,095.03
171: Volunteer (Internal Charge) e	\$ 2,200.00	\$ -	-\$ 2,200.00	\$ 104,373.21
179: Electric Vehicle (EV) Chargin	\$ 532.15	\$ -	-\$ 532.15	\$ -
199: Internal Charge - Expense	\$ 36,009.31	\$ 10,258.00	-\$ 25,751.31	\$ 20,531.32
34: Goods Delivered (Contractual)	\$ 11,263.63	\$ 24,378.00	\$ 13,114.37	\$ 46,761.29
Total	\$ 7,376,532.47	\$ 7,463,679.79	\$ 87,147.32	\$17,464,731.43

4.2 Finance Department Activity Report For The Quarter Ended 31 December 2024

Ref: 198090245-1414
Cathy Fitzpatrick – Manager Finance

PURPOSE OF REPORT

The report presents an overview of the functions of the Finance Department for the quarter ended 31 December 2024.

Finance

- Victorian Local Government Grants Commission return 2024/25 lodged.
- Quarter 2 review of year to date results considered impacts against budget phasing 2024/25 and CAPEX 2024/25 for Mid-Year review to reforecast to 30 June 2025.
- Commence 2025/26 Budget Program.
- Victorian Auditor-General's Office audit process for 2024/25 Financial Statements and Roads to Recovery Annual Report Acquittal.
- Review Banking Services contract, transitioning Council's 2025 Banking services to utilise the State Purchase Contract (SPC) administered by the Victorian State Government Department of Treasury and Finance (DTF) for banking services.
- Essential Services Commission - Annual rate rise compliance return submitted.
- Ongoing involvement with Collaborative Digital Transformation Project.

Sundry Debtors

An analysis of the unpaid sundry accounts as at that date with comparative data for the previous year is as follows excludes Natural Disaster events *:

Debtors Balances:

Date	90 days	60 days	30 days	Current	Total
31/12/24*	\$100,090	\$170,671	\$232,105	\$307,885	\$810,752
30/09/24	\$0	\$40,510	\$97,293	\$145,170	\$282,973
30/06/24	\$38,726	\$0	\$391,383	\$265,867	\$695,977
31/03/24	\$114,503	\$141,413	\$281,064	\$500,271	\$1,037,251
31/12/23	\$357,687	\$153,944	\$96,030	\$142,074	\$749,735

*Claims for Natural Disaster events are recorded separately.

- Victorian Floods (6 October 2022)
- Benalla Tornado (14 January 2023)
- Victorian Floods and Storms commencing 24 December 2023.

Current Total: \$6,725,562.

Investment Portfolio

In accordance with the Investment Policy, details of investments held at 31 December 2024 are provided in the following table.

Table 1. Investments held at 31 December 2024

Bank	Short-term credit rating	Investment type	Amount invested '000	Interest rate	Term (days)	Maturity date
Westpac	A-1+	TD	\$5,277	5.07%	184	29-Jan-25
NAB	A-1+	TD	\$3,295	5.12%	182	07-May-25
Westpac	A-1+	TD	\$2,206	4.95%	182	30-Apr-25
ANZ	A-1+	TD	\$4,060	4.88%	182	24-May-25
Westpac	A-1+	TD	\$2,203	5.00%	147	28-Apr-25
NAB	A-1+	TD	\$1,015	4.93%	90	21-Mar-25
Subtotal	\$18,056					
CBA	A-1+	At call	\$4,287	0.25%		
CBA	A-1+	Operating	\$9,372	3.85%		
Subtotal			\$13,659			
Total			\$31,715			

*TD refers to general term deposits where the use of interest earned is not restricted. These funds are required to meet the Council's short-term commitments, including capital and operating supplier payments, employee payroll costs and loan repayments.

Loan Portfolio

Details of existing loans held at 31 December are attached in **Appendix 1**. Loan terms are:

Loan Number	Type	Term
16 to 17	Variable	10 years
18	Fixed – principal and interest	10 years
19	Variable	10 years
20	Fixed	10 years
21	Fixed	10 years
22	Variable	10 Years

Revenue, Property and Valuations

- Second instalment notices issued to all ratepayers. First and second instalment reminder notices issued for overdue balances.
- Fire Services Property Levy:
 - Second instalment remittance return submitted to the State Revenue Office (SRO).
 - 2024/25 Annual Return approved by SRO.
 - 2024/25 Annual Reconciliation approved by SRO. Invoice generated and paid.
- E-notice stats:
 - EzyBill – 635 (+40)
 - BPAY View – 402 (+5)

EzyBill allows access to rate notices from any device, making payment both easy and convenient.

BPAY is an easy and secure way to pay and manage bills from your online banking.

Rates and Charges Revenue

Reminder notices were issued for the first instalment on 7 October 2024. There were 1,360 notices issued for debts totaling just under \$1.3 million.

Second instalment notices were issued on 24 October 2024 with payment due by 30 November 2024. Reminder notices were issued on 10 December 2024. There were 1,369 notices issued for debts totaling over \$2.05 million; these notices included high-level debts that have already been referred to Council's debt collection agency.

Valuation objections are still being processed by Valuer-General Victoria. In total, 37 objections were lodged this year – down slightly compared to last year.

To date, 268 supplementary valuations have been processed this year, resulting in an additional 68 rateable properties.

Appendix 2 details the overall rates and charges generated and collected and apportions the unpaid balance between arrears from previous years of approximately \$800,000 and unpaid charges levied in the current year amounting to approximately \$9.97 million.

Rate arrears collected in the current year amount to \$256,000. This figure is slightly higher compared to the last quarter, and that of the 2023 December quarter (+40 percent). This change compared to the 2023 December quarter is the result of several medium-sized long-term debts being cleared.

Collections, as a proportion of overall debt, are down compared to Q2 last year (-1.05 percent). **Appendix 3** provides a graph summary comparing the 2024/25 rate instalments due with the total instalments paid as at 6 January 2025.

Procurement

Contracts and Works Awarded Under Delegation

The purpose of this sections is to inform the Council and Community of publicly advertised tenders which have been awarded under delegation for the period 1 October 2024 – 31 December 2024.

Eight contracts were awarded for the period 1 October 2024 to 31 December 2024.

Details of contracts awarded are attached as confidential business **Appendix 4**.

Delegation of Procurement Authority to Chief Executive Officer

As per the *Procurement Policy*, instances where the Chief Executive Officer approved expenditure for statutory charges or other matters, generally consistent with the approved or revised budget, be reported quarterly.

The following table provides a summary of approvals.

Invoice Date	Type	Amount
1/10/2024	State Revenue Office - FSPL first Instalment 24/25	\$701,024
12/12/2024	EPA Levy - Quarter 1 (1/7/24 to 30/9/24)	\$311,643

COUNCIL PLAN 2021-2025 ACTION PLAN

Leadership

Good Governance		
Strategy	Action	December Quarter Update
Deliver responsible budget outcomes linked to strategy that maintain financial sustainability and deliver value for money and rating fairness.	Ongoing development of <i>Financial Plan</i>	Preparation of BRCC Mid-Year Budget review as at 30 June 2025.

FINANCIAL IMPLICATIONS

	Notes	2024/25 YTD Actuals	2024/25 YTD Budget	2024/25 YTD Variance	2024/25 Full Year Budget	2024/25 Full Year Forecast
Accounting Services	1	(\$3,343,581)	(\$2,912,670)	\$430,911	(\$2,447,948)	(\$3,113,317)
Property and Valuations	2	(\$18,393,782)	(\$18,160,357)	\$233,425	(\$18,274,897)	(\$18,486,431)
Acquisition and Disposal of Council Assets		\$32,000	\$0	-\$32,000	(\$334)	(\$334)
Total		(\$21,705,363)	(\$21,073,027)	\$632,336	(\$20,723,179)	(\$21,600,082)

Notes:

- Interest received favourable variance of \$182,000 and Victoria Grants Commission Financial Assistance Grant payment \$183,000 higher than budget.
Forecast at 30 June 2025 favourable \$444,000 due to more than budgeted interest received revenue and Victoria Grants Commission payment more than budgeted.
- Additional rate and charges revenue supplementary rates and charges \$233,425.
Forecast favourable result \$205,000 as consideration of most valuation objections are near finalisation.

Recommendation: That the report be noted.

Loans held at 31 December 2024

Interest to be paid:

Loan Number	2024/2025 Year	2025/2026 Year	2026/2027 Year	2027/2028 Year	2028/2029 Year	2029/2030 Year	2030/2031 Year	Totals
17	\$3,730	-	-	-	-	-	-	\$3,730
18	\$3,561	\$1,372	-	-	-	-	-	\$4,933
19	\$8,141	\$5,038	\$1,822	-	-	-	-	\$15,001
20	\$7,528	\$5,395	\$3,286	\$1,062	-	-	-	\$17,272
21	\$7,313	\$6,489	\$4,775	\$3,013	\$1,177	-	-	\$22,768
22	\$69,116	\$58,397	\$48,016	\$37,734	\$27,254	\$16,873	\$6,492	\$263,881
Total Interest Payable	\$99,389	\$76,690	\$57,899	\$41,810	\$28,431	\$16,873	\$6,492	\$327,584

Principal to be paid:

Loan Number	2024/2025 Year	2025/2026 Year	2026/2027 Year	2027/2028 Year	2028/2029 Year	2029/2030 Year	2030/2031 Year	Totals
17	\$106,773	-	-	-	-	-	-	\$106,773
18	\$56,639	\$58,819	-	-	-	-	-	\$115,457
19	\$53,995	\$57,015	\$54,928	-	-	-	-	\$165,938
20	\$53,625	\$55,758	\$57,867	\$50,061	-	-	-	\$217,312
21	\$51,435	\$52,259	\$53,973	\$55,736	\$57,761	-	-	\$271,164
22	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$1,330,000
Total Principal Payable	\$512,467	\$413,851	\$356,768	\$295,797	\$247,761	\$190,000	\$190,000	\$2,206,644

Rates and Charges Collections Report

As at 31 December 2024

	Rates	Interest	Legal	Total	Comments
Arrears as at 31/12/2024	\$1,227,057	\$57,865	\$14,882	\$1,299,804	Unpaid amounts up to and including the 2023/24 rating year.
Payments					
30/09/2024	-\$227,576	-\$13,270	-\$1,745	-\$242,591	
31/12/2024	-\$240,824	-\$12,113	-\$3,701	-\$256,638	
31/03/2025					
30/06/2025					
Total	-\$468,400	-\$25,383	-\$5,446	-\$499,229	
Arrears Rates Balance	\$758,657	\$32,482	\$9,436	\$800,575	Arrears Unpaid as at 31/12/2024

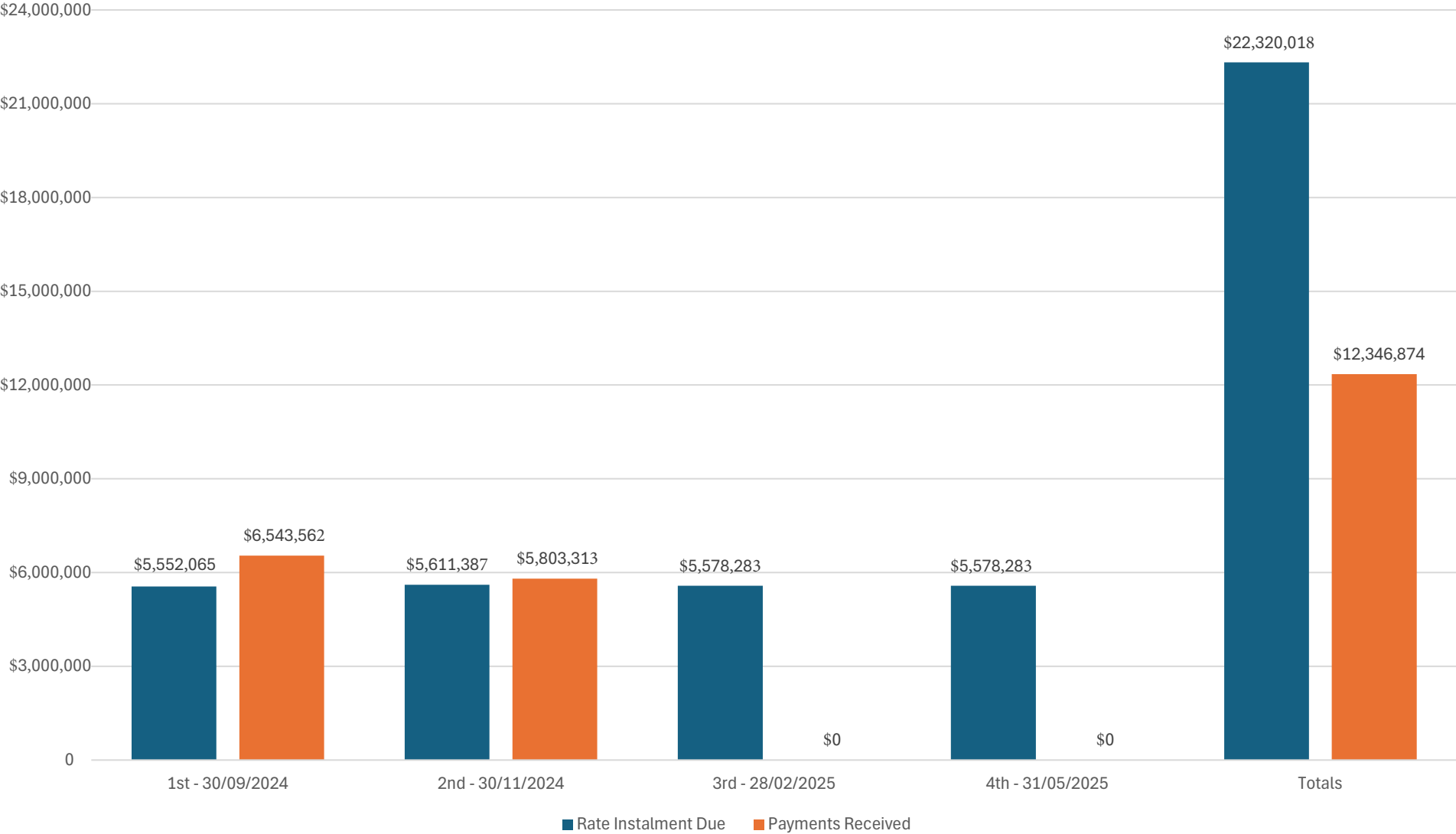
Current Rates/Charges	Rates	Interest	Legal	Total	Comments
Raised					2024/25 Rates including Municipal and Waste Management Charges (includes additional rates levied on new houses and subdivided lands)
30/09/2024	\$22,647,456	\$558	\$916	\$22,648,930	
31/12/2024	\$92,327	\$32,403	\$701	\$125,431	
31/03/2025					
30/06/2025					
Total	\$22,739,783	\$32,961	\$1,617	\$22,774,361	

Pension Concessions	Rates	Interest	Legal	Total	Comments
					State Govt - reimbursed by DFFH
30/09/2024	-\$445,088	\$0	\$0	-\$445,088	
31/12/2024	-\$9,254	\$0	\$0	-\$9,254	
31/03/2025					
30/06/2025					
Total	-\$454,342	\$0	\$0	-\$454,342	

	Rates	Interest	Legal	Total	Comments
Net Rates for Collection	\$22,285,441	\$32,961	\$1,617	\$22,320,019	Payments received to date for current year rates
Payments					
30/09/2024	-\$6,542,524	-\$122	-\$916	-\$6,543,562	
31/12/2024	-\$5,790,711	-\$11,901	-\$701	-\$5,803,313	
31/03/2025					
30/06/2025					
TOTAL	-\$12,333,235	-\$12,023	-\$1,617	-\$12,346,875	

	Rates	Interest	Legal	Total	Comments
Current Rates Balance	\$9,952,206	\$20,938	\$0	\$9,973,144	Current Unpaid as at 31/12/2024
Balance Remaining	\$10,710,863	\$53,420	\$9,436	\$10,773,719	Balance as at 31/12/2024

2024/25 Rates and Charges - Due and Collected to 31 December 2024



4.3 Capital Works Program Status Update As At 31 December 2024

Ref: 1573044422-1042

Adrian Gasperoni – Manager Assets and Infrastructure

PURPOSE OF REPORT

The report presents an update on the Capital Works Program as at 31 December 2024.

BACKGROUND

Capital projects are funded from general revenue and grant funding. An update on the status of key capital projects is discussed below.

DISCUSSION

Capital Projects

Highlights for the year to date include:

- Heated emulsion tank installed in October 2024 and filled with 10,000 litres of Bitumen emulsion.
- Steps installed into the bunded area of the emulsion tank.
- Tender awarded for the supply and delivery of one Truck Mounted Street Sweeper, with delivery expected in February 2025.
- North East Water installed a new water main downstream of the Link Island Pedestrian Bridge to replace the damaged water main supported by the bridge. This will enable work to commence on repairing the existing pedestrian bridge.
- Completed upgrades to the Depot toilet facilities.
- Commenced work on the upgrade of the Depot administration offices and meeting room. Completion expected February 2025.
- Continued scoping of maintenance and improvement works on the east and west main drains, with Consulting Engineers engaged to prepare designs to upgrade drainage structures at the intersection of Gillies Street and Racecourse Road and Goodwin Street and William Street South, Benalla.
- Completed footpath construction works in Egmont Street, Benalla.
- Completed roadside tree and vegetation assessments for the Midland Highway North Benalla Shared Path Project and the functional design was approved by the Department of Transport and Planning.
- Carried out reseal preparation works, including street pruning, weed spraying, drain cleaning and asphalt patching on various roads in Benalla. Remaining works to be completed in early 2025.
- Completed spray sealing works on various roads, including Arundel Street North, Boger Street, Benalla Street, Farrell Road, Goulding Close, Shadforth Street, Benalla and Boweya-St James Road, Boweya.
- Completed road pavement cracked sealing works.
- Tenders were approved by Council for the 2024/25 gravel shoulder re-sheeting and micro-surfacing programs. Re-sheeting. Works are expected to commence in early 2025.
- Continued subdivision works off Goodenia Drive, Benalla (Goodenia Court Stage 2) and Witt Street, Benalla (Amber Fields Estate Stage 2).

- Completed intersection upgrades on the Goorambat-Chesney Road, Goorambat as part of the Goorambat Solar Farm development.

A Capital Works Program Status Report is attached as **Appendix 1**.

EMERGENCY EVENTS

Benalla Rural City has been affected by several emergency events since January 2022.

A summary of each event update on the events is provided below.

January 2022 Storm Event

A storm event in January 2022 damaged community asset (roads), throughout the north and north-eastern areas of the municipality.

October 2022 Flood Event

A flood event in October 2022 affected more than 160 assets requiring some level of flood restoration.

January 2023 Storm Event

A storm event in January 2023 damaged trees as well as community and private structures. Council awaiting final determination from Disaster Recovery Funding Arrangements (DRFA).

October 2023 Flood Event

A flood event on the 5 October 2023 resulted in moderate flood event on the Broken River at Benalla. The event has been approved for (DRFA). Council is in the process of scoping the damaged assets from the event. Damage costs to assets are unknown at this time.

Council is liaising with DRFA representatives, in relation to all events to ensure that asset recovery and restoration works are undertaken within the established guidelines and time frames.

COUNCIL PLAN 2021-2025

Community

- *A healthy, safe and resilient community.*
- *A connected, involved and inclusive community.*

Livability

- *Vibrant public spaces and places.*
- *Connected and accessible roads, footpaths, transport and parking.*

Environment

- *High quality efficient and sustainable waste management.*
- *Sustainable practices.*

Leadership

- *Good governance.*
- *High performance culture.*

FINANCIAL IMPLICATIONS

The Capital Projects Program result for the six months ended 31 December 2024 was expenditure of \$1.940 million which was \$818,000 more than the budgeted expenditure of \$1.122 million as shown in Table 1 below.

Table 1 – Capital Program result for the period ending 31 December 2025

	Notes	2024/25 YTD Actuals \$'000	2024/25 YTD Budgets \$'000	2024/25 YTD Variance \$'000	2024/25 Full Year Budget \$'000	2024/25 Half-Year Review Forecast \$'000
Buildings	1	\$381	\$146	-\$234	\$3,662	\$1,445
Computers and telecommunications		\$159	\$160	\$1	\$180	\$309
Fixture fittings and furniture		\$17	\$20	\$3	\$120	\$128
Library stock		\$85	\$85	\$0	\$96	\$96
Plant and equipment		\$98	\$100	\$2	\$1,160	\$1,450
Bridge		\$66	\$0	-\$66	\$600	\$665
Drainage	2	\$31	\$10	-\$21	\$972	\$972
Footpath	3	\$266	\$14	-\$252	\$248	\$436
Other Infrastructure		\$0	\$0	\$0	\$367	\$0
Parks open space and streetscapes	4	\$297	\$75	-\$222	\$75	\$700
Recreational, leisure and community		\$8	\$0	-\$8	\$0	\$80
Roads		\$507	\$489	-\$18	\$2,186	\$2,783
Waste management		\$25	\$23	-\$2	\$1,350	\$388
Total		\$1,940	\$1,122	-\$818	\$11,016	\$9,452

Notes:

1. Unfavorable variance mainly due to the depot toilet facilities upgrade (\$98,000) and Aquatic Centre boiler replacement (\$66,000) being undertaken earlier than budgeted and the emulsion tank (carryover from 2023/2024) not planned to be installed during this period.
2. Unfavorable variance due to drainage strategy works being undertaken earlier than budgeted.
3. Unfavorable variance mainly due to works completed earlier than budgeted.
4. Unfavorable variance mainly due to Bridge Street upgrades (\$198,000) and all abilities playground (\$99,000) projects being undertaken earlier than budgeted. Unfavourable variance partially offset with the delay of projects under the Fawckner Drive Precinct Masterplan (\$75,000).

Recommendation:

That the report be noted.

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Benalla Rural City Council
Project Status Report as at 5 February 2025

Appendix 1

	Original Project Budget	Forecast Project Budget	2024/25 Actual Spend	Previous Year/s Spend	Total Spend	Remaining Budget	Stage	Status	Notes
Projects	\$ 11,568,000	\$ 18,605,698	\$ 1,965,210	\$ 903,943	\$ 2,869,154	\$ 15,736,544			
31150.BRD081: Link Island Footbridge	\$ -	\$ 295,000	\$ 58,442	\$ -	\$ 58,442	\$ 236,558	Planning and Design	Medium	Design being finalised. Watermain and associated issues currently being resolved, to provide platform for bridge design alternative/s.
31150.BRD082: Glenrowan Boweya Rd Bridge #199	\$ 200,000	\$ 60,000	\$ -	\$ -	\$ -	\$ 60,000	Procurement	Low	Project currently being procured. Saving directed to footpath Midland Highway. Approved by Council 11 September 2024.
31150.BRD083: Glenrowan Boweya Rd Bridge #198	\$ 150,000	\$ 60,000	\$ -	\$ -	\$ -	\$ 60,000	Procurement	Low	Project currently being procured. Saving directed to footpath Midland Highway. Approved by Council 11 September 2024.
31150.BRD084: Bridge Renewal Program	\$ 250,000	\$ 250,000	\$ 5,833	\$ -	\$ 5,833	\$ 244,167	Procurement	Low	Webb Road Bridge currently being procured.
3134A.BLKS24: Blackspot Funding - relocate splitter islands various Benalla locations	\$ -	\$ 232,560	\$ 63,903	\$ 116,079	\$ 179,982	\$ 52,578	Delivery	Low	Minor works still outstanding to complete project.'\$138,921 carried forward from 2023/24. Awaiting final Invoice.
3134A.KCR001: Kerb and Channel Renewal Program	\$ 132,000	\$ 132,000	\$ 101,367	\$ -	\$ 101,367	\$ 30,633	Construction	Low	Works expected to be finalised in early February 2025.
3134A.REG002: Regulation Program - R2R	\$ 74,000	\$ 74,000	\$ -	\$ -	\$ -	\$ 74,000	Planning and Design	Low	Works commencing in February 2025.
3134A.RPR108: Crack Sealing - Council Funded Component	\$ 24,000	\$ 24,000	\$ 22,400		\$ 22,400	\$ 1,600	Completed	Low	
3134A.RPR223: Sealed Roads Preparation for Resealing	\$ 100,000	\$ 100,000	\$ 32,570		\$ 32,570	\$ 67,430	Delivery	Low	Works to continue in preparation for 2025/2026 Reseal Program.
3134A.RSH047: Shoulder Resheet Program	\$ 103,000	\$ 324,897	\$ -		\$ -	\$ 324,897	Delivery	Low	\$221,897 carried forward from 2023/24. Works due to commence in February 2025.
3134A.RSR140: Reseal Program - RTR	\$ 901,000	\$ 901,000	\$ 354,706		\$ 354,706	\$ 546,294	Delivery	Low	Works expected to be completed in April 2025.
3134A.RUR114: Gravel Resheet Program	\$ 852,000	\$ 852,000	\$ 11,190	\$ -	\$ 11,190	\$ 840,810	Construction	Low	Works commenced and expected to be completed in March 2025.
31360.FPA032: Footpath Renewal Strategy	\$ 100,000	\$ 100,000	\$ 65,620		\$ 65,620	\$ 34,380	Construction	Low	Works expected to be completed in February 2025.
31360.FPA040: Lakeside walk boardwalk renewal	\$ 200,000	\$ 288,221	\$ 89,813	\$ 200,000	\$ 289,813	-\$ 1,592	Handover	Low	Project was carried forward from 2023/24 with \$200,000 of grant funding. Balance of project to be funded from savings in Customer Service Centre Lift Renewal.
31360.FPA041: Footpaths LRCI 4	\$ -	\$ 4,225	\$ 3,800		\$ 3,800	\$ 425	Handover	Low	\$4,225 carried forward from 2023/24
31360.FPA042: Footpath Replacement - No.11 to No.17 Bridge Street East	\$ -	\$ 70,000	\$ 76,567	\$ -	\$ 76,567	-\$ 6,567	Handover	Low	Project was not in adopted Budget. Forecast approved by Council 11 September 2024. Work was required to remediate footpath and kerb and channel in Bridge Street. Balance of funding will be a budget overrun. Minor works with street furniture replacement still to occur.
31360.FPA132: New footpath Midland Hwy to Equestrian Precinct	\$ 103,000	\$ 382,500	\$ 18,326	\$ 24,415	\$ 42,741	\$ 339,760	Planning and Design	Medium	Delays with design of path. Awaiting final approval from DTP. Works on footpath extension from Commercial Road currently being procured. \$102,500 grant from Victorian Government. Funded redirected from savings in Bridge projects. \$25,000 carried forward from 2023/24.
31370.DRA044: Drainage Strategy	\$ 535,000	\$ 535,000	\$ 19,566	\$ -	\$ 19,566	\$ 515,434	Planning and Design	Medium	Final scope may include a combination of CAPEX and OPEX spend. Final Design of the Culvert Extension at the Racecourse Road and Gillies Street Intersection being undertaken. Details and design of West Main drain works currently being finalised. Native Vegetation works currently being evaluated.
31370.DRA045: The Cul-de-sac - Drainage	\$ 400,000	\$ 400,000	\$ 9,649	\$ -	\$ 9,649	\$ 390,351	Planning and Design	Medium	Design being finalised with details on basin pump being determined.
31370.PAP001: Pits and pipes, CQ ID NA	\$ 38,000	\$ 38,000	\$ 500	\$ -	\$ 500	\$ 37,500	Not Started	Low	
31380.BUI051: Depot Office and Toilet Upgrade	\$ 100,000	\$ 140,000	\$ 100,090	\$ -	\$ 100,090	\$ 39,910	Construction	Low	Additional funding to be reallocated from savings in Customer Service Centre lift renewal. Works on Office Renovations have commenced.
31380.BUI177: Emulsion Tank	\$ 100,000	\$ 135,310	\$ 103,351	\$ 15,310	\$ 118,661	\$ 16,649	Handover	Low	Additional funding approved by Council 11 September 2024. \$84,690 carried forward from 2023/24.Minor works including tree trimming being undertaken to finalise project.
31380.BUI178: Benalla Art Gallery - Internal fit out and deck renewal	\$ -	\$ 18,000	\$ -	\$ -	\$ -	\$ 18,000	Not Started	Low	\$18,000 carried forward from 2023/24
31380.BUI185: Benalla Indoor Recreation Centre Roof Renewal	\$ 450,000	\$ 450,000	\$ 145	\$ -	\$ 145	\$ 449,855	Procurement	Low	Currently being procured. Works associated with the precinct Masterplan being considered with potential savings from roof renewal project.

	Original Project Budget	Forecast Project Budget	2024/25 Actual Spend	Previous Year/s Spend	Total Spend	Remaining Budget	Stage	Status	Notes
Projects	\$ 11,568,000	\$ 18,605,698	\$ 1,965,210	\$ 903,943	\$ 2,869,154	\$ 15,736,544			
31380.BUI186: Solar Panel Installation - Customer Service Centre (LRCI4)	\$ 80,000	\$ 80,000	\$ -	\$ -	\$ -	\$ 80,000	Procurement	Low	
31380.BUI187: Customer Service Centre: EV Charging Infrastructure	\$ 65,000	\$ 65,000	\$ -	\$ -	\$ -	\$ 65,000	Procurement	Low	
31380.BUI188: Benalla Aquatic Centre: Disabled Client Assist Alarm	\$ 5,000	\$ 5,000	\$ -	\$ -	\$ -	\$ 5,000	Procurement	Low	
31380.BUI189: Benalla Aquatic Centre: Chemical Storage Area	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	\$ 50,000	Procurement	Low	
31380.BUI190: Customer Service Centre Lift Renewal	\$ 200,000	\$ 10,235	\$ 10,235	\$ -	\$ 10,235	\$ -	Completed	Low	
31380.BUI191: Benalla Aquatic Centre: Boiler replacement and Installation	\$ -	\$ 66,627	\$ 66,627	\$ -	\$ 66,627	\$ -	Handover	Low	Unbudgeted urgent project. Funding from savings on Customer Service Centre Lift Renewal.
31380.BUI192: Benalla Art Gallery Redevelopment	\$ 3,000,000	\$ 6,515,000	\$ 68,312	\$ 376,139	\$ 444,451	\$ 6,070,549	Planning and Design	Medium	Delayed project timeline. Additional \$2.965m from Australian Government for Stage 1B. Council contribution \$550,000 approved by Council 11 September 2024. Project awaiting Heritage Victoria Approval.
31391.BPC013: Benalla Art Gallery CCTV Upgrade	\$ 80,000	\$ 80,000	\$ -	\$ -	\$ -	\$ 80,000	Not Started	Low	
31390.CPM192: Major Plant	\$ 930,000	\$ 1,220,082	\$ -	\$ -	\$ -	\$ 1,220,082	Delivery	Low	Street Sweeper delivered in late January. One truck due to arrive in early February, with second later in February and 3rd and final truck to arrive later in the final year. New mower being procured. \$290,082 carried forward from 2023/24.
31390.CPS192: Small Plant Upgrade	\$ 30,000	\$ 30,000	\$ 7,711	\$ -	\$ 7,711	\$ 22,289	Procurement	Low	
31390.CPV001: Vehicle Replacement Strategy	\$ 200,000	\$ 200,000	\$ 90,472	\$ -	\$ 90,472	\$ 109,528	Delivery	Low	Ongoing.
31391.BPC010: Fixtures, IT, fittings & furniture, artworks	\$ 20,000	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000	Not Started	Low	
31391.BPC011: Air conditioner Renewal Program	\$ 20,000	\$ 20,000	\$ 9,259	\$ -	\$ 9,259	\$ 10,741	Delivery	Low	Allocation for urgent work.
31391.THL001: Town Hall HVAC Renewal, Fit out Internal, Sound and Lighting	\$ -	\$ -	\$ 8,161	\$ -	\$ 8,161	\$ 8,161	Completed	Low	Unbudgeted project. Council funding to complete grant funded work from previous year.
31393.CPE031: IT Projects - identified in service plan	\$ -	\$ 87,298	\$ 31,260	\$ -	\$ 31,260	\$ 56,038	Delivery	Low	\$87,298 carried forward from 2023/24
31393.CPE035: IT Projects - identified in service plan	\$ 180,000	\$ 203,207	\$ 109,514	\$ -	\$ 109,514	\$ 93,693	Delivery	Low	Rollout of new IT equipment. \$23,207 carried forward from 2023/24.
31393.CPE037: C/f Video Conference Solution	\$ -	\$ 18,536	\$ 18,536	\$ -	\$ 18,536	\$ -	Completed	Low	
31394.LIB100: Library Purchases - Hub	\$ 96,000	\$ 96,000	\$ 80,144	\$ -	\$ 80,144	\$ 15,856	Delivery	Low	Annual allocation for library collection renewal.
31410.LFIL35: Waste Management - Rehabilitation Stage 1: Design and Construct	\$ 100,000	\$ 100,000	\$ 2,753	\$ -	\$ 2,753	\$ 97,247	Procurement	Medium	Strategic design being considered as part of the Landfill Masterplan Review. May delay project. Review scheduled to be complete in March 2025.
31410.LFIL36: Waste Management - Rehabilitation Stage 2A: Design and Construct	\$ 1,250,000	\$ 1,250,000	\$ 19,511	\$ -	\$ 19,511	\$ 1,230,489	Procurement	Medium	Strategic design being considered as part of the Landfill Masterplan Review. May delay project. Review scheduled to be complete in March 2025.
31420.BMX001: Pump Track (BMX) design / construction	\$ 100,000	\$ 1,425,000	\$ -	\$ 20,000	\$ 20,000	\$ 1,405,000	Not Started	Medium	\$1,000,000 funded from Victorian Government, \$425,000 Council contribution. Council approved additional \$320,000 11 September 2024. Project being considered for procurement. Delayed construction timeline.
31430.OSP137:Library / Skatepark Activation Flying Fox 22/23 (OSP934)	\$ -	\$ 105,000	\$ 7,895	\$ -	\$ 7,895	\$ 97,105	Delivery	Medium	Delayed construction timeline. To be delivered in April 2025. Project fully funded by Victorian Government. \$105,000 carried forward from 2023/24.
Fawckner Drive Precinct - Multi-purpose Court	\$ -	\$ 355,000	\$ -	\$ -	\$ -	\$ 355,000	Not Started	Medium	\$300,000 funded from Victorian Government, \$55,000 Council contribution approved 11 September 2024. Funding agreement not signed at this stage. Delayed construction timeline.
31430.ECN001: Electronic Community Notice Boards (LRCI4)	\$ -	\$ 140,000	\$ -	\$ -	\$ -	\$ 140,000	Procurement	Low	
31430.ECS001: Electronic Community Signage (LRCI4)	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ 60,000	Procurement	Low	
31430.EMR001: Emergency Marker Road Signage (LRCI 4)	\$ -	\$ 22,000	\$ -	\$ -	\$ -	\$ 22,000	Completed	Low	
31430.FLA001: Flagpoles (LRCI4)	\$ -	\$ 15,000	\$ -	\$ -	\$ -	\$ 15,000	Procurement	Low	Being Procured.
31430.OSP049: All Ability Playground (LRCI4)	\$ -	\$ 100,000	\$ 98,983	\$ -	\$ 98,983	\$ 1,017	Construction	Low	\$100,000 carried forward from 2023/24. Nearing completion.
31430.SLU001: Street Light Upgrade (LRCI4)	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ 50,000	Planning and Design	Low	In discussions with AUSNET on preferred solution
31430.SSC001: Street scape Upgrade Bridge Street 21/22 (CQ 9038)	\$ 350,000	\$ 350,000	\$ 198,000	\$ 152,000	\$ 350,000	\$ -	Completed	Low	\$325,000 funded from Victorian Government

4.4 Assets and Infrastructure Department Activity Report For The Quarter Ended 31 December 2024

Ref: 1573044422-1041

Adrian Gasperoni – Manager Assets and Infrastructure

PURPOSE OF REPORT

The report presents the activities of the Assets and Infrastructure department for the quarter ended 31 December 2024.

Assets and Infrastructure

Assets and Infrastructure department continued to provide maintenance throughout the municipality, as well as continuing to provide emergency asset restoration works throughout the municipality following the Flood and Storm events over the past two years.

Highlights for the quarter are detailed below.

Operations

- Completed grading of 90 kilometers of gravel roads.
- Completed grading of 65 kilometers of sealed road shoulders.
- Replaced 12 square metres of concrete footpath in Helms Court, Benalla.
- Replaced 18 square metres of concrete footpath in Faithful Street, Benalla.
- Replaced 10 square metres of concrete footpath in George Say Court, Benalla.
- Replaced 95 termite damaged guard rail posts throughout the municipality.
- Replaced 45 stolen or defective street signs.
- Carried out underground culvert cleaning works in Nunn Street, Thomas Street, Arundel Street and Commercial Road, Benalla.
- Carried out rural drain maintenance.
- Carried out routine carriageway clearance work on rural roads.
- Carried out sealed roads maintenance.
- Carried out road closures for the Benalla Show.
- Installed Christmas decorations throughout Benalla.
- Twelve employees completed MAV Insurance training
- Three employees carried out Skid Steer competency training.
- Fifteen employees completed first aid training.

Depot

- 27 Tonne of 14-millimeter crushed rock for stock at depot (for gravel road and shoulder maintenance).
- 610 Tonne of 20-millimetre crushed rock for stock at depot (for gravel road and shoulder maintenance).
- 357 Tonne of 40-millimetre crushed rock for stock at depot (for gravel road and shoulder maintenance).
- 80 Tonne of 75-millimetre crushed rock for stock at depot (for gravel road and shoulder maintenance).
- 124 Tonne of 7-millimetre premix for stock at depot (for sealed road maintenance).
- 38 Tonne of 7-millimetre pre-coat for stock at depot (for sealed road maintenance).
- 10,000 litres of bitumen emulsion for stock at depot (for sealed road maintenance).
- Heated emulsion tank installed in October 2024, filled with 10,000 litres of bitumen emulsion.
- Steps installed into the bunded area of the emulsion tank.
- Tender awarded for the supply and delivery of one Truck Mounted Street Sweeper, with delivery expected in February 2025.

Parks and Gardens and Open Spaces

- Commenced electrical line clearance.
- Continuation of dead tree removals and tree pruning throughout the municipality.
- Carried out high priority reserve lawn renovation and fertilising.
- Carried out irrigation activation and repairs.
- Commenced nature strip tree watering program.
- Carried out high priority garden bed renovations.

Capital Projects

- Heated emulsion tank installed in October, filled with 10,000 litres of CRS emulsion.
- Steps installed into the bunded area of the emulsion tank.
- Tender awarded for the supply and delivery of one Truck Mounted Street Sweeper, with delivery expected in January 2025.
- North East Water installed a new water main downstream of the Link Island Pedestrian Bridge to replace the damaged water main supported by the bridge. This will enable work to commence on repairing the existing pedestrian bridge.
- Completed upgrades to the Depot toilet facilities.
- Commenced work on the upgrade of the Depot Administration offices and meeting room. Completion expected February 2025.

- Continued scoping of maintenance and improvement works on the East and West Main drains, with CAF Consulting Engineers engaged to prepare designs to upgrade drainage structures at the intersection of Gillies Street and Racecourse Road and Goodwin Street and William Street South.
- Completed footpath construction works in Egmont Street, Benalla.
- Completed roadside tree and vegetation assessments for the *Midland Highway North Benalla Shared Path Project* and the functional design was approved by the Department of Transport and Planning.
- Carried out reseal preparation works, including street pruning, weed spraying, drain cleaning and asphalt patching on various roads in Benalla. Remaining works to be completed in early 2025.
- Completed spray sealing works on various roads, including Arundel Street North, Boger Street, Boweya-Saint James Road, Farrell Road, Goulding Close, Shadforth Street and Benalla Street.
- Completed road pavement cracked sealing works.
- Tenders were approved by Council for the 2024/25 gravel shoulder re-sheeting and micro-surfacing programs. Re-sheeting Works expected to commence in early 2025.
- Received quotations for the 2024/25 gravel shoulder re-sheeting program.
- Continued subdivision works off Goodenia Drive (Goodenia Court Stage 2) and Witt Street (Amber Fields Estate Stage 2)
- Completed intersection upgrades on the Goorambat-Chesney Road as part of the Goorambat Solar Farm development.

Waste

- Commenced works on Landfill Masterplan.
- Carried out work on Landfill operational review.
- Replaced two broken generator operated leachate pumps with solar pumps.
- Commenced the first round of leachate and ground water monitoring under the new tenders, which is a local contractor.
- Completed biannual Landfill audit.
- Textile recycling finished, due to completion of company. Now working with Department of Energy, Environment and Climate Action to find other solutions.
- Completed milestones for Sustainability Victoria Grant.
- Commenced fixing Landfill drainage issues caused by heavy downpours.
- Completed State Government Kerbside Container Deposit Scheme audit.
- Dealt with kerbside truck fire and other battery fires at Landfill.

Asset Management

The following table outlines requests for works received through the *Asset Edge - Reflect* program of inspection and *Customer Request Management System*.

Task	March 2024	June 2024	September 2024	December 2024
Defects overdue on roads and drains - safety only:				
Link roads	14	14	12	12
Collector roads	16	15	19	16
Access roads	12	12	10	8
Defects overdue on footpaths - safety only	0	0	0	0
Defects rectified - routine maintenance and safety – road, footpath and parks	221	209	233	198
Defects and maintenance - items outstanding - road, footpath and parks	322	346	310	307
Unsealed roads graded (km)	198	188	154	
Sealed road shoulders graded (km)	32	66	0	0

COUNCIL PLAN 2021-2025

Livability

Vibrant public spaces and places		
Strategy	Action	December Quarter Update
Maintain and develop sport and recreation facilities and reserves, parks, gardens, playgrounds, and walking and cycling paths to increase passive and active community participation and social connection.	Deliver <i>Mitchell Street Lakeside Park project</i> .	Moirra Reserve Aboriginal Park completed.
	Meet agreed key milestones of the <i>Benalla Indoor Recreation Centre Redevelopment project</i> .	Benalla Indoor Recreation Centre Redevelopment Project, currently meeting agreed milestones.
	Deliver <i>Benalla Art Gallery Redevelopment project</i> .	Project Control committee established.
	Deliver <i>Benalla Ceramic Mural Precinct Upgrade project</i> .	Mural Precinct upgrade Project, majority of path works completed.
	Progress the <i>Benalla Indoor Recreation Centre Redevelopment Project</i> .	Draft Concept Plans to be finalised and presented to Council in February 2025.
Ensure open spaces and public places in existing and developing communities are thoughtfully planned, connected, green, sustainable, accessible, engaging and inclusive and consider the needs of an ageing community.	Develop and adopt an Open Space strategy.	Consultants appointed in November 2024 to develop the draft <i>Open Space Strategy 2026-2040</i> .
	Install all abilities playground equipment.	All abilities playground installed at the McKellar Street Park.
Beautify streetscapes, landscaping, signage and town entrances.	Deliver the Bridge Street Streetscape project.	Currently planning to redevelop Bridge Street, Benalla through landscape and streetscape improvements. Ongoing focus with maintaining and improving entrances to townships through improved signage and streetscape work.

Connected and accessible roads, footpaths, transport and parking		
Strategy	Action	December Quarter Update
Deliver and maintain accessible and safe footpaths and cycle paths in existing and new neighbourhoods.	Review and update <i>Pathways to the Future – Shared Path Project strategy</i> .	Remaining priorities from strategy have been identified and expected to be delivered in 2024/2025.
	Deliver Kerb and Channel Replacement program.	Program commenced and will be completed in 2024/2025 Financial year.
	Deliver new footpath works	New footpath projects ongoing into 2024/2025 and beyond.
Maintain and improve drainage, bridges, parking and road networks to meet the needs of the current and future population.	Implement Benalla Rural City Council Drainage Strategy.	Priority projects from the strategy identified and planning and scoping commenced, with early stage works expected to be completed in 2024/2025.
	Finalise Devenish Drainage Upgrade project.	Devenish Drain Upgrade Project completed.

Environment

High quality, efficient and sustainable waste management		
Strategy	Action	December Quarter Update
Provide efficient and sustainable waste management services.	Finalise disposal arrangements for environmentally sustainable disposal of kerbside-collected food organics and garden organics.	New Contract with Rural City of Wangaratta for the disposal of kerbside – collected food organics and garden organics has been executed.

Leadership

Good governance		
Strategy	Action	December Quarter Update
Deliver responsible budget outcomes linked to strategy that maintain financial sustainability and deliver value for money and rating fairness.	Develop and implement a Project Management framework.	Recruitment of Project Management Officer underway.
	Implement a best practice asset management approach.	Recruitment of Asset Management Officer underway.

FINANCIAL IMPLICATIONS

Operating Budget result for the period ending 31 December 2024

	Notes	2024/25 YTD Actuals	2024/25 YTD Budgets	2024/25 YTD Variance	2024/25 Full Year Budget	2024/25 Full Year Forecast
Capital Projects Operations	1	\$327,127	\$380,321	\$53,194	\$1,399,115	\$1,399,115
Operations Support	2	(\$1,540,551)	(\$1,329,930)	\$210,620	(\$1,057,705)	(\$1,230,129)
Plant Operations	3	\$62,174	\$108,772	\$46,598	\$217,564	\$217,564
Operations & Capital Grant Income	4	(\$795,056)	\$0	\$795,056	(\$4,356,335)	(\$2,955,419)
Sealed Roads	5	\$1,670,030	\$1,747,002	\$76,972	\$3,489,459	\$3,526,198
Unsealed Roads	6	\$638,113	\$763,316	\$125,203	\$1,519,275	\$1,422,782
Bridges		\$447,668	\$445,739	-\$1,929	\$891,144	\$1,017,585
Drainage	7	\$487,871	\$408,154	-\$79,717	\$812,473	\$1,009,220
Mechanics Workshop		\$37,548	\$43,522	\$5,974	\$86,137	\$86,137
Street Cleaning	8	\$17,885	\$39,828	\$21,943	\$79,035	\$79,035
Roadsides	9	\$365,227	\$276,359	-\$88,868	\$550,408	\$628,113
Parks & Gardens	10	\$554,329	\$598,148	\$43,819	\$1,176,322	\$1,176,322
Other Capital	11	\$1,940,944	\$1,122,832	-\$818,112	\$11,016,003	\$9,452,062
Asset Management Services	12	\$112,780	\$139,387	\$26,607	\$267,822	(\$2,993,661)
Landfill	13	\$349,199	\$303,309	-\$45,890	\$639,449	\$579,976
Kerbside Waste	14	(\$3,983,576)	(\$3,553,512)	\$430,064	(\$2,574,679)	(\$2,760,589)
Recreation	15	\$34,662	\$102,492	\$67,830	\$205,014	\$215,263
Total		\$726,374	\$1,595,739	\$869,365	\$14,360,500	\$10,869,573

Notes:

1. Favourable variance mainly due to an underspend on the *Benalla Indoor Recreation Centre Redevelopment Project* with planning and design being delayed.
2. Favourable variance due to Disaster Recovery Funding Arrangements funding income (Accrual from 2023/24) and grant funding income.
3. Favourable variance mainly due to underspend on forecast insurance payments, due to be spent later in the year.
4. Favourable variance due to unexpected \$600,000 income for the pump track project and \$195,000 income for the Benalla Splitter Islands – Safer Roads Project. Variance mainly due to overspend in sealed road repairs and higher than expected depreciation.
5. Favourable variance mainly due to lower than budgeted expenditure in sealed road repairs across the board.
6. Favourable variance mainly due lower than budgeted expenditure of \$81,000 in unsealed road repairs and \$48,000 less than budgeted depreciation costs.

7. Unfavourable variance due to higher than budgeted amount of \$98,000 for depreciation costs.
8. Favourable variance due to lower than budgeted expenditure of \$21,000 in street cleaning due to seasonal works and machine breakdowns.
9. Unfavourable variance mainly due a higher than expected expenditure on roadside furniture repairs \$15,000, roadside vegetation maintenance and spraying \$27,000 and \$38,000,000 on depreciation costs.
10. Favourable variance mainly due to lower than expenditure of \$15,000 at the Benalla Botanical Gardens and \$28,000 on powerline clearance.
11. Unfavourable variance mainly due to expenditure of over \$800,000 on various projects such as annual road reseal projects, all abilities playground and Bridge Street upgrade works, associated with grant funding yet to be received.
12. Favourable variance mainly due to savings on salary and oncosts associated with position vacancy \$78,000, however partially counterbalanced by contracted services of \$65,000.
13. Unfavourable variance mainly to lower than budgeted income with a lower disposal of waste in general in the early part of the year, however annual forecast for the year unchanged with waste disposal increasing as the season progresses.
14. Favourable variance mainly due to lower than budgeted contract services payments of \$422,000, with contractor delaying invoicing.
15. Favourable variance mainly to lower than budgeted funding allocations for committees of management associated with Churchill Reserve \$23,000 and Benalla Showgrounds \$28,000.

Recommendation:

That the report be noted.

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4.5 2024/25 Major Event Funding Program

Ref: 176689922-986

Courtney Naughton – Manager Economic Development and Sustainability
Allison Angus – Visitor Economy Coordinator
Kate Nolan – Tourism and Events Officer

PURPOSE OF REPORT

The report presents funding applications for the 2024/25 Major Event Funding Program.

BACKGROUND

The Council's Major Event Funding Program enables local community groups, clubs, organisations and external event groups to seek up to \$2,000 in funding to assist in the staging of events that will provide measurable economic benefit and enhance the image and liveability of Benalla Rural City.

DISCUSSION

Major Event Funding

Applications for consideration under the 2024/25 Major Event Funding program are detailed in the table below.

Applicant	Details	Amount Requested	Proposed Assistance
Benalla Migrants Association	<p>Chinese / Lunar New Year at the Benalla Town Hall – Saturday 15 February 2025 at 5pm.</p> <p>The event will feature food, festive Chinese New Year decorations and music, and social activities to celebrate the event (Yee Sang / Lo Sang). This will be the largest Chinese New Year celebration in the region and provides an opportunity for people in Benalla to experience Chinese New Year.</p> <p>Currently, there are no large, public events for communities to celebrate the Lunar New Year in North East Victoria, and this will be a headline event that will attract people from around the region. The event will be advertised across the state, national tourism websites, including contacting popular community radio stations that broadcast in Mandarin, Cantonese, and Vietnamese. This will be the first time this event will be held at a public venue.</p> <p>Expecting at least 200 visitors to attend the event to celebrate Chinese New Year in Benalla.</p> <p>This is an entirely volunteer-led event. The event will give people who are new to celebrating Chinese New Year the opportunity to learn about Chinese culture and to meet new people. The event will be free of charge for attendees and food will be provided.</p> <p>Intended use of the funding is for two lantern making workshops, essay writing competition, colouring in competition, posters and marketing materials, decorations and photography.</p>	\$2,000	\$2,000

Applicant	Details	Amount Requested	Proposed Assistance
Albert Heaney Oval Reserve Committee of Management	<p>Swanpool Motor Festival - Sunday 9 March 2025 (Labour Day long weekend)</p> <p>Swanpool's annual Motor Festival has become one of the most anticipated motor events in the region held over the March Labour Day weekend. The event offers a broad array of motoring interests from cars, motorcycles to trucks, new to old, completed to project, show car to barn find. 300–450 vehicles will be on display. It is anticipated that the event will attract over 2,000 participants and spectators.</p> <p>Other elements of the event include swap meet, market stalls, street food and live music. There are numerous social and economic benefits to holding the event at the Albert Heaney Oval in Swanpool. The event has grown significantly since its inception in 2018 attracting a large number of visitors, participants and vendors over the March long weekend who spend money on accommodation, food, and other local services within the region.</p> <p>The intended use of the funding is for assistance towards event running costs: first aid services and Public Liability Insurance coverage. All profits from the event are used by the Albert Heaney Oval Committee for the upkeep of the oval and its facilities.</p>	\$2,000	\$2,000
Austin 7 Club	<p>48th Historic Winton – Friday 23 to Sunday 25 May 2025</p> <p>Historic Winton is Australia's longest running all historic car and motor bike race meeting. Whilst there will be in the order of 40 motor racing events, it will also feature transport and heritage displays. Some of the vehicles which will be celebrating anniversaries of 50 to 100 years will be invited to take part in display laps of the circuit for the spectators young and old to enjoy. On Friday 23 May, there is a touring event around the Benalla district which is jointly conducted by the Benalla Rural City Council and the Austin 7 club.</p> <p>The intended use of the funding is for assistance with marketing and advertising the event.</p>	\$2,000	\$2,000
Total		\$6,000	\$6,000

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A healthy, Safe and resilient community.*
- *A connected, involved and inclusive community.*

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum.

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none">▪ Promotion of program via media, website and social media.▪ Program presented in public reports to the Council.▪ Outcomes advised directly to applicants.▪ Outcomes detailed in Annual Report.▪ Media release.

FINANCIAL IMPLICATIONS

The *2024/25 Budget* allocated \$12,000 to the Major Event Funding program. These applications bring the total applied for to five for this financial year. The inclusion of these events will bring the total budget spend to \$9,000.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That \$2,000 grants from the 2024/25 Major Event Funding program be allocated to the Benalla Migrants Association, Albert Heaney Oval Reserve Committee of Management, and the Austin 7 Club.

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PURPOSE OF REPORT

The report presents for consideration the reviewed and updated *Benalla Rural City Council Public Interest Disclosure Policy*.

BACKGROUND

The purpose of the *Public Interest Disclosure Policy* (refer **Appendix 1**) is to ensure the Council is fully compliant with its obligations under the *Public Interest Disclosures Act 2013* (PID Act) and the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act).

The PID Act protects people who make disclosures about improper conduct in the public sector or from detrimental action taken in reprisal for a previous disclosure.

It is the Council's responsibility to encourage and facilitate disclosures of improper conduct by public officers and public bodies by providing protection for persons making those disclosures and persons who may suffer detrimental action as a result of those disclosures.

A public interest disclosure is a disclosure by a person of information which shows or tends to show, or which the person reasonably believes shows or tends to show, improper conduct. It can also be about detrimental action against a person in reprisal for making a protected disclosure.

This policy was previously reviewed and adopted by the Council at its meeting on 12 February 2020.

DISCUSSION

The policy was reviewed in accordance with Council's *Administration Policy Management Guidelines Policy*.

The policy was endorsed by the Council's Leadership Team at its November 2024 meeting.

Policy formatting has been updated to confirm with the current Benalla Rural City Council style guidelines. No other material changes were made to the policy.

The Policy is in line with the latest legislation regarding public interest disclosure.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that, due to operational nature of the Policy, that community engagement be undertaken at the 'inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information.	<ul style="list-style-type: none">▪ Policy presented in a public report to the Council.▪ Policy to be published on Councils website.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development or implementation of the Policy.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

1. That the *Benalla Rural City Council Public Interest Disclosure Policy* be adopted.
2. That the *Benalla Rural City Council Public Interest Disclosure Policy* be reviewed in October 2028.

CP 5 Public Interest Disclosure Policy

Responsible Officer:	General Manager Corporate
Document Type:	Council Policy
Reference:	CP 5
Approved by Leadership Team	4 October 2024
Adopted by Council:	
Date of Next Review:	October 2028

Policy Objective

To ensure the Council is fully compliant with its obligations under the *Public Interest Disclosures Act 2013* (PID Act) and the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act).

Policy Scope

Introduction

The PID Act protects people who make disclosures about improper conduct in the public sector or from detrimental action taken in reprisal for a previous disclosure.

It is the Council's responsibility to encourage and facilitate disclosures of improper conduct by public officers and public bodies by providing protection for persons making those disclosures and persons who may suffer detrimental action as a result of those disclosures.

Staff should believe that they will be adequately supported in the event they make a disclosure. This belief will primarily be based on their understanding of the nature and level of support available to them and their knowledge as to whether other staff have been appropriately supported.

To support the commitment to compliance under the PID Act and the IBAC Act the Council will:

- identify a person to act as the Public Interest Disclosures Coordinator (PIDC).
- identify a person to act as the Welfare Officer to support people who make disclosures.
- have processes that maintain confidentiality.
- have procedures to manage the secure receipt, storage, initial assessment and notification to IBAC of information related to protected disclosures.
- raise awareness of all staff regarding their responsibilities to disclose, their rights if they do disclose and how to make disclosures.
- provide a process to manage the welfare of people who have made a disclosure, those who are the subject of a disclosure and potential witnesses.
- educate all staff in relation to the welfare supports that are available.
- make the policy and procedure available for public inspection including publication on the Council website.
- collect statistics on protected disclosures to include in the Annual Report.

Protections provided under the PID Act to disclosers

A person who makes a public interest disclosure is:

- not subject to any civil or criminal liability or any liability arising by way of administrative process (including disciplinary action) for making the disclosure.
- exempted from confidentiality provisions in any other Act, oath, rule of law or agreement restricting the disclosure of information.
- protected from defamation action.
- protected from detrimental action if the disclosure forms a part of the reason for the detrimental action.
- limited liability for legal costs.

A reporting individual is still responsible for their own conduct if corrupt.

Outline of process for making a disclosure

Detailed information regarding the making, handling and assessing disclosures is provided in the companion document Public Interest Disclosures Procedure.

For a disclosure to be a public interest disclosure it must be made in accordance with the requirements of Part 2 of the PID Act and in accordance with the procedure outlined below:

Who can make a disclosure	Disclosures can only be made by natural person(s), not companies, businesses
How to make a disclosure	Must be made verbally, in writing, or in some cases, online. It may be made anonymously. It must be made in private.
Who to make a disclosure to	Disclosures can only be made to specified persons
Who disclosures can be made about	Must be made only about the conduct of public bodies or public officers performing public functions
What disclosures can be made about	Must be about improper conduct or detrimental action taken against a person in reprisal for making a disclosure

When there is an immediate threat to health and safety, the need to preserve property or allegations of serious criminal conduct, disclosure can be directly made to Victoria Police and the protections of the PID Act still apply.

Procedure

The Council is required to establish and publish procedures under the Public Interest Disclosures Act 2013 (PID Act) and the Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act). The procedures must be available to councillors, staff, contractors and members of the public.

The Council encourages the disclosure of improper conduct by public officers or public bodies in accordance with the PID Act.

Making a disclosure

What is a disclosure?

A public interest disclosure is a disclosure by a person of information which shows or tends to show, or which the person reasonably believes shows or tends to show, improper conduct. It can also be about detrimental action against a person in reprisal for making a protected disclosure.

For a complaint to be a protected disclosure it must fit all the criteria nominated in Part 2 of the PID Act.

Who can make a disclosure?

Any natural person (or group of persons) can make a disclosure. A company or business cannot make a protected disclosure.

About what can a disclosure be made?

A disclosure must be made about the conduct of a person, public officer or public body in their capacity as a public body or officer.

How can a disclosure be made?

Disclosures may be made, and may be made anonymously, in the following ways:
Verbally:

- Must be in private
- In person
- By telephone
- Voice mail message
- Any other form of electronic communication that does not require writing.

In writing:

- Personal delivery to the CEO or Public Interest Disclosures Coordinator, Customer Service Centre, 1 Bridge St East, Benalla (marked confidential)
- Mail addressed to the CEO or Public Interest Disclosures Coordinator, Benalla Rural City, PO Box 227, Benalla 3671 (marked confidential)
- Email to the PIDC: robert.barber@benalla.vic.gov.au (marked confidential in subject line)
- IBAC, the Ombudsman and the Victorian Inspectorate can receive disclosures online.
- Facsimile (fax) is not an acceptable method.

About whom can a disclosure be made?

Disclosures can be made about public bodies or public officers acting in their public role. This includes a Council and Council employees.

Refer to the *Independent Broad-based Anti-corruption Commission Victoria – Guidelines for handling public interest disclosures, 2020* (p.4) for a complete definition.

To whom can a disclosure be made?

The PID Act is specific about who can receive disclosures depending on who is the subject of the disclosure.

Within a council the people who can receive a disclosure are:

- The Chief Executive Officer
- The Public Interest Disclosures Coordinator
- A direct or indirect manager or supervisor of the discloser or of the person about whom a disclosure is being made.

If the subject of the disclosure is a Councillor the disclosure must be made directly to the IBAC or the Victorian Ombudsman.

IBAC, the Ombudsman, the Victorian Inspectorate, the Chief Commissioner of Police, the Judicial Commission of Victoria, the Chief Municipal Inspector, the Information Commissioner and the parliamentary Integrity and Oversight Committee can receive specific types of disclosures.

Misdirected disclosures

If the Council receives a misdirected disclosure, but the discloser believed the council to be the correct place for that particular disclosure, the Council can still notify the disclosure to IBAC for assessment as a public interest complaint.

Mandatory Disclosures by the Principal Officer

Under s 57 of the IBAC Act CEOs of councils are required to make mandatory notifications if they suspect corruption is occurring. Where this obligation overlaps with a potential protected disclosure, the Council should first deal with the matter in accordance with the PID Act. If the matter is not notified to IBAC in accordance with the PID Act, the Council should consider whether the CEO may be required to notify the matter to IBAC.

Confidentiality

The PID Act imposes confidentiality obligations regarding disclosures. It is however lawful for a discloser to disclose that a PID has been made to IBAC in the following circumstances:

- to seek support from medical practitioners, confidential employee assistance programs and trade unions.
- to make a workers' compensation claim to WorkCover
- to make an application to Fair Work Commission or related legal proceedings

If a confidentiality notice has been issued by IBAC, a discloser may nonetheless still share information with:

- a spouse or domestic partner
- employer or manager
- additional support and legal bodies as listed above

Improper conduct

Improper conduct means:

- Corrupt conduct
- Conduct of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes any of the following:
 - a criminal offence
 - serious professional misconduct
 - dishonest performance of public functions
 - an intentional or reckless breach of public trust
 - an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body
 - a substantial mismanagement of public resources
 - a substantial risk to the health or safety of one or more persons
 - a substantial risk to the environment.
- Conduct of any person that:
 - adversely affects the honest performance by a public officer or public body of their functions.
 - is intended to adversely affect the effective performance or exercise by a public officer or public body of their functions or powers and results in the person or an associate obtaining:
 - ~ a licence, permit, approval, authority or other entitlement
 - ~ an appointment to a statutory office or as a member of the board of any public body
 - ~ a financial benefit or real or personal property
 - ~ any other direct or indirect monetary or proprietary gain that the person or associate would not have otherwise obtained.
 - Conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to above.

Initial assessment of a disclosure

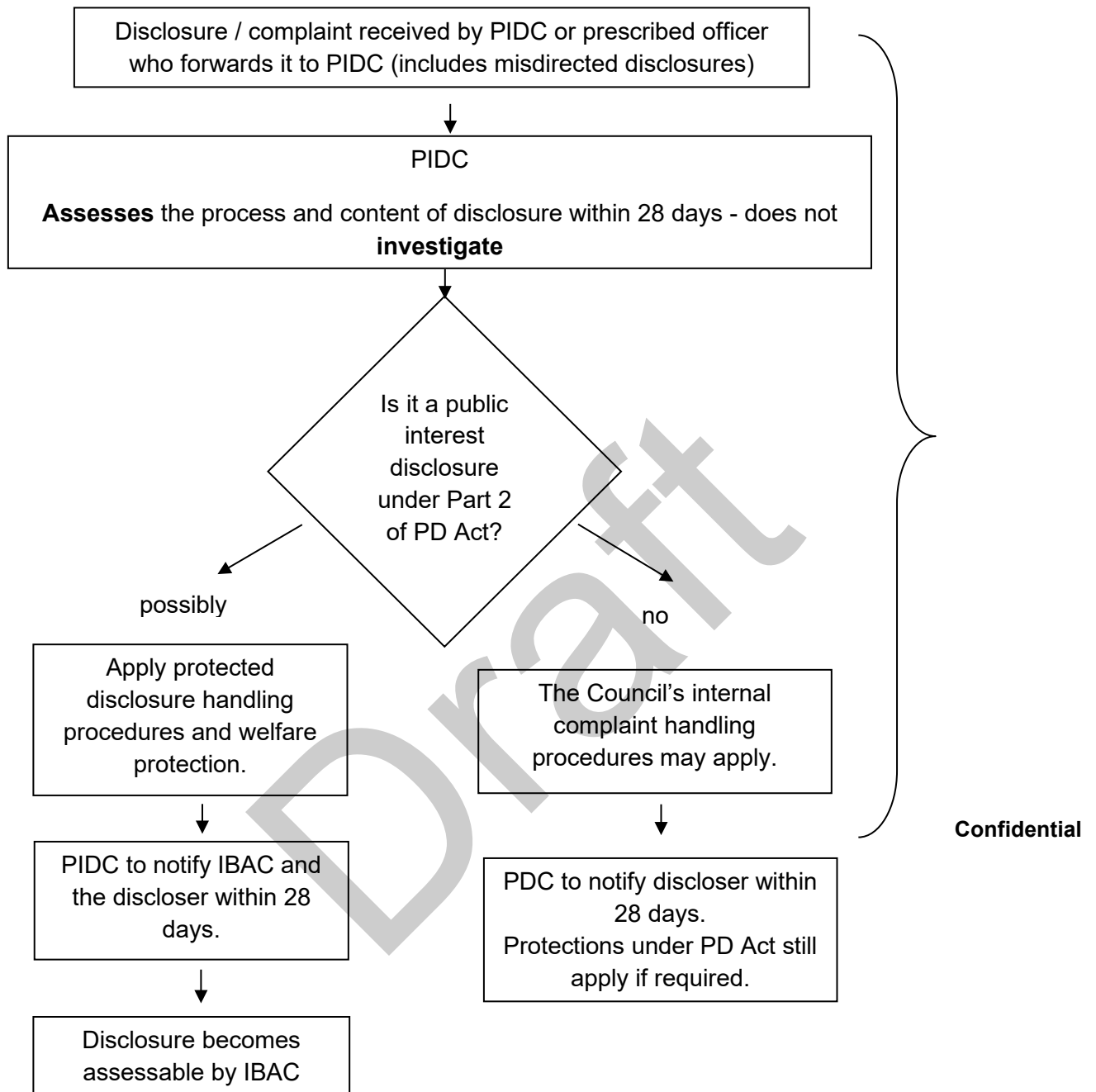
For a disclosure to be considered assessable by IBAC it must meet all the requirements for a public interest disclosure in Part 2 of the PD Act. If it does not meet all the requirements then it is not a public interest disclosure and should be dealt with under the Council's complaint handling process. See page three of this policy.

When a complaint or disclosure is by any other prescribed officer (see **To whom can a disclosure be made?** on page four of the policy) it should immediately be forwarded to the PIDC. On receipt of a disclosure, the PIDC will determine if it is required to be forwarded to IBAC for assessment. See *Figure 1* (below) for a summary of the process.

IBAC may delay its determination of a PID, allowing action already in train to deal with the matter to be completed if appropriate, before it is determined as a PIC.

IBAC has the power to refer a PIC to any body for action if the complainant agrees with the referral and the body to which the PIC is to be referred agrees.

Figure 1 – Internal Council procedure for dealing with disclosures



Investigation

During an investigation, an investigating entity may disclose information where it is necessary for the purpose of the investigation, and/or where it is relevant to certain other bodies' functions and is appropriate to pass on. The bodies an investigating agency may pass information to include IBAC, the Victorian Inspectorate, the Victorian Ombudsman, the Victorian Auditor-General, Victoria Police, the Office of Public Prosecutions, the Commission for Young People, and the Australian Federal Police.

IBAC may determine on receiving a PID that it is appropriate to refer the matter to another relevant body. This requires the consent of both the discloser and the notifying agency.

Conclusion of investigation

At the conclusion of its investigation IBAC must provide the discloser with information about the results of the investigation and any action taken by IBAC or any recommendation by IBAC that further action be taken. IBAC may provide information about the conduct and result of the investigation to the Council but it must not provide any information that might lead to the identification of a discloser. The provision of such information to the discloser or the Council is not compulsory if it is likely to lead to an adverse outcome as specified in the IBAC Act section 163(4).

External disclosures

Where a disclosure has not been adequately addressed, a discloser may make a further disclosure to external parties (such as journalists or politicians). The conditions under which this may happen are:

- The original disclosure was not made anonymously.
- The original disclosure was determined to be a public interest complaint.
- One of the following applies:
 - the discloser has not been notified of any action taken within six months of a determination that a disclosure was a public interest complaint, and has not received a response 30 days after requesting an update on progress
 - An investigation has not been completed 12 months after determination that a disclosure was a public interest complaint, and has not received a response 30 days after requesting an update on progress; or they receive a response but receive no further update advising the investigation has been completed six months after that response.

The protections under Part 6 of the PID Act apply to these disclosures.

Any external disclosure must not contain information that may prejudice a criminal investigation or other legal proceedings and must not contain information that is likely to disclose investigative methods used by IBAC or Victoria Police.

Freedom of Information Act

The Freedom of Information Officer will inform the PIDC of requests under the *Freedom of Information Act 1982* to ensure disclosure under the FOI Act is not applied to any document that relates to a protected disclosure, an assessable disclosure or that is likely to lead to the identification of a person who has made an assessable disclosure.

Managing welfare

The Council acknowledges the protection of genuine persons making protected disclosures against detrimental action is essential for the effective implementation of the Act and is, therefore, responsible for ensuring persons making a protected disclosure and a person cooperating with an investigation into a PID complaint are entitled to be protected from direct and indirect detrimental action and encourages a culture supportive of protected disclosures being made. Council employees are protected under OH&S legislation, the *Charter of Human Rights and Responsibilities Act 2006*, the *Public Administration Act 2004*, the Victorian Public Sector Code of Conduct and the PID Act.

Protections provided under Part 6 of the PD Act:

- Discloser not subject to any civil or criminal liability or administrative action for making the disclosure.
- Discloser is not committing an offence under the Constitution Act 1975 or any other oath, rule of law or practice for breaching confidentiality.
- Discloser cannot be held liable for defamation in relation to information included in a protected disclosure.
- Discloser is protected from detrimental action in response to making the disclosure.

What is detrimental action?

Detrimental action is any action taken against a discloser in reprisal for making a public interest disclosure, or which incites another person to take detrimental action. If adverse action is taken against an employee and a PID forms any part of the reason for the adverse reaction, it is detrimental action and is a criminal offence.

Nevertheless, management actions which do not relate to the disclosure may still be taken with a discloser in respect of performance development, conditions of employment or discipline or to ensure the safety of the workplace.

An employee who has made a PID and believes on reasonable grounds that detrimental action is being or has been taken against them may request a transfer of employment.

Persons who are the subject of public interest disclosures

The Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures.

The Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process.

Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Protected Disclosure Coordinator will ensure the person who is the subject of any disclosure investigated by or on behalf of a public body is:

- informed as to the substance of the allegations.
- given the opportunity to answer the allegations before a final decision is made.
- informed as to the substance of any adverse comment that may be included in any report arising from the investigation.
- provided the opportunity for his or her defence to be set out fairly in any report.

Where the allegations in a disclosure have been investigated, the Protected Disclosure Coordinator will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

The Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Chief Executive Officer will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

Limitation on protection

- If the discloser has made a false disclosure or provided false information, he/she is not protected.
- There is no protection for a discloser against legitimate management action if the person is implicated in misconduct whether that misconduct is related to the PID or not. A discloser will still be held liable for their own conduct.
- A discloser is restricted from sharing information they receive from IBAC about whether their PID has been dismissed, referred or investigated and from disclosing any information they receive about the results of any investigation. Exceptions apply if it is necessary to seek legal advice, get the support of a health practitioner or trade union or make a compensation claim to WorkCover.

Appointment of Protected Disclosure Coordinator

The Chief Executive Officer appoints the General Manager Corporate to act as the public Interest Disclosure Coordinator (PIDC) to:

- impartially assess each disclosure to determine whether it is a protected disclosure.
- coordinate the centralised reporting system used by the Council.
- be a contact point for general advice about the operation of the Act and for integrity agencies such as IBAC.
- be responsible for ensuring the Council carries out its responsibilities under the Act and the Guidelines.
- liaise with IBAC in regard to the Act.
- advise the person making the protected disclosure of the progress of an investigation into the disclosed matter.

- collate statistics on disclosures made.
- take all necessary steps to ensure the identity of the person making a protected disclosure and the identity of the person who is the subject of the disclosures are kept confidential.
- establish and manage a confidential filing system.
- liaise with the Chief Executive Officer.

Appointment of Welfare Officer

The Chief Executive Officer appoints the Manager People and Performance to act as the Welfare Officer to:

- examine and respond to the needs of the discloser and the subject of the disclosure (welfare and protection)
- provide information about the processes and outcomes.
- provide reassurance.
- manage discloser's expectations.
- proactively work to prevent detrimental action from occurring.
- manage gossip and rumors about a disclosure.
- advise all parties of their rights.
- record 'Case Management' information.
- ensure expectations are realistic.

If the disclosure is in relation to the General Manager Corporate and Community then the Chief Executive Officer will retain the authority for all aspects of the Acts or appoint an officer to advise on the process.

If the disclosure is in relation to the Welfare Officer then the General Manager Corporate and Community will act as the Welfare Officer or appoint an officer to act as the Welfare Officer.

Definitions

Word	Definition
Assessable Disclosure	a disclosure that must be forwarded to IBAC or the Victorian Inspectorate.
Corrupt Conduct	is conduct that would, if proved beyond reasonable doubt at trial, constitute an indictable offence or the common law offence of attempting to pervert the course of justice or bribery of a public official.
Detrimental Action	any action taken against a discloser in reprisal for making a public interest disclosure, or which incites another person to take detrimental action.
IBAC	Independent Broad-based Anti-corruption Commission.
Improper Conduct	the combination of both corrupt conduct as defined in s of the <i>IBAC Act</i> and specified conduct as defined s 4(2) in the PD Act.

Word	Definition
Investigating Entity	IBAC, Victorian Ombudsman, Chief Commissioner of Police, Victorian Inspectorate, Judicial Commission of Victoria, Chief Municipal Inspector, Information Commissioner, Racing Integrity Commissioner, Integrity and Oversight Committee. Only these entities can investigate a protected disclosure complaint.
Public Interest Disclosure	a report made by a person or group of persons about improper conduct of public officers or public bodies.
Public Interest Complaint	a disclosure that has been determined by IBAC to be a protected disclosure complaint.
Public Interest Disclosure Coordinator	Council Officer appointed by the Chief Executive Officer to receive and make initial assessment on protected disclosures.
Public Body	includes Councils among others.
Public Officer	includes among others a member of Council staff that is performing a public function on behalf of the State or a public officer or public body (whether under contract or otherwise); an employee of, or any person otherwise engaged by, or acting on behalf of, or acting as a deputy or delegate of, a public body or a public officer.
Serious Professional Misconduct	a serious failure to exhibit the skills and experience required to perform the functions of the office, and / or conduct that constitutes a serious breach of an established professional code of conduct or the policies, procedures and laws that govern behavior in the public sector and the workplace.
Urgent Action	when there is immediate threat to personal health and safety, property or the disclosure refers to serious criminal conduct.

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Related Policies and sources

- *Benalla Rural City Council Plan 2021-2025*
- *Benalla Rural City Community Plan 2016-2036*
- *CP4 Fraud and Prevention Policy*
- *AP51 Complaints Handling*
- *www.ibac.vic.gov.au*

Related Legislation

- *Local Government Act 2020*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Public Interest Disclosures Act 2013*
- *Independent Broad-based Anti-corruption Commission Act 2011*
- *Independent Broad-based Anti-corruption Commission Victoria – Guidelines for handling public interest disclosures 2020*

4.7 Recording of Council Meetings Policy

Ref: 118550412-478
Robert Barber – Acting Chief Executive Officer
Jess Pendergast – Governance Coordinator

PURPOSE OF REPORT

The report presents for consideration the reviewed and updated *Benalla Rural City Council Recording of Council Meetings Policy*.

BACKGROUND

The purpose of the *Recording of Council Meetings Policy* (refer **Appendix 1**) is to specify the arrangements in regard to appropriate creation, storage, usage, access and disposal in accordance with legislative requirements for audio recordings of Council Meetings and meetings of Delegated Committees of the Council.

The *Local Government Act 2020* requires minutes of Council and Delegated Committee Meetings to be kept. The minutes must contain accurate details of the proceedings and the resolutions.

Clause 6.4 of the *Benalla Rural City Council Governance Rules 2020* provides for the livestreaming, audio and video and recording of meetings. While there is no obligation to do so, the Chief Executive Officer has elected to audio record Council and Delegated Committee Meetings to assist in preparing and verifying the minutes.

This policy was previously reviewed and adopted by the Council at its meeting on 17 December 2019.

DISCUSSION

The policy is being reviewed in accordance with Council's Administration Policy *Management Guidelines Policy*.

The policy was endorsed by the Council's Leadership Team at its November 2025 meeting.

Policy formatting has been updated to confirm with the current Benalla Rural City Council style guidelines.

References to Special and Ordinary Council meetings and Special Committee meetings have been removed as these meetings were legislated under *Local Government Act 1989*.

Under the *Local Government Act 2020* Special and Ordinary Council meetings are now referred to as Council Meetings. Special Committees are now referred to as Delegated Committees of Council.

No other material changes were made to the policy.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that, due to operational nature of the Policy, that community engagement be undertaken at the 'inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information.	<ul style="list-style-type: none">▪ Policy presented in a public report to the Council.▪ Policy to be published on Councils website.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development or implementation of the Policy.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

- 1. That the *Benalla Rural City Council Public Recording of Council Meetings Policy* be adopted.**
- 2. That the *Benalla Rural City Council Public Recording of Council Meetings Policy* be reviewed in October 2028.**

CP 33 Recording of Council Meetings Policy

Responsible Officer:	General Manager Corporate
Document Type:	Council Policy
Reference:	CP 33
Approved by Leadership Team:	4 October 2024
Adopted by Council:	
Date of Next Review:	October 2028

Policy Objective

To specify the arrangements in regard to appropriate creation, storage, usage, access and disposal in accordance with legislative requirements for audio recordings of Council Meetings and meetings of Delegated Committees of the Council.

Background

The *Local Government Act 2020* requires minutes of Council and Delegated Committee Meetings to be kept. The minutes must contain accurate details of the proceedings and the resolutions.

Clause 6.4 of the *Benalla Rural City Council Governance Rules 2020* provides for the livestreaming, audio and video and recording of meetings. While there is no obligation to do so, the Chief Executive Officer has elected to audio record Council and Delegated Committee Meetings to assist in preparing and verifying the minutes.

The policy has been developed in keeping with the Information Privacy Principles which are contained in Schedule 1 of the *Privacy and Data Protection Act 2014*, particularly:

IPP 1 Collection:	An organisation can only collect personal information if it is necessary to fulfil one or more of its functions. It must collect information only by lawful and fair means, and not in an unreasonably intrusive way. It must provide notice of the collection, outlining matters such as the purpose of collection and how individuals can access the information.
IPP 2 Use and Disclosure:	Personal information can only be used and disclosed for the primary purpose for which it was collected, or for a secondary purpose that would be reasonably expected. It can also be used and disclosed in other limited circumstances, such as with the individual's consent, for a law enforcement purpose, or to protect the safety of an individual or the public.
IPP 6 Access and Correction:	Individuals have the right to seek access to their own personal information and to make corrections to it if necessary. An organisation may only refuse in limited circumstances that are detailed in the PDP Act, for example where disclosure might threaten the safety of an individual.

Policy Scope

The policy applies to:

- Councillors, the media and members of the public requesting to record, or requesting access to audio recordings of, Council and Delegated Committee Meetings.
- Council Officers responsible for the creation, retention and disposal of audio recordings of Council and Delegated Committee Meetings.

Procedure

Creation

In accordance with clause 6.4 of the *Benalla Rural City Council Governance Rules 2020*:

- The Chief Executive Officer may make an audio recording of proceedings of a Meeting by means of a suitable audio device.
- Audio recordings will be made in accordance with the Council's Recording of Council Meetings Policy.
- Meetings will be livestreamed via the Council's website.
- A person must not, without the prior approval of the Chief Executive Officer, operate any audio or visual recording equipment at any Council meeting.
- A request to record a meeting will not be unreasonably withheld.
- Nothing in sub-rule (1) applies to:
 - a. any member of Council staff operating any recording device for the purpose of preparing draft minutes of the Council meeting; or
 - b. any security camera installed in any place in which a Council meeting is held.
- If the chair gives approval they must as soon as practicable after opening the Council meeting, announce the giving of approval and advise those who are in attendance that their voices are likely to be recorded during the course of the Council meeting.
- The chair may at any time during the Meeting withdraw any consent that has been given.
- A person representing the media may be given written consent by the Chief Executive Officer to make audio recordings of meeting proceedings for the duration of one Council Year. The chair may withdraw the consent that has been given at any time during a Meeting.

The Chief Executive Officer will make recordings of each Council and Delegated Committee Meeting commencing from the opening of the meeting and continuing to the closure of the meeting including while standing orders are suspended and that part of the meeting closed to members of the public.

Due to the nature of technical equipment the Council does not guarantee that audio or Video recordings will be continuous or fault-free.

Recordings that are available to the public will be edited to remove any business transacted while a Council or Delegated Committee Meeting is closed to members of the public.

Video recordings can be found on Council's [YouTube channel](#).

Notice

Notice will be provided to members of the public attending Council Meeting or Delegated Committee meetings that an audio recording is being made.

The wording will be displayed on:

- on the agenda for the relevant meeting
- on Request to be Heard and Public Question Time forms
- on the website where Request to be Heard forms are located
- read out by the Chair at the commencement of each session of a Council or Special Committee Meeting.

Storage

Audio recordings will be stored securely so that only those Council Officers authorised to do so by the General Manager Corporate can access them.

Usage

Audio recordings will be used as a reference to ensure the minutes are a complete and accurate record of proceedings of the relevant Council or Delegated Committee Meetings.

The Chief Executive Officer will make recordings for the purpose of:

- assisting in preparing and verifying the minutes
- confirming comments made by submitters or Councillors
- confirming actions requested or agreed to be undertaken by management
- clarifying resolutions made, and
- the accuracy of submitter details (where relevant).

In the interests of transparency of decision making, members of the public are provided with the opportunity, to watch the video recordings of Council and Delegated Committee meeting excluding confidential business.

Video recordings of Council and Delegated Committee meetings can be viewed by anyone via the Council's [YouTube channel](#).

Councillors will be provided with the opportunity, on request, to listen to the audio recordings of meetings in relation to any specified item.

Audio recordings may not be removed from the Customer Service Centre and copies will not be made for members of the public, unless required by law (eg by the *Freedom of Information Act 1982*).

Any recording made by representatives of the media must be used strictly in accordance with this policy to confirm resolutions and comments made by submitters, Councillors or Council Officers and otherwise in accordance with any conditions attached to the consent.

Recordings of Council and Delegated Committee Meetings (or parts of them) closed to members of the public in accordance with sections 3(1) and 66(2)(a) of the *Local Government Act 2020* are exempt from public access and will only be made available to Councillors and the Council's Leadership Team.

Disposal

In accordance with the Public Record Office Victoria Retention and Disposal Authority for Records of Local Government Functions PROS 09/05 Clause 8.4.2 audio recordings of meetings are temporary records and can be destroyed after their administrative use has concluded. Notwithstanding, the Council will maintain an archive of previously recorded Council and Delegated Committee meetings.

Ownership

Benalla Rural City retains ownership of the content of all audio recordings regardless of who created the recording.

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Related Policies

Councillor Code of Conduct

Staff Code of Conduct

Governance Rules 2020

Related Legislation

Public Records Act 1973

Privacy and Data Protection Act 2014

Health Records Act 2001

Freedom of Information Act 1982

PURPOSE OF REPORT

The report presents the *Benalla Rural City Council Governance Rules 2020 (2025 Revision)*.

BACKGROUND

The *Governance Rules 2020* were adopted by the Council at its meeting on 26 August 2020.

The *Regulatory Legislation Amendment (Reform) Act 2022* (the Amendment Act) received Royal Assent on 29 March 2022 and included reforms relating to virtual council meetings and amendments to the *Local Government Act 2020* (the Act).

The amendments to the Act took effect on 2 September 2022 and Council's Governance Rules 2020 were required to make provision for:

- holding meetings by electronic means; and
- requesting and approving attendance at Council meetings by electronic means.

The *Governance Rules 2020 (2022 Revision)* were adopted by Council at its meeting on 31 August 2022.

Governance Rules outline guidelines for the Council to:

- consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- 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.

DISCUSSION

In 2023, IBAC released the *Operation Sandon Special Report* into allegations of corrupt conduct involving councillors and property developers at Casey City Council.

The report contained 18 recommendations directed to the Minister for Local Government to ensure that the public can have confidence in council decisions.

Seven of these recommendations have been fully acquitted through recent reforms. The *Local Government Amendment (Governance and Integrity) Act 2024* made a series of amendments to the *Local Government Act 2020* (the LG Act 2020) which came into operation following the October 2024 Council elections.

One of the Operation Sandon recommendations refers to *Model Governance Rules* for all 79 Councils across Victoria. Local Government Victoria is working towards having the *Model Governance Rules* published by December 2025. A Local Government Steering Committee made up of representatives nominated from peak bodies and council representative groups has been convened to develop the *Model Governance Rules*.

Until further advice is received regarding the implementation of *Model Governance Rules* the Council will continue abide by Section 60 of the *Local Government Act 2020* to develop, adopt and keep in force Governance Rules which govern the conduct of Council meetings.

It is proposed that the Council renew its current *Benalla Rural City Council Governance Rules 2020* for a 12-month period.

The *Benalla Rural City Council Governance Rules 2020 (2025 Revision)* is attached as **Appendix 1**. No material changes have been made to the Governance Rules.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that, due to operational nature of the Governance Rules, that community engagement be undertaken at the 'inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information.	<ul style="list-style-type: none">▪ Document presented in a public report to the Council.▪ Document to be published on Councils website.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development or implementation of the *Benalla Rural City Council Governance Rules 2020 (2025 Revision)*.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with Section 60 of the *Local Government Act 2020* to develop, adopt and keep in force Governance Rules which govern the conduct of Council meetings, the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

- 1. That the *Benalla Rural City Council Governance Rules 2020 (2025 Revision)* be adopted.**
- 2. That the *Benalla Rural City Council Governance Rules 2020 (2025 Revision)* be reviewed in March 2026.**

BENALLA

RURAL CITY COUNCIL

BENALLA RURAL CITY

Governance Rules 2020

February 2025

Governance Rules 2020

Document Type:	Major Council Policy
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Part A

1. Introduction

1.1. Title

These Governance Rules will be known as the *Governance Rules 2020*.

1.2. Purpose of the Governance Rules

- 1.2.1. The purpose of these Rules is to keep in force rules for or with respect to the following the conduct of Council meetings
- 1.2.2. the conduct of meetings of delegated committees
- 1.2.3. the form and availability of meeting records
- 1.2.4. the election of the Mayor and the Deputy Mayor
- 1.2.5. the appointment of an Acting Mayor
- 1.2.6. an election period policy in accordance with section 69 of the Act
- 1.2.7. the procedures for the disclosure of a conflict of interest by a councillor or a member of a delegated committee under section 130 of the Act
- 1.2.8. the procedure for the disclosure of a conflict of interest by a councillor under section 131 of the Act
- 1.2.9. the disclosure of a conflict of interest by a member of Council staff
- 1.2.10. when providing information in respect of a matter within the meaning of section 126(1) of the Act
- 1.2.11. Provide for procedures governing the establishment and conduct of Advisory Committees
- 1.2.12. any other matters prescribed by the regulations.

1.3. Authorising Provision

These Rules are established under section 60 of the *Local Government Act 2020* (the Act)

1.4. Commencement date and Review date:

These Governance Rules:

- a. commence on the day following the day on which the Governance Rules are adopted by the Council; and
- b. are to be reviewed and any amendments adopted by 1 September prior to a General Election.
- c. may be reviewed at any time by the Council to accommodate changes in legislation, regulations and new technology or systems.

1.5. Definitions

Definitions under the Governance Rules 2020 unless the context or subject-matter suggests otherwise:

Word or Context	Definition
Act	The <i>Local Government Act 2020</i> .
Advisory committee	(however titled) is a committee established by the Council, that provides advice to: a. The Council; or b. member of Council staff who has been delegated a power, duty or function of the Council; that is not a Delegated Committee.
Agenda	A document containing the date, time and place of a Meeting and the business to be transacted at the <i>Meeting</i> .
Agreement of Council	Indicative agreement of all of the councillors present without a vote being conducted. In the event there is any uncertainty about majority of councillors agreeing, the matter may be put to a vote. Assembly of Councillors (however titled) means a meeting of an advisory committee of the Council, if at least one councillor is present, or a planned or scheduled meeting of at least half of the councillors and one member of Council staff which considers matters that are intended or likely to be— a. the subject of a decision of the Council; or b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a Delegated Committee of the Council, an Audit and Risk Committee established under Section 8.7, a club, association, peak body, political party or other organisation;
Authorised Officer	An Authorised Officer of the Council appointed under the Local Government 1989 Act or any other Act.
Business day	A day that is not a Saturday, Sunday or public holiday.
Chair	The person who chairs a Meeting and includes an acting, temporary or substitute chair.
Chamber	Any room where the Council holds a Council Meeting.
Chief Executive Officer	The person appointed by the Council to be its Chief Executive Officer and includes a person acting in that office.
Committee Meetings	A meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
Council	Benalla Rural City Council.

Word or Context	Definition
Council Resolution	The resolution of the Council (Council by resolution) means the following: (a) a resolution made at a Council meeting; (b) a resolution made at a delegated committee meeting under delegation.
Council Meeting	A meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting and unscheduled meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance.
Council Year	The 12-month period commencing from the date of the Meeting at which the Mayor is elected.
Councillor	A person who is an elected member of the <i>Council</i> .
Delegate	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Delegated Committee Meeting	A meeting of a Delegated Committee.
Deputy Mayor	The Deputy Mayor of the Council and any person appointed by the Council to act as Deputy Mayor.
Director	A senior member of Council staff holding the position of General Manager or another position (however designated) which report directly to the Chief Executive Officer.
Disorder	Any disorderly conduct of a member of the Gallery or a councillor and includes: a. interjecting when another person is speaking, except, in the case of where a councillor is raising a Point of Order 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 chair in accordance with the Act and the Governance Rules d. engaging in any other conduct which prevents the orderly conduct of the Meeting
Division	A formal count and record taken of those voting for and against a motion.
Foreshadowed Item	A matter raised in the relevant section of the Council Meeting that a councillor intends to submit a Notice of Motion for the next Council Meeting.
Mayor	The Mayor of the Council and any other councillor acting as Mayor in the absence of the Mayor.
Majority of the Votes	A majority of councillors present at the time of a vote voting in favour of a matter.

Word or Context	Definition
Meeting	A Council Meeting or a Delegated Committee Meeting.
Member	A member of any committee to which these Governance Rules apply.
Minister	The Minister for Local Government.
Minutes	The official record of the proceedings and decisions of a Meeting.
Motion	A proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted.
Notice of Motion	A notice setting out the text of a motion which a councillor proposes to move at a Council Meeting.
Notice of Rescission	A notice of motion to rescind a resolution made by the Council.
On Notice	Held or deferred to enable preparation of a response.
Officer	An employee of the Council.
Person	A person who has attained the age of 18 years but not a corporation, a council or any other incorporated body or any public statutory corporation.
Petition	A formal written application requesting some action by the Council, which must be typed or printed without erasure, and be received from at least 12 persons, signed by those persons whose name and physical address also appears and on which page of the petition bears the petition request of the whole of the petition.
Point of Order	A procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting.
Quorum	The minimum number of members of the Council or a Committee of the Council required by the Governance Rules to be present in order to constitute a valid meeting of the Council or the Committee.
Rule, sub-rule or sub clause	A rule, sub-rule or sub-clause included in these Governance Rules.
Senior Officer	The Chief Executive Officer, a member of Council staff who has management responsibilities and reports directly to the Chief Executive Officer or a member of Council staff whose total remuneration exceeds \$151,000 or such higher threshold amount as is specified by the Minister in accordance with section 97B of the Act.
Unscheduled Meeting	A meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council Meetings set by the Council

Word or Context	Definition
Urgent business	A business which: <ul style="list-style-type: none"> a. relates to or arises out of a matter which has arisen since distribution of the agenda; and b. cannot safely or conveniently be deferred until the next Ordinary Meeting and which the Council resolves to admit as urgent business.
Visitor	Any person who is in attendance at a Meeting other than a councillor, member of a Special Committee or an Officer.
Written	Includes duplicated, photocopied, printed and typed and extends to both hard copy and soft copy form.

1.5.1. Definitions provided by the Act

The following definitions provided by the Act are applied to the Governance Rules:

Word or Context	Definition
Audit and Risk Committee	The Audit and Risk Committee established by the Council under section 53 of the Act.
Councillor Code of Conduct	The councillor Code of Conduct developed by the Council under section 139 of the Act.
Delegated Committee	<ul style="list-style-type: none"> a. A delegated committee established by a Council under section 63; or b. A joint delegated committee established by 2 or more Councils under section 64; or c. A committee, other than a Community Asset Committee, exercising any power of the Council under the Act or any other Act delegated to the committee under the Act or any other Act.

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2. Election of the Mayor

2.1. The Role and Functions of the Mayor

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

- 2.1.1. The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, except that the election of the Mayor must be held in accordance with any provisions contained in the Act.
- 2.1.2. A Meeting to elect a Mayor must be open to the public.
- 2.1.3. A Mayor is to be elected no later than one month after the date of a general election.
- 2.1.4. Before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a one-year or a two-year term.
- 2.1.5. The next election of the Mayor must be held on a day that is as close to the end of the one-year or two-year term as reasonably practicable.

2.2. Procedures for Election of Mayor

- 2.2.1. The Chief Executive officer will chair *pro tem* (but will have no voting rights) at any Meeting to elect the Mayor, the Chief Executive will:
 - i. report the results of the election (where applicable)
 - ii. administer Declarations of Office and Oaths of Allegiance (where applicable);
 - iii. administer the fixing of allowances payable to the Mayor and councillors in accordance with section 74 of the Act (where applicable); and
 - iv. be the Returning Officer for the election of the Mayor.

The Returning Officer must invite nominations for the office of Mayor and the following procedures will apply to the conduct of the election:

- 2.2.2. there must first be a determination of the term of appointment of the Mayor,
- 2.2.3. voting will be carried out by show of hands;
- 2.2.4. The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- 2.2.5. any councillor is eligible for election or re-election to the office of Mayor;
- 2.2.6. nominations for the position of Mayor must be moved and seconded;
- 2.2.7. any councillor nominated may refuse nomination;
- 2.2.8. where only one nomination is received, the councillor must be declared elected;
- 2.2.9. where two or more nominations are received, the councillor with the majority of votes must be declared elected.

2.2.10. Where in an election for the Mayor:

- i. only one candidate has been nominated, that candidate must be declared elected;
- ii. two candidates have been nominated, a vote must be taken and the candidate who receives the number of votes equal to or greater than half the councillors of the Council must be declared elected;
- iii. two candidates have been nominated and no candidate receives the number of votes equal to half the councillors of the Council, a second vote will be conducted.
- iv. where, after a second vote, where two candidates have been nominated and no candidate receives the number of votes equal to half the councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day;
- v. more than two candidates have been nominated and no candidate receives the number of votes equal to or greater than half the councillors of the Council:
 - a. the candidate with the fewest number of votes cast must be eliminated;
 - b. the names of the remaining candidates must be put to the vote again; and
 - c. the procedure in a and b above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause ii of this Clause.
 - d. in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes) the Chief Executive Officer will conduct a vote for one candidate to be defeated.

2.3. Role and Election of Deputy Mayor

- 2.3.1. At the Council Meeting at which the Mayor is to be elected, the Council the Council may resolve to establish the position of Deputy Mayor and elect a councillor to the position of Deputy Mayor
- 2.3.2. If the Council has not resolved to establish the position of Deputy Mayor, any provisions in this these Governance Rules relating to the Deputy Mayor have no effect.
- 2.3.3. If the Council resolves to have the office of Deputy Mayor, the provisions of rule 2 apply to the election of the Deputy Mayor with all necessary modifications and adaptations.
- 2.3.4. The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- 2.3.5. If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the chair.

2.4. Ceremonial Mayoral Speech

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

2.5. Business Following Election of Mayor

- 2.5.1. Once the Mayor has been elected, the Chief Executive must vacate the chair and the Mayor must take the chair for the balance of the meeting, when the following matters may be dealt with:
- 2.5.2. Statement of Commitment by Mayor and councillors;
- 2.5.3. Establishment of Delegated Committees and Advisory Committees.
- 2.5.4. The same procedure for the election of Mayor will be followed for the election of any chair of a Committee with any necessary modifications. Determining the Meeting Cycle for the next 12 months of Council and Committee meetings;
- 2.5.5. Fixing quora for Advisory and Committee meetings and electing chairs of the various Delegated Committees;
- 2.5.6. Appointment of Council representatives to Advisory Committees, peak industry bodies and regional and community based committees;
- 2.5.7. Appointment of the Councils official newspaper;
- 2.5.8. Any other matter considered necessary by the Chief Executive Officer; and

2.6. Appointment of an Acting Mayor

2.6.1. Role of an Acting Mayor

An Acting Mayor may perform any function or exercise any power conferred on the Mayor.

2.6.2. When to appoint an Acting Mayor

Where there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, and there is no Deputy Mayor or the Deputy Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the councillors to be the Acting Mayor.

The Mayor will be deemed to be absent if the Mayor is, or will be, away from the municipality or uncontactable whilst within the municipality and therefore unable to fulfil the role of Mayor for a period of seven or more consecutive days.

The Mayor will be deemed to be incapable of acting where the Mayor declares to the Council that they are incapable of fulfilling the role of Mayor.

2.6.3. Election of an Acting Mayor

Where an Acting Mayor is to be appointed, 2.2 Procedures for Election of the Mayor apply to the election of the Acting Mayor with all necessary modifications and adaptations.

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3. Meeting Procedures

3.1. Purpose of Council Meetings

The Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of the Council.

- 3.1.1. The Council is committed to transparency in decision making and, in accordance with the Local Government Act 2020, Council and Delegated Committee meetings are open to the public and members of the community are able to attend.
- 3.1.2. Meetings will only be closed to members of the public if:
 - 1. there are clear reasons for particular matters to remain confidential; or
 - 2. a meeting is required to be closed for security reasons; or
 - 3. it is necessary to enable the meeting to proceed in an ordinary matter.
- 3.1.3. Council Meetings and Delegated Committee meetings will be held in a format that mixes in-person and electronic attendance.

3.2. Meeting Roles

3.2.1. Chair and Members

The chair, councillors and members of Delegated Committees will ensure good council decision-making by endeavouring to ensure:

- 1. decision making is transparent to members and observers;
- 2. meeting members have sufficient information to make good decisions;
- 3. every member is supported to contribute to decisions;
- 4. any person whose rights are affected has their interests considered;
- 5. debate and discussion is focussed on the issues at hand;
- 6. meetings are conducted in an orderly manner;
- 7. chair and members are familiar with these rules and any applicable delegations and Terms of Reference; and
- 8. decisions are made on the merits of the matter.

3.2.2. Mayor to take the Chair

The Mayor will take the chair at all Meetings that they are present in-person. If the Mayor is unable to attend a Council meeting for any reason, the Deputy Mayor will take the chair. If the Deputy Mayor is not present in person, the Chief Executive must open the Meeting and temporarily take the chair to invite nominations from the councillors present for a temporary chair.

- 1. If there is only one nomination (which must be seconded), the candidate nominated is deemed to have been duly elected.
- 2. If there is more than one nomination (each of which must be seconded), the councillors present at the Meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving a majority of the votes, that candidate is declared to have been elected.
- 3. In the event of no candidate receiving a majority of the votes, the provisions of rule 2.2.7.1 will apply.

3.2.3. Delegated Committee Chair

1. At the Meeting at which Council establishes a delegated committee it must also appoint a chair.
2. The chair of a delegated committee must be a councillor.
3. For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the Mayor provided in the Act.
4. The chair may chair a Delegated Committee meeting electronically or in person. The chair may choose to not chair the meeting if they are attending electronically.
 - a. If the chair chooses to not chair the meeting when attending electronically or is not in attendance, the Mayor or Deputy Mayor will chair the meeting if they are in attendance.
 - b. If the Mayor or Deputy Mayor are not in attendance, the Chief Executive Officer must open the Meeting and temporarily take the chair to invite nominations from councillors present to appoint a temporary chair.

3.2.4. The Chair's Duties and Discretions

In addition to the specific duties and discretions provided in these Governance Rules, the chair:

1. may chair a Council Meeting or Delegated Committee meeting electronically or in person. The chair may choose to not chair the meeting if they are attending electronically.
 - a. If the chair chooses to not chair the meeting when attending electronically or is not in attendance, the Mayor or Deputy Mayor will chair the meeting if they are in attendance.
 - b. If the Mayor or Deputy Mayor are not in attendance, the Chief Executive Officer must open the Meeting and temporarily take the chair to invite nominations from councillors present to appoint a temporary chair.
2. must not accept any Motion, question or statement which is:
 - a. vague or ambiguous;
 - b. defamatory, malicious, abusive or objectionable in language or substance; or
 - c. outside the powers of Council;
3. must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
4. must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
5. may direct that a vote be recounted to be satisfied of the result; and
6. must decide on all points of order.

3.2.5. Chief Executive Officer

1. The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the chair.
2. The Chief Executive Officer should:
 - a. immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;
 - b. advise if there are operational, financial or risk implications arising from a proposed resolution;
 - c. help clarify the intent of any unclear resolution to facilitate implementation;
 - d. on request, assist with procedural issues that may arise.

3.2.6. Councillors and members of Delegated Committees

1. councillors and members of Delegated Committees contribute to good governance and decision making by:
 - a. Seeking views of community members and reading agenda prior to the meeting;
 - b. demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
 - c. attending meetings and participating in debate and discussion;
 - d. demonstrating respect for the role of the chair and the rights of other councillors or members of Delegated Committees to contribute to the decision-making; and
 - e. being courteous and orderly.

3.2.7. Community

1. Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
2. Community members may only participate in Council meetings in accordance with section 7 of these Governance Rules. The community can participate if the meeting is electronic, hybrid or parallel style meeting
3. Community members are encouraged to participate in the Council's engagement forums and watch available Live streams of Council Meetings.
4. Community members may seek to inform individual councillors of their views by contacting them directly in advance of Meetings.

3.2.8. Attendance, Apologies and Absences

1. councillors and members of Delegated Committees who are unable to attend a meeting may submit an apology:
 - a. In writing to the chair, who will advise the meeting: or
 - b. By seeking another councillor or member of the Delegated Committee to submit it at the meeting on their behalf.
2. An apology submitted to a meeting will be recorded in the minutes.
3. A councillor intending to take a leave of absence should submit it in writing to the Mayor.

4. The Mayor will seek to have any leave of absence request received included in the agenda of the next Council meeting.
5. A leave of absence not included in a Council meeting agenda may still be considered by the Council if a written request has been received by the Mayor prior to the meeting.
6. The Council will not unreasonably withhold its approval of a leave of absence request.
7. A councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee meeting will be recorded as absent.
8. Leave of absence cannot be granted in respect of a past meeting.
9. For the purpose of these Governance Rules, a councillor shall be determined to be in attendance if they are either physically present or attending online in accordance with Council's existing IT processes at the time of that meeting. The preferred method of councillor attendance is in person.
10. A councillor must inform the Mayor in writing six hours prior to the commencement of the meeting that they will be attending online. The Mayor must similarly inform the CEO and, if applicable, the meeting chair.
11. For the avoidance of doubt, a councillor must only be recorded as present at a meeting they attend online when:
 - a. they can hear proceedings;
 - b. they can see other members in attendance and can be seen by other members, including other members attending online; and
 - c. they can be heard (to speak).
12. It is the responsibility of the chair of a meeting that they confirm with each member attending online that the above criteria are met prior to the commencement of the meeting.
13. Any member who attends online must confirm, to the approval of the chair, that the physical room in which they are located is secure enough to allow for confidential matters to be discussed safely. If the member cannot confirm this to the chair's satisfaction, that member must withdraw from the meeting and must be recorded as absent for that portion of the meeting. It is the obligation of each member attending online that they understand this obligation.
14. In the event of technical difficulties that make online attendance impractical for key attendees (e.g. Mayor, chair, councillor or CEO) If the technical difficulty cannot be immediately resolved, the chair may move to adjourn the meeting until the technical difficulty is resolved, but for no more than 30 minutes.
15. Notwithstanding any of these Governance Rules, Council will ensure that a recording of the meeting is made available on Council's YouTube account and on Council's website.
16. The chair of a Council Meeting or Delegated Committee is required to chair the meeting in person. Council Meetings and Delegated Committee meetings will be held in a format that mixes in-person and electronic attendance, unless otherwise advertised by the Council.

3.3. Notices of Council Meetings and Delivery of Agendas

3.3.1. Council Meetings

The date, time and place of all Meetings for the following Council Year is to be fixed by the Council at a Council meeting after the election of the Mayor but not later than the last Council meeting of the calendar year. A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be served on every councillor:

1. for a Scheduled Council Meeting, not less than three business days (72 hours) before the meeting. A period of less than three business days may be justified if exceptional circumstances exist.
2. An Agenda for each Council Meeting, that is not an unscheduled Meeting, will be made available on the Council's website no less than 72 hours before the Council Meeting.
3. A schedule of Council Meetings must be prepared and published that ensure it is available to a broad section of the community, including on the Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines. The schedule of Council Meetings must also be available from the Council's Customer Service Centre.

3.3.2. Unscheduled Meetings

1. Council may by resolution call an unscheduled Meeting of the Council.
2. The Mayor, or three councillors may by written notice call an unscheduled Meeting of the Council.
3. The Chief Executive Officer, following consultation with the Mayor, may call an unscheduled meeting.
4. The Council may by resolution call an unscheduled Meeting.
 - a. The resolution must specify the date and time of the unscheduled Meeting and the business to be transacted. The date and time of the unscheduled Meeting must not be prior to 6pm on the day following the Meeting at which the resolution has been made.
5. A written notice to call an unscheduled Meeting must:
 - a. specify the business to be transacted;
 - b. be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with sub-rules (6) and (7).
6. The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:
 - a. the urgency of the business to be transacted
 - b. the availability of councillors
 - c. a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted
7. The Chief Executive Officer must arrange for notice of the meeting on Council's website as soon as practicable after the time and date of the meeting has been determined.

8. The Chief Executive Officer must call an unscheduled Meeting to elect a Mayor following a Council election declaration, in accordance with the Act.
 9. The unscheduled Meeting for the election of a Mayor following an election may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
 10. 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.
 11. An Agenda for an unscheduled Meeting must be made available electronically to every councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
 12. An Agenda for an unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the Council meeting.
- 3.3.3. Notwithstanding sub-clauses 3.3.1 and 3.3.2 an agenda need not be served on any councillor who has been granted leave of absence unless the councillor has requested the Chief Executive officer in writing to continue to deliver an agenda during his or her period of absence.
- 3.3.4. A notice or agenda is served on a councillor for the purposes of this clause if it is sent by post, email or otherwise delivered to the:
1. An electronic file sharing service as approved by the Chief Executive Officer and to which councillors have been given access;
 2. councillor's place of residence;
 3. councillor's place of business (if applicable); or
 4. place specified by the councillor for delivery of notices of meetings.
- 3.3.5. If a notice is delivered by post it is taken as having been served on the councillor when it would have arrived at its destination in the ordinary course of mail.
- 3.3.6. Date, time and place of Council Meetings
1. At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
 2. Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.
 3. Council by resolution can determine the proposed or preferred format style of meetings (in-person, electronic- including hybrid or parallel) noting the criteria and process available for a member who wishes to request approval to attend by electronic means.
 4. The Council by resolution may determine certain meetings must be held solely as face-to-face (in-person) meetings.

3.3.7. Postponement

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

3.4. Location of Council Meetings

All Meetings will be held at the Benalla Civic Centre, or any other building within the Council's municipal district as determined by the Chief Executive Officer and advertised accordingly.

3.5. Alteration of Meeting Dates, Times or Location

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

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4. Quorum

No business can be transacted at a Council meeting unless a majority of the councillors or members of the Delegated Committee (as the case may be) is present.

If there is no quorum at the commencement of a Meeting or if a quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time. A quorum for a Council meeting or Delegated Committee meeting is to include all members attending in an online or electronic format.

A quorum is an absolute majority (s61(7) of the Act). Inability to Obtain a Quorum.

4.1.1. Meetings must commence within 30 minutes of the scheduled starting time.

4.1.2. If, after 30 minutes from the scheduled starting time of any Meeting, a quorum cannot be obtained, those members of the Council present or, if no councillors are present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.

4.2. Inability to Maintain a Quorum

4.2.1. If, during any Meeting, or any adjournment of the Meeting, a quorum cannot be maintained, those members of the Council present or, if no councillors are present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn so much of the Meeting as remains for a period not exceeding seven days from the date of the adjournment.

4.2.2. A decision made under delegation due to the Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.


4.3. Inability to Achieve or Maintain a Quorum Due to Conflicts of Interest of Councillors

4.3.1. If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of councillors, the Council will:

1. Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
2. Determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.

4.3.2. If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:

1. By the Chief Executive Officer; or
2. By a Delegated Committee, established for the purpose of determining the matter, comprised of all the councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.

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- 4.3.3. The Chief Executive Officer must provide written notice, including by electronic means, to each councillor of any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
 - 4.3.4. Where it is not practicable because time does not permit notice in accordance with clause 4(6) to occur, then, provided every reasonable attempt is made to contact each councillor either verbally, or by some other means, it will be sufficient.
 - 4.3.5. Notice of an adjournment to another date or time due to another date or time must be published on Council's website as soon as practical.

5. Adjournments by the Council

The Council may adjourn any Meeting to another date or time but cannot adjourn a Meeting in session to another place.

5.1. Adjourned Meetings

- 5.1.1. The Chief Executive Officer or a member of Council staff authorised by the Chief Executive Officer must give notice to each councillor of the date, time and place to which the Meeting stands adjourned and of the business remaining to be considered.
- 5.1.2. If it is impracticable for the notice given under sub clause 5.1.1 to be in writing, the Chief Executive Officer must make reasonable endeavors to give notice by telephone, email, in person or by some other means to each councillor.

5.2. Cancellation or Postponement of a Council Meeting

- 5.2.1. The Chief Executive Officer may, in the case of an emergency necessitating the cancellation or postponement of a Council meeting, cancel or postpone a Meeting.
- 5.2.2. The Chief Executive Officer must submit to the immediately following Council Meeting a written report on any exercise of the power conferred by sub-rule 5.2.1.

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6. Business Of Meetings

6.1. Overview

The business to be transacted at a Council meeting is contained in the agenda provided to councillors and available to the community on the Council's website. The Chief Executive Officer oversees preparation of the agenda and determines the order of business to facilitate open, efficient and effective processes of government.

The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings. The Council can admit an item of urgent business in accordance with Rule 6.8.

6.2. Agenda Items

- 6.2.1. The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which he or she thinks should be considered at the Meeting to which the Agenda relates.
- 6.2.2. No business can be dealt with at a Meeting unless it is:
 - 1. contained in the agenda; or
 - 2. admitted as urgent business under Rule 6.8.

6.3. Accessibility

- 6.3.1. The Council will conduct Council Meetings at a venue that is accessible in accordance with the *Disability Discrimination Act 1992*.
- 6.3.2. A councillor or a member of the public may, at least four business days prior to a Council meeting, request that the Chief Executive Officer provide language or communication support at the Meeting.
- 6.3.3. If a request has been made under subclause (2) the Chief Executive Officer will determine the level of language or communication support to be provided, including the use of interpreters or other technologies, to assist a person in accessing the Council meeting.

6.4. Audio Recording of Meetings

- 6.4.1. The Chief Executive Officer may make an audio recording of proceedings of a Meeting by means of a suitable audio device.
- 6.4.2. Audio recordings will be made in accordance with the Council's Recording of Council Meetings Policy.
- 6.4.3. Meetings will be livestreamed via the Council's website.
- 6.4.4. Recording of Meetings
 - 1. A person must not, without the prior approval of the Chief Executive Officer, operate any audio or visual recording equipment at any Council meeting.
 - 2. A request to record a meeting pursuant to sub-rule (1) will not be unreasonably withheld.
 - 3. Nothing in sub-rule (1) applies to:
 - a. any member of Council staff operating any recording device for the purpose of preparing draft minutes of the Council meeting; or

- b. any security camera installed in any place in which a Council meeting is held.
- 4. If the chair gives approval under sub-rule (1) the chair, must as soon as practicable after opening the Council meeting, announce the giving of approval and advise those who are in attendance that their voices are likely to be recorded during the course of the Council meeting.
- 5. The chair may at any time during the Meeting withdraw any consent that has been given.
- 6. A person representing the media may be given written consent by the Chief Executive Officer to make audio recordings of meeting proceedings for the duration of one Council Year. The chair may withdraw the consent that has been given at any time during a Meeting.

6.5. Order of Business for Council Meetings and Delegated Committee Meetings

6.5.1. The order of business is determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government. At the commencement of these Governance Rules Order of Business for Council Meetings will be:

1. Opening and Acknowledgement of Country
2. Statement of Commitment
3. Disclosures of Conflict of Interest
4. Apologies and Leave of Absences
5. Confirmation of Minutes of Previous Meetings
6. Public Question Time
7. Petitions
8. Record of Committees
 - a. Recommendations from Finance and Operations Committee
 - b. Recommendations for Planning and Development Committee
 - c. Report for Assemblies of councillors, Advisory and External Committees
9. Reports
 - a. Authorisation of signing and sealing of documents
 - b. Reports by Officers
 - c. Mayor And councillors' Attendance at Committees and Civic Functions
 - d. Council Actions Pending
10. Reports by councillors
11. Notices of Motion
12. Notices of Rescission Motions
13. Urgent Business
14. Confidential Business
 - a. Confidential reports by Officers
 - b. Confidential reports by councillors
 - c. Confidential reports from Committees
15. Reopening of Meeting to the Public
16. Closure of the Meeting

6.5.2. The order of business is determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government. At the commencement of these Governance Rules Order of Business for Delegated Committee Meetings will be:

1. Acknowledgement of Country
2. Apologies and Leave of Absences
3. Confirmation of Minutes of Previous Meetings
4. Disclosures of Conflicts of Interest
5. Officer Reports
6. Confidential Business (If required)
7. Closure of the Meeting

6.6. Reports by Councillors

6.6.1. A councillor may present to the Council an account on the most recent deliberations of the committee, body, association, group or working party at the next practicable Council meeting, who is:

1. the chair of an Advisory Committee or a Delegated Committee;
2. appointed by the Council as a member of a community consultative or reference committee; or
3. a delegate, nominee or appointee to an external committee, body, association, group or working party

6.6.2. A councillor may present a report on any matter relevant to the whole of the Council.

6.7. Change to Order of Business

Once an agenda has been provided to councillors, the order of business for that Council Meeting may be altered by a resolution of the Council (refer Schedule A – Procedural Motions).

6.8. Urgent Business

6.8.1. If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:

1. It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
2. deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
3. the item involves a matter of urgency as determined by the Chief Executive Officer; and
4. it cannot be addressed through an operational service request process.
5. Provided the matter does not:

- a. substantially affect the levels of Council service;
 - b. commit Council to significant expenditure not included in the adopted budget;
 - c. establish or amend Council Policy; or
 - d. commit Council to any contractual arrangement.
- 6.8.2. A councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer no later than 3 pm on the day of the Meeting.
- 6.8.3. The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

6.9. Time Limits for Meetings

- 6.9.1. A meeting must not continue after three hours from the time it commences unless a majority of the councillors present vote in favour of an extension in accordance with this rule.
- 6.9.2. Extensions of a Meeting will be in block periods of 30 minutes.
- 6.9.3. After the initial 30-minute extension the Meeting must not continue unless a majority of councillors present vote in favour of a further extension.
- 6.9.4. In the absence of such extensions as provided for in sub-rules 6.9.1, 6.9.2, and 6.9.3, or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6 pm on the following day.
- 6.9.5. Notwithstanding sub-rule 6.9.4, the chair may seek the Agreement of Council not to adjourn the Meeting to the following day, if the chair reasonably believes the remaining business will take less than 10 minutes to transact.
- 6.9.6. The chair may adjourn a Meeting for a 10-minute break, at an appropriate point in proceedings after two hours has elapsed.
- 6.9.7. Notwithstanding sub-rule 6.9.1, the chair may seek the Agreement of Council not to adjourn the Meeting if the chair reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

6.10. Motions and Debate

This Section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the chair in relation to accepting motions and amendments.

It also describes the process for a councillor lodging a notice of motion for consideration and/or indicating they will raise a matter at the next Council Meeting (foreshadowing items).

A flowchart depicting the procedure for motions and amendments is provided for reference in Schedule C.

- 6.10.1. A councillor may move any motion related to an item included in the agenda. In the interest of transparency and informed decision making, motions or

amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by the Council. Motions are required to be submitted in writing so they can be displayed to the meeting.

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

6.11. Notices of Motion

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

- 6.11.1. A Notice of Motion must be in writing (which includes an email), be signed by a councillor, and be lodged with the Chief Executive Officer prior to noon ten business days before the day of the Council meeting to allow sufficient time to include the Notice of Motion in the agenda to be provided to each councillor in accordance with subclause 4.1.
- 6.11.2. The Chief Executive Officer must inform councillors about the legal and cost implications of any proposed Notice of Motion. The Chief Executive Officer may suggest revised wording to the draft Notice of Motion to facilitate compliance with the requirements for Notices of Motion under this Local Law.
- 6.11.3. A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- 6.11.4. A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
1. impacts the levels of Council service;
 2. commits Council to expenditure greater than [insert council's upper limit] that is not included in the adopted Council Budget;
 3. proposes to establish, amend or extend Council policy;
 4. proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 5. commits Council to any contractual arrangement; or
 6. concerns any litigation in respect of which Council is a party.
- 6.11.5. The Chief Executive Officer must reject any Notice of Motion which:
1. is too vague;
 2. is defamatory;
 3. may be prejudicial to any person or Council;
 4. is objectionable in language or nature;
 5. is outside the powers of Council
 6. is submitted during the Election Period.

- 6.11.6. The Chief Executive Officer may reject any Notice of Motion that
1. relates to a matter that can be addressed through the Customer Request Management System; or
 2. Relates to a matter that has been previously resolved by the Council or is acted upon.
 3. If rejecting a Notice of Motion, the Chief Executive Officer must:
 - a. give the councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - b. if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify, in writing, the councillor who lodged it of the rejection and the reasons for the rejection.
- 6.11.7. The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with the relevant grounds contained in the Act, in which case, the Notice of Motion will be considered in the part of the relevant Council Meeting that is closed to members of the public.
- 6.11.8. The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- 6.11.9. The Chief Executive Officer may arrange for comments of members of Council staff to be provided to councillors prior to the Notice of Motion being published in the agenda for the relevant Council meeting.
- 6.11.10. The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion register in the order in which they were received.
- 6.11.11. Except by leave of the Council, each Notice of Motion before any Meeting must be considered in the order in which they were entered in the Notice of Motion register.
- 6.11.12. The Motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.
- 6.11.13. If a councillor who has lodged a Notice of Motion is absent from the Council meeting at which the Notice of Motion is to be considered, or fails to move the motion when called upon to do so by the chair, any other councillor may move the Notice of Motion.
- 6.11.14. If a Notice of Motion is not moved at the Council meeting at which it is listed, it lapses.

6.12. Rescission Motions

This section provides a description of the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied.

A Notice of Rescission is a form of Notice of Motion. Accordingly, all provisions in Governance Rules regulating Notices of Motion equally apply to Notices of Rescission.

6.12.1. Notice of Rescission

1. Motions to revoke, rescind or alter a previous resolution can be made in the following ways:
 - a. by Notice of Rescission delivered by a councillor in accordance with sub clause (2)(d); or
 - b. by recommendation contained in an Officer's report which is included in the agenda, that a previous decision be altered or revoked.

6.12.2. A councillor may propose a Notice of Rescission provided:

1. it has been signed and dated;
2. the resolution proposed to be rescinded has not been acted on;
3. the effect of rescinding the resolution will not place the Council at significant legal, financial or other risk, including non-compliance with statutory obligations;
4. the Notice of Rescission is delivered or sent electronically to the Chief Executive Officer setting out:
5. the resolution to be rescinded; and
6. the Meeting at and date on which the resolution was made.

6.12.3. A notice of rescission must be in writing, signed (including by electronic means) by a councillor and be delivered to the Chief Executive Officer or a Delegate by 12 noon at least 10 business days prior to the next Ordinary Meeting.

6.12.4. The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution will be deemed to have been acted on if:

1. its content or substance has been communicated in writing by the Chief Executive Officer or a member of Council staff to a person whose interests are materially affected by it, including by the publishing of the unconfirmed minutes of a Council meeting on the website; or
2. a statutory process has been commenced so as to vest enforceable rights in or obligations on the Council or any other person.

6.12.5. Notwithstanding sub-rule 6.12.3, the Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

1. has not been acted on; and
2. is the subject of a Notice of Rescission which has been delivered or sent to the Chief Executive Officer in accordance with subclause (2)(d) unless deferring implementation of the resolution would have the effect of:
3. depriving the resolution of its usefulness;
4. giving rise to non-compliance with a legal obligation; or
5. placing the Council at significant legal, financial or other risk.

- 6.12.6. If a motion to rescind or alter a previous resolution is lost, an identical or similar motion may not be put before the Council for at least six months from the date it was last lost, unless the Council resolves that the Notice of Rescission be re-listed at a future Meeting.
- 6.12.7. If a motion for rescission is not moved at the Meeting at which it is listed, it lapses.
- 6.12.8. A motion for rescission listed on an agenda may be moved by any councillor present but may not be amended.
- 6.12.9. A notice of rescission listed on an Agenda may be moved by any councillor present but be moved in the form it was listed and must not be amended.
- 6.12.10. The Chief Executive Officer must cause every Notice of Rescission received to be sequentially numbered and to be maintained in a register.

6.13. Change of Council Policy

- 6.13.1. The Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by a particular Council.
- 6.13.2. It is good practice for the Council to review significant policies at least once in each Council term (every 4 years) and such reviews may lead to change in policy position.
- 6.13.3. Subject to sub- rule 6.13.4, if the Council wishes to change a Council policy, a formal notice of rescission is not required.
- 6.13.4. If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

6.14. Addressing the Council Meeting

This section provides for how the meeting is to be addressed by councillors and Members of Council Staff.

- 6.14.1. Members of the Community may only address a meeting in accordance with Section 7 of these rules.
- 6.14.2. Councillor allowed to speak uninterrupted

A councillor who has the floor must not be interrupted unless called to order, or given notice by the chair his speaking time has elapsed or is about to elapse, when he or she must sit down and remain silent until the councillor raising the Point of Order has been heard and the Point of Order dealt with.

6.14.3. Any person addressing the chair must refer to the chair as:

- Madam Mayor; or Mr Mayor; or
- Madam Chair; or
- Mr Chair; or
- Mayor; or
- Chair

1. all councillors, other than the Mayor, must be addressed as councillor (family name);

2. all members of Council staff must be addressed as:

- a. Mr or Ms (family name) as appropriate or by their official title; and
- b. all members of the community must be addressed by title and family name.

6.14.4. For all Meetings any councillor (except for the chair) or person who addresses a Council meeting must stand and direct all remarks through the chair unless granted an exemption by the chair.

6.14.5. In the case of competition for the right of speak, the chair must decide the order in which the councillors concerned will be heard.

6.15. Introducing a Report

6.15.1. Before a written report is considered by the Council and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than three minutes:

- 1. its background; and
- 2. the reasons for any recommendation which appears.

6.15.2. After a report is introduced, the chair will allow councillors to ask questions for clarification, pursuant to rule 6.16.13.

6.16. Introducing a Motion or an Amendment

6.16.1. Chair's duty

The chair must not accept any Motion which:

- 1. is defamatory;
- 2. is objectionable in language or nature;
- 3. is vague or unclear in its intention;
- 4. is outside the powers of Council;
- 5. is not relevant to an item of business on the Agenda and has not been admitted as urgent business; or
- 6. purports to be an amendment but is not.

6.16.2. The procedure for moving any motion or amendment is:

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

6.16.3. Right of Reply

1. If there has been any opposition to a motion, the mover of a motion has a right of reply to matters raised during debate.
2. No new matters may be raised in the right of reply.
3. After the right of reply has been taken or has been capable of being taken but subject to any councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

6.16.4. Moving an Amendment

1. Subject to subclause (2), a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
2. An amendment may be proposed or seconded by any councillor, except the mover and seconder of the original Motion.
3. A motion to confirm a previous resolution of the Council cannot be amended.
4. An amendment must not be the negative of, or substantially contrary to, the motion.
5. If a councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.

6. If a councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
 - a. the amendment must be moved and seconded;
 - b. a councillor may speak on any amendment once, whether or not he or she has spoken to the Motion, but debate must be confined to the terms of the amendment;
 - c. any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the chair at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
 - d. if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and
 - e. the mover of an amendment does not have right of reply.

6.16.5. Foreshadowing Motions

1. At any time during debate a councillor may foreshadow a motion so as to inform the Council of his or her intention to move a motion at a later stage in the Council meeting, but this does not extend any special right to the foreshadowed motion.
2. A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the chair being resolved in a certain way, a councillor intends to move an alternative or additional motion.
3. The Chief Executive Officer or person taking the minutes of the Meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
4. A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Council meeting.

6.16.6. Withdrawal of Motions

Before any Motion is put to the vote, it may be withdrawn with the Agreement of Council.

6.16.7. Separation of Motions

1. Where a motion contains more than one part, a councillor may request the chair to put the motion to the vote in separate parts.
2. The chair may decide to put any Motion to the vote in separate parts.

6.16.8. Motions to be Moved in a Block

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

6.16.9. Motions in Writing

1. All Motions, except procedural Motions, must be submitted in writing. The chair may require that a complex or detailed motion be displayed on a screen.
2. The chair may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.
3. The Council may adjourn a Meeting while a motion is being written or the Council may defer the matter in the order of business, until the motion has been written.
4. The chair may request the person taking the minutes of the Council meeting to read the motion or amendment to the Council meeting before the vote is taken.

6.16.10. Debate must be Relevant to the Motion

1. Debate must always be relevant to the motion before the chair, and, if not, the chair must request the speaker to confine debate to the motion.
2. If, after being requested to confine debate to the motion before the chair, the speaker continues to debate irrelevant matters, the chair may direct the speaker to be seated and not speak further in respect of the motion then before the chair.
3. A speaker to whom a direction has been given under sub-rule (2) must comply with that direction.

6.16.11. Adequate and sufficient debate

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

6.16.12. Speaking Times

1. A councillor must not speak longer than the time set out below, unless granted an extension by the chair:
 - a. the mover of a motion or an amendment: five minutes
 - b. the seconder of a motion and any other councillor: three minutes
 - c. the mover of a motion exercising a right of reply: two minutes.
2. Only one extension is permitted for each speaker.
3. Any extended speaking time must not exceed two minutes.

6.16.13. Right to Ask Questions

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

6.17. Procedural Motions

A procedural motion is a motion which deals with conduct of the meeting itself. Both the 'adjournment of debate motion and the 'closure' motion contained in these Rules seek to manage the business before the chair and must be dealt with immediately by the chair.

1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the chair.
2. Procedural motions require a seconder.
3. Notwithstanding any other provision in these Governance Rules, procedural motions must be dealt with in accordance with the table at Schedule A.
4. The chair may reject a procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
5. A Procedural Motion may not be moved or seconded by the chair.
6. Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.
7. Unless otherwise provided, a procedural Motion must not be amended.

6.18. Points of Order

A point of order is taken when a councillor draws the attention of the chair to an alleged irregularity in the proceedings. A councillor may make a point of order at any time during the Meeting they consider that these Governance Rules or the *Councillor Code of Conduct* is not being complied with.

This section describes valid points of order, the process for raising and ruling on a point of order, and the procedure if there is dissent from the chair's ruling.

6.18.1. Valid Points of Order - A point of order may be raised in relation to:

1. a Motion which has not been accepted by the chair;
2. a question of procedure;
3. a councillor who is not conducting themselves in accordance with the councillor Code of Conduct;
4. debate that is irrelevant to the matter under consideration;
5. constitutes a tedious repetition of something already said;
6. is a matter that should be considered in a session of a Meeting closed to the public in accordance with the Act;
7. is prejudicial to any person or the Council;

8. a matter that is outside the powers of Council; or
9. any act of Disorder.

6.18.2. Procedure for Point of Order

A councillor raising a point of order must identify the basis upon which they are making the point of order, including a reference to any provision in these Governance Rules or the councillor Code of Conduct. The chair must not allow the point of order if the councillor making it cannot identify the basis upon which they are making the point of order.

6.18.3. Contradiction or Opinion

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

6.18.4. Chair to Decide

1. The chair must decide all points of order without entering into any discussion or comment, other than to confer with the Chief Executive Officer, or a member of Council staff authorised by the Chief Executive Officer for that purpose. The chair must when ruling upon a point of order state the provision of legislation, rule, custom or practice upon which he or she is basing the ruling.
2. The chair may adjourn the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
3. Before adjourning the Meeting, the chair will indicate the duration of the adjournment and the time at which the Meeting will resume.
4. All other questions before the Council are suspended until the point of order is decided.

6.18.5. Dissent from Chair's Ruling Dissent in Chairperson's ruling

1. A councillor may move that the Council disagree with the chair's ruling on a point of order, by moving a motion of dissent such as: 'That the chair's ruling [set out the ruling] be dissented from'.
2. A Motion of dissent in the chair's ruling must, if seconded, be given priority to all other items of business and a substitute chairperson must be elected to preside while the Motion is being considered.
3. The substitute chair must put questions relative to the ruling to the chair first, and then to the mover of the Motion.
4. The substitute chairperson must conduct a debate on the chairperson's ruling, and the matter must be decided by a majority vote.
5. The temporary chair must put the motion in the following form: 'That the chair's ruling be dissented from.'
6. If the vote is in the negative, the chair resumes the chair and the Meeting proceeds.
7. If the vote is in the affirmative, the chair must resume the chair then reverse or vary (as the case may be) his or her previous ruling and proceed.
8. The defeat of the chair's ruling is in no way a motion of censure or no-confidence in the chair.

6.19. Voting

At the conclusion of debate on a matter before the Meeting, the chair must put the question, motion or amendment to the vote. Each councillor is entitled to one vote and voting must be by show of hands. The vote is determined by a majority of the councillors present at the meeting at the time the vote is taken voting in favour of the motion.

If a vote is tied, the chair generally has a second vote. A second vote has traditionally been used to maintain the status quo, however, it is intended in this Local Law that it is used as a 'deliberate vote' for the chair to make a decision in the best interest of the community.

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

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

6.19.1. How a Motion is Determined

1. To determine a motion before a Meeting, the chair must first call for those in favour of the motion, then those opposed to the motion and finally those abstaining from voting, and must then declare the result to the Meeting.
2. In the event of councillors abstaining from voting on an item it is still a requirement for a majority of those present at the Meeting to vote in favour of the motion for it to be adopted. A Councillor who abstains from voting is taken to have voted *against* the motion. If a majority of those present at the meeting abstain from voting the motion fails even if the majority who did vote, voted in favour.
3. Each councillor present at a Council meeting who is entitled to vote is entitled to one vote.
4. 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.
5. The question is determined in the affirmative by a majority of the councillors present at a meeting at the time the vote is taken voting in favour of the question.
6. For the purpose of determining the result of a vote, a councillor present at the meeting who does not vote is to be taken to have voted against the question.

6.19.2. Voting must be seen

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

6.19.3. Voting must take place in silence.

6.19.4. The chair may direct that a vote be recounted to be satisfied of the result.

6.19.5. Second Vote

1. In the event that the number of votes in favour of the matter is half the number of councillors present, the chair must exercise a second vote in accordance with the Act (section 59(d)).
2. There are circumstances in which the chair does not have a second vote and the matter is determined by lot – these relate to the election of the Mayor and the appointment of the chair of Delegated Committees made up entirely of councillors.

6.19.6. Procedure for a Division

1. Immediately after any motion is put to a Council meeting and before the next item of business has commenced, a councillor may call for a division.
2. When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.
3. When a division is called for, the chair must:
 - a. first ask each councillor wishing to vote in favour of the Motion to indicate their vote and the chair must then state the names of those councillors to be recorded in the Minutes;
 - b. then ask each councillor wishing to vote against the Motion to indicate their vote and the chair must then state the names of those councillors to be recorded in the Minutes;
 - c. next, ask each councillor abstaining from voting to indicate their vote and the chair must then state the names of those councillors to be recorded in the Minutes; and
 - d. finally, declare the result of the division.

6.19.7. No Discussion Once Declared

1. Once a vote on a motion has been taken, no further discussion relating to the motion is allowed unless the discussion involves a councillor:
 - a. requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes of the Council meeting;
 - b. calling for a division in accordance with subclause 4.14.7.1; or
 - c. foreshadowing a Notice of Rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

6.20. Minutes

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

1. contain details of the proceedings and resolutions made;
2. be clearly expressed;
3. be self-explanatory;
4. in relation to resolutions recorded in the minutes, incorporate relevant reports or a summary of the relevant reports considered in the decision making process; and
5. incorporate additional information admitted during the course of the meeting for the purpose of the decision making process which was not previously included in the agenda.

6.20.2. The minutes of a Council meeting must be submitted to the next appropriate Council meeting for confirmation.

6.20.3. Keeping of Minutes

1. The Chief Executive Officer (or member of Council staff authorised by the Chief Executive Officer to attend the Council meeting and to take the minutes of such Meeting) must keep minutes of each Council meeting, and those minutes must record:
 - a. the date, place, time and nature of the Council meeting;
 - b. the names of the councillors present and the names of any councillors on leave of absence or who apologised in advance for their non-attendance;
 - c. the names and titles of the members of Council staff present who are not part of the gallery;
 - d. details of failure to achieve or maintain a quorum and any adjournment and the reason for the adjournment (whether as a result or otherwise);
 - e. any disclosure of a conflict of interest made by a councillor in accordance with the Act;
 - f. arrivals and departures (including temporary departures) of councillors during the course of the Council meeting;
 - g. each motion and amendment moved showing the mover and seconder (including procedural motions and amendments that lapse for the want of a seconder);
 - h. the outcome of every motion, that is, whether it was put to the vote and the result (if carried, lost, withdrawn, lapsed, amended);
 - i. when requested by a councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under s61(5) that a councillor present at the meeting who does not vote is taken to have voted against the question;

- j. the vote cast by or abstention from voting of each councillor upon a division;
- k. details of any submissions made to the Council;
- l. details of any petition made to the Council;
- m. questions read and responses provided as part of public question time;
- n. details of any failure to achieve or maintain a quorum;
- o. the time and reason for any adjournment or at which standing orders were suspended and resumed; and
- p. the time the Council meeting was opened and closed, including any part of the Council meeting that was closed to members of the public.

2. The minutes should:

- a. bear the date and time the Meeting was commenced, adjourned, resumed and concluded;
- b. have pages consecutively numbered; and
- c. contain consecutive item numbers which are clearly headed with a subject title and, where appropriate, sub-titles.

6.20.4. Availability of Minutes

1. The minutes as recorded by the Chief Executive Officer (or other Officer authorised by the Chief Executive Officer to attend the Meeting and to take the minutes of such Meeting) will be made available as the unconfirmed minutes to:
 - a. councillors (electronically) within four business days of the Council meeting; and
 - b. members of the public, by publishing on the Council's website within five business days of the Council meeting.
2. The confirmed minutes will be published on the Council's website within five Business Days of confirmation - being at the next available Ordinary Meeting or meeting of the Special Committee (as the case may be).

6.20.5. Confirmation of Minutes

1. At every Meeting the Minutes of the preceding Meeting(s) must be dealt with as follows:
 - a. a Motion will be moved to confirm the Minutes in the following terms: 'That the Minutes of theMeeting held on20.....be confirmed.';
 - b. if a councillor indicates opposition to the Minutes, the councillor must specify the particular item or items in the Minutes and, after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in sub-clause (2) (a) '...subject to the following alteration(s).....'.

2. once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the chair of the Meeting at which they have been confirmed; and
 - a. a copy of the minutes must be delivered or sent electronically to each councillor no later than 48 hours before the next Council meeting;
 - b. no debate or discussion is permitted on the confirmation of minutes except as to their accuracy as a record of the proceedings of the Meeting to which they relate;
 - c. once the minutes are confirmed in their original or amended form the minutes must be initialled on each page and signed on the last page by the chair of the Meeting at which they have been confirmed; and
 - d. the original signed copy of the minutes must be retained as permanent Council records according to the Council's Records Management Policy.

6.21. Conduct and Behaviour

This section describes the expected conduct and behaviour of members of the public or visitors at a Council meeting, the related powers of the chair and enforcement of these Governance Rules.

- 6.21.1. Conduct and behaviour, such as directly addressing councillors, interjecting or other unruly behaviour, are inappropriate. Members of the public or visitors at a Meeting must ensure that their conduct or behaviour does not interfere with the business of the Council or Delegated Committee.
- 6.21.2. Display of placards and posters
 1. Subject to sub- rules (2) and 3, a person can display any placards or posters in the Council Chamber or in any building where a Meeting is being, or is about to be, held, including outside the entrance to the building.
 2. A placard or poster must not:
 - a. display any offensive, indecent, insulting or objectionable item or words;
 - b. obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held; or
 - c. obstruct the view or physically impede any person.
 3. The chair may order and cause the removal of any placard or poster that is deemed by the chair to be objectionable, disrespectful or otherwise inappropriate.
- 6.21.3. Chair May Remove
 1. Members of the public present at a Council Meeting must not interject during the Council Meeting.
 2. If a person, other than a councillor, interjects or gesticulating offensively during the Council Meeting, the Mayor may direct:
 3. the person to stop interjecting or gesticulating offensively; and

4. if the person continues to interject or gesticulate offensively, the removal of the person.
5. The chair may cause the removal of any object or material that is deemed by the chair to be objectionable or disrespectful.
6. In causing a person's removal or the removal of an object or material under sub-rule 6.21.3(1-5), the chair may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person, object or material.

6.21.4. Disorderly Conduct

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

6.21.5. Chair may adjourn disorderly Meeting

1. The chair may call a break in a Meeting for either a short time, or to resume another day if:
 - a. the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
 - b. when a Meeting has been in progress for longer than 2 hours.
 - c. The break referred to in sub-clause 1 is an adjournment.
2. 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:
3. Council may, by resolution, suspend that councillor from a portion of the Meeting or from the balance of the Meeting where the chair has warned the councillor to cease that behaviour; or
4. The Mayor, under section 19 of the *Act*, at a Council meeting, having previously warned the councillor to cease that behaviour, may direct a councillor to leave the meeting for a period of time or the balance of the Meeting.
5. Where Council suspends a councillor under sub- rule (1)(a), or the Mayor directs a councillor to leave the meeting under sub-rule (1)(b) the councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
6. If a councillor has been suspended from a meeting or directed to leave in accordance with sub-rule (3) the chair may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the councillor.

6.21.6. Public Addressing the Meeting

1. Members of the public may only address the Council in accordance with Section 7.
2. Any member of the public addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the chair whenever called on to do so.
3. Members of the public present at a Council meeting must remain silent during the proceedings other than when specifically invited to address the Council.

6.22. Suspension of Standing Orders

Standing Orders are the rules made to govern the procedure at Council meetings and Special Committee meetings contained in these Rules. The Standing Orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures.

Suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure. The purpose of this action is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

6.22.1. Suspension of Standing Orders

To facilitate the business of a Council meeting, the Council may, by resolution, suspend standing orders.

1. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council.
2. No motion to suspend standing orders can be accepted by the chair during a second continuance of a Meeting beyond 10pm agreed in accordance with subclause 4.5.10.
3. No motion can be accepted by the chair or lawfully be dealt with during any suspension of Standing Orders, except a motion to resume Standing Orders.
4. Suspending standing orders should be used at the discretion of the Council and managed by the chair of the Meeting.
5. Even though standing orders are suspended, the chair is still responsible for ensuring that the Meeting continues in an orderly and courteous manner. The chair is entitled to suspend the Meeting until he or she is satisfied that the Meeting can resume in an orderly and courteous way. During the suspension of standing orders these Governance Rules continue to apply which relate to improper and disorderly conduct and failing to obey a direction of the chair.
6. No Motion to suspend standing orders can be accepted by the chair during a second extension of time for a Meeting.

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7. Public Participation

As outlined in the purpose of these Governance Rules, Council Meetings are held for the Council to make its decisions. Members of the public do not have a right to address the Council, however provisions are made for the Council to respond to questions from the community and for the public to make submissions to Council.

At each Scheduled Council Meeting there is an opportunity for members of the public to ask questions of the Council. Assistance will be available for any community member seeking or requiring support to write their question(s).

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council.

This Section sets out the procedures to be followed to submit a question or petition, the circumstances under which a question or petition may be disallowed and the process for addressing and responding to the question or petition at or after the meeting.

Council meetings are recorded and broadcasted to the public, this includes community questions and submissions.

7.1. Public Submissions and Questions of Council Guidelines

- 7.1.1. Questions of Council and Public Submissions will not be allowed during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- 7.1.2. Submissions as part of Public Submissions and Questions of Council may be on any matter except if it:
 - 1. is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - 2. relates to confidential information as defined under the Act;
 - 3. relates to the personal hardship of any resident or ratepayer; or
 - 4. relates to any other matter which the Council considers would prejudice the Council or any person.
- 7.1.3. No more than two questions will be accepted from any person at any one meeting.
- 7.1.4. Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- 7.1.5. The Mayor reserves the right to cease a submission as part of Open Forum if he or she deems the submission inappropriate.
- 7.1.6. Copies of all questions allowed by the Chief Executive Officer will be provided in writing to all councillors.
- 7.1.7. A submission or question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any councillor on request.

7.2. Public Question Time

- 7.2.1. There must be a public question time at every Scheduled Council Meeting to enable members of the community to submit questions to the Council.
- 7.2.2. Notwithstanding 7.2.1, public question time will not be held during an Election Period.
- 7.2.3. Public question time will not exceed 10 minutes in duration unless the Council resolves otherwise (in which case public question time may be extended for a further period of 10 minutes).
- 7.2.4. Public question time may only be extended for a maximum of two additional 10 minute periods.
- 7.2.5. Questions submitted to the Council on notice must be:
 1. in written form;
 2. contain the name, address and email or contact telephone number of the person submitting the question;
 3. in a form approved or permitted by the Council (Template available on Council's website);
 4. addressed to the Chief Executive Officer; and
 5. submitted no later than 10am on the day prior to the next Meeting by:
 6. letter to the Chief Executive Office, PO Box 227, Benalla VIC 3672 (letter must be with Council by 10am on the day prior to the Council meeting); or
 7. email to council@benalla.vic.gov.au; or
 8. hand delivery to the Customer Service Centre at 1 Bridge Street East, Benalla.
- 7.2.6. The Chief Executive Officer will cause a question submitted in a language other than English to be translated to English.
- 7.2.7. A question that cannot be translated prior to the commencement of the next scheduled Council Meeting will be translated prior to the next scheduled Council Meeting and the submitter will be notified.
- 7.2.8. No person may submit more than two questions to any one Council Meeting.
- 7.2.9. If a person has submitted two questions to a Council Meeting, the second question:
 1. may, at the discretion of the chair, be deferred until all other persons who have submitted a question have had their questions asked and answered;
 2. may not be asked if the time allotted for public question time has expired.
- 7.2.10. All questions and answers must be as brief as possible, and no discussion may be allowed other than by councillors for the purposes of clarification.
- 7.2.11. Like questions may be grouped together and a single answer provided.

7.2.12. Response

1. Response to a submission or question raised during the submission in Public Question Time may be provided immediately as part of the Public Question Time at the discretion of the Council.
2. The chair may nominate a councillor, the Chief Executive Officer, or another member of Council staff to respond to a question.
3. The matter will be referred to the relevant Officer for investigation and response if required.
4. Council officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Meeting of Council

7.3. Public Submissions

7.3.1. To enhance the consultative process and facilitate public participation and involvement of the community in Council decision making in accordance with good governance, the Council has established a process under which arrangements may be made for members of the public to address the Council or a Delegated Committee. The processes in the Governance Rules are intended to regulate how the community can participate in a Meeting when all other consultation avenues have been completed or in the few instances where there is no specific consultation mechanism.

7.3.2. Call for Submissions and Hearing of Submissions

1. Council may call for submissions in relation to a proposed decision from any person affected by the proposed decision.
2. For a submission to be valid, a person making a submission must provide in writing how they could be affected by the proposed decision, outline their views and/or how they want their interests considered when Council considers its decision.
3. The Council must, when calling for submissions, provide a public notice on the Council's website providing a minimum of 28 days for submissions to be received by the Council and fix the date, time and place for a Submissions Hearing if submissions are received.
4. When calling for submissions, the Council will provide information on how submissions are to be made, and the deadline.
5. People making a submission may request to speak in support of their submission to the Council at a Hearing of Submissions.
6. A Hearing of Submissions must be held at least 14 days prior to the proposed decision being considered at a Council meeting.

7.3.3. Planning for the Hearing of Submissions

1. A person who has requested to be heard in support of their written submission must be provided with an opportunity to be heard.
2. Where a person has advised in their submission that they wish to be represented by a person who is named in the submission, that opportunity must be provided.
3. A person who has requested to be heard must be given reasonable notice of the day, time and place of the Meeting at which submissions will be heard if that has not already been provided in the public notice.
4. Where a submitter is a community group/organisation, it is preferable that the group selects a spokesperson to make the submission and that the Council be provided with the name and contact details of that spokesperson before the Meeting at which submissions will be heard.

7.3.4. Hearing of Submissions

1. Any person speaking in support of their submission will have a maximum of three minutes to address the Council at the Submissions Hearing and must only speak to the content of their written submission.
2. The Council must consider all submissions received prior to consideration of the proposed decision for which the submissions were called.
3. Reports relating to matters where persons have a right to make a submission will generally be listed early on the agenda. The report will list the names of submitters who have been invited to make a presentation at the Meeting. Copies of all submissions received will be attached to the report.
4. At the meeting, the chair will introduce the item and advise submitters that they will be called upon one at a time to make their presentation.
5. Submissions will be heard in the order that they were received at the Council Offices.
6. At the conclusion of each submission, the chair will ask councillors if they have any questions on the submission.

7.3.5. A decision will not be made at the Meeting at which submissions are heard. A future Meeting which will be open to the public will consider the submissions followed by a Meeting to make a decision on the matter.

7.3.6. The Council must advise in writing, each person who has made a separate submission of the decision made in relation to their submission and the reasons for this.

7.3.7. Other Submissions

1. In addition to submissions called by the Council, the public has other opportunities to address the Council as follows:
 - a. A public submission in respect of an item listed on the agenda.
2. The Council may suspend standing orders to hear from a community member or representative of an organisation, on matters of significance to the Council, only if prior arrangements have been made by written request to the Mayor or Chief Executive Officer.
3. Any person wishing to address the Council at a Council Meeting or a Delegated Committee comprised of all councillors must submit a 'Request to be heard' form by 10am on the day of the meeting. At the time of registering to speak persons must provide a summary of the matter on which they will be speaking.
4. Requests to be heard will be registered strictly in the order of receipt of the request at the Council office.
5. At the commencement of the Meeting the Governance Coordinator or other member of Council staff authorised by the Chief Executive Officer will provide the chair with a list of the names of the submitters and the order in which they will speak.
6. In instances where a number of persons wish to present the same point of view, the chair at his or her discretion may request a speaker/speakers be nominated to represent them.
7. Order and duration of Public submissions
 - a. Public submissions in relation to an item listed on the agenda will be heard immediately before the Officer report on the matter. A maximum of three minutes will be provided to each speaker.
8. Chair to outline the process. The Chair will:
 - a. inform the submitters that they will be called upon one at a time to make their presentations;
 - b. advise submitters that a three-minute limit applies to each presentation and they should keep points relevant to the issue and not repeat points made by other submitters if there is more than one submitter;
 - c. advise submitters that there will be no public interjection during the Meeting and speakers will be called in the order of receipt of their application to be heard; and
 - d. at the conclusion of each submission, ask councillors if they have any questions on the submission. Councillors should ask questions that display active listening and empathy for the individual/groups' concerns and should not make contradictory remarks.

7.3.8. Procedures for Submitters

1. Any person wishing to present written material that was not included in their written submission must provide a copy to the Governance Coordinator (or other member of Council staff nominated for the purpose) by 2pm five business days prior to the day of the Meeting to enable distribution to councillors with the business papers.
2. No material will be distributed during the Meeting by any person, including Officers, without the permission of the chair.

7.3.9. Notice of Decision to Submitters

All submitters must be advised in writing of any final decision made by the Council on the matter and the reasons for the decision.

7.3.10. Petitions

1. To facilitate a request by a member of the public for information or action in relation to a particular matter, a written petition to the Council must be in accordance with this section.
2. A petition is a written request from members of the public for information or action in relation to a particular matter. The petition must be typed or printed (other than in pencil) without erasure and be received from at least 12 persons and signed by the persons and, except in cases of incapacity or sickness, whose names and physical addresses appear on a page which shows the whole of the petition.
3. Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
4. Any councillor presenting a petition is responsible for ensuring that:
 - a. he or she is familiar with the contents and purpose of the petition; and
 - b. the petition is not derogatory, defamatory or objectionable in language or nature.
5. Procedure
 - a. For a petition to be presented at a Council meeting, the requirements of a petition as shown in Schedule B must be met.
 - b. A petition received before 10am seven days before the next scheduled Council Meeting will be included in the Agenda. If not, the petition will be received at the following scheduled Council Meeting.
 - c. The only motions that may be moved at the scheduled Council Meeting in relation to the petition are:
 - i. That the petition be received;
 - ii. That the petition be referred to an appropriate Delegated Committee for report; and
 - iii. That the petition be considered at a specific time or in conjunction with a specific item.
 - d. Officers will channel all correspondence related to the petition through the petition organiser (or the first-named signatory).

- e. If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
- f. If a petition relates to a 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
- g. An online or electronic petition will not be accepted to be presented to a scheduled Council meeting. Online petitions may be accepted as joint letters.
- h. In accordance with the Council's commitment to privacy, only the issues raised in the petition, along with the number of signatories, will be included in the agenda and minutes.

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8. Delegated Committees

The Council may establish Delegated Committees and advisory committees as part of its governance framework. Delegated Committees can comprise councillors, members of Council staff and others.

The Council may delegate specific powers, duties and functions to Special Committees, their meeting procedures need to be formal. Meeting procedures for most advisory committees, however, are typically less formal. This section describes how the Governance Rules to meetings and proceedings of Delegated Committees and advisory committees.

8.1. Application to Delegated Committees Generally

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

For the purposes of sub-rule 8.1. a reference in Section 3-6 inclusive to:

1. a Council meeting is to be read as a reference to a meeting of the Delegated Committee;
2. a councillor is to be read as a reference to a member of the Delegated Committee; and
3. the Mayor is to be read as a reference to the chair of the Delegated Committee.

8.2. Application to Delegated Committees Specifically

- 8.2.1. Notwithstanding sub-rule 8.1.1, if the Council establishes a Delegated Committee not composed solely of councillors:

1. the Council may; or
2. the Delegated Committee may, with the approval of the Council;

resolve that any provision(s) of Sections 3-6 is (or are) not to apply, whereupon that provision (or those provisions) will not apply until the Council resolves, or the Delegated Committee with the approval of the Council, resolves otherwise.

8.3. Election of Chairs of Delegated Committees

- 8.3.1. Any election for:

1. chair of a Delegated Committee; or
2. temporary chair of a Delegated Committee;

will be regulated by Sections 3-6 (inclusive) of these Governance Rules as if the reference to the Mayor is a reference to the chair of the Special Committee or temporary chair (as the case may be).

8.4. Application to Advisory Committees

- 8.4.1. If the Council establishes an advisory committee:

1. the Council may; or
2. the advisory committee may, with the approval of the Council

resolve that any provision(s) Sections 3-6 (or are) to apply, whereupon that provision (or those provisions) will apply until the Council resolves, or the advisory committee with the approval of the Council resolves, otherwise.

3. For the purposes of subclause 8.4.1, a reference Sections 3-6 of these Rules to:
 - a. a Council meeting is to be read as a reference to a meeting of the advisory committee;
 - b. a councillor is to be read as a reference to a member of the advisory committee;
 - c. the Mayor is to be read as a reference to the chair of the advisory committee; and
 - d. the Chief Executive Officer is to be read as a reference to an officer of the Council.

8.5. Adoption of Recommendation

If a recommendation of an advisory committee or a Delegated Committee is adopted by the Council, what has been recommended becomes a resolution of the Council.

8.6. Community Asset Committees

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

- 8.6.1. The Governance Rules may apply to any Community Asset Committee established by Council.
- 8.6.2. Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Rules 3.2 and 10.
- 8.6.3. A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 8.6.4. A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

8.7. Audit and Risk Committee

The Act provides for Council to establish an Audit and Risk committee to provide oversight.

- 8.7.1. The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- 8.7.2. Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.
- 8.7.3. An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 8.7.4. An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

8.8. Assembly of Councillors

- 8.8.1. At an assembly of councillors, the Chief Executive Officer must ensure that a written record is kept of—
1. the names of all councillors and members of Council staff attending;
 2. the matters considered;
 3. whether a councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.
- 8.8.2. The Chief Executive Officer must ensure that the written record of an assembly of councillors is, as soon as practicable—
1. reported at an ordinary meeting of the Council; and
 2. incorporated in the minutes of that Council meeting.

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9. Election Period Policy

9.1 The Council will have in place an election period policy

- 9.1.1. The Council will have in place an election period policy that:
 1. governs decision making during a local government election period, including what may be considered at a Council meeting;
 2. prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 3. sets out the conditions for any community engagement required to be undertaken during an election period, including consultations, Civic events, and activities of Advisory Committees established by the Council;
 4. sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 5. defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
 6. sets out the requirements for a councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- 9.1.2. At least once in each Council term and, not later than 12 months prior to the commencement of an election period, the Council will review its election period policy.
- 9.1.3. The Election Period Policy forms part of these Governance Rules and is attached as Schedule E.
- 9.1.4. The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- 9.1.5. Any outstanding Delegate's Reports may still be reported to an ordinary meeting of Council during this period.
- 9.1.6. Council Committees shall resume meeting following the election and the appointment by the incoming Council of councillors to each committee.

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10. Conflict Of Interest

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

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

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

Further guidance is available from the Managing Conflicts of Interest guideline.

10.1. Obligations with regard to Conflict of Interest:

10.1.1. Councillors, members of Delegated Committees and Council staff are required to:

1. avoid all situations which may give rise to conflicts of interest;
2. identify any conflicts of interest; and
3. disclose or declare all conflicts of interest;

10.2. Councillors and Members of Delegated Committees

10.2.1. Councillors and Members of Delegated Committees:

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

10.3. Procedure at a Council or Delegated Committee Meeting

10.3.1. At the time indicated in the Agenda, a councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

1. the item for which they have a conflict of interest; and
2. whether their conflict of interest is general or material; and
3. the circumstances that give rise to the conflict of interest.

10.3.2. Immediately prior to the consideration of the item in which they have a conflict of interest, a councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.

10.3.3. A councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the

manner that required for the declarations of conflicts of interest at sub-rule 10.3.1 prior to leaving the meeting.

- 10.3.4. A councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

10.4. Procedure at other Meetings Organised, Hosted or Supported by the Council

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

10.5. Council Staff

- 10.5.1. Must act in accordance with the Staff Code of Conduct.
- 10.5.2. Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 10.5.3. May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

10.6. Procedure for disclosures of conflicts of interest by Council Staff

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

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11. Joint Council Meetings

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

11.1. Council May Resolve to Participate in a Joint Council Meeting to Consider:

- 11.1.1. Matters subject to discussion of the Memorandum of Understanding with the Rural City of Wangaratta dated 19 December 2018.
- 11.1.2. Collaborative projects
- 11.1.3. Collaborative procurement
- 11.1.4. Emergency Response
- 11.1.5. If the 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.
- 11.1.6. Where Benalla Rural City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to chair the Joint Council meeting
- 11.1.7. At a majority of councillors will be appointed to represent Council at a Joint Council meeting.
- 11.1.8. Consistent information will be provided to councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- 11.1.9. A joint briefing arranged in accordance with sub-rule 11.1.5 may be held electronically.

12. Miscellaneous

This section provides for policies, guidelines and procedures to support the operation of this Local Law.

12.1. Procedure Not Provided in Local Law

In all cases not specifically provided for by these Governance Rules, the Council may determine the procedure to apply by resolution.

12.2. Policies and Guidelines

The Council may adopt any policies or guidelines from time to time for the purpose of exercising any discretions conferred by these Governance Rules.

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Part B – Schedules

Schedule A: Procedural Motions Table

Motion	Form	Mover/ Second	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a <i>chair</i> ; or (c) When another councillor is speaking	Consideration/debate on the motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future meeting, where a fresh motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any councillor who has not moved or seconded the original motion or spoken for/against the original motion	During nominations for a <i>chair</i>	Motion or amendment is put to the vote immediately without further debate, subject to any councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Laying a motion on the table (pausing debate)	‘That the motion be laid on the table’	A councillor who has not spoken for/against the motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	‘That the motion in relation to xx be taken from the table’	Any councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	‘That the item listed at xx on the agenda be considered before/after the item listed as xy’	Any councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the <i>Agenda</i>	No
Suspension of Standing Orders	‘That Standing Orders be suspended to ...’ (reason must be provided)	Any councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The meeting continues unaffected	No

Motion	Form	Mover/ Seconder	When prohibited	Effect if Carried	Effect if Lost	Debate Permitted
Resumption of Standing Orders	'That Standing Orders be resumed'	Any councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No
Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the meeting be closed to members of the public for the consideration of item xx <i>is confidential as it relates to [insert reason]</i>	Any councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any councillor		The Meeting is reopened to the public	The meeting remains closed to the public	No

Schedule B: Guidelines for Petitions

Requirements of a petition

A petition will be presented at a Council Meeting only if it meets all of the following requirements:

- The petition must be received from at least 12 persons, signed by those persons whose name and physical address also appears
- Although initial copies of petitions can be conveyed by email or facsimile, the original document must be sighted and received by the Council in a hardcopy format.
- The petition must be legible and in permanent writing (i.e. no pencil)
- The petition must be in the English language, or accompanied by a translation, which will need to be certified by the Chief Executive Officer who will present it to be correct.
- The petition must be addressed to the Chief Executive Officer, the Mayor, or one or more councillors containing a request for action to be taken by the Council.
- Each page of the petition must repeat the full wording of the petition as contained on the first page of the petition.
- Any signature appearing upon a page which does not bear the whole of the petition wording will not be considered by the Council.
- All signatures must be original signatures, not photocopied, scanned or faxed copies.
- All signatories' names and address must be legible writing to be counted. Names and address that cannot be read will not be counted.
- The petition should not be indecent, abusive or objectionable in language or content.
- Every page of a petition, including signatories to the petition must be on an original piece of paper and not pasted, stapled, or otherwise affixed to any other piece of paper.
- The petition should not relate to a planning permit application.

How are petitions relating to planning applications handled?

Any petition referring to a specific planning application will not be viewed as a petition, but a joint submission. This is because:

- Council has a range of separate legal requirements (under the Planning and Environment Act 1987), such as notice and time limits relating to planning applications, and
- Council is required to consider each individual matter on its planning merits.

How to lodge a petition

Petitions should be forwarded by mail to Benalla Rural City Council PO Box 227, Benalla Vic 3671 or delivered in person to the Benalla Rural City Customer Service Centre, 1 Bridge Street East, Benalla.

Sample

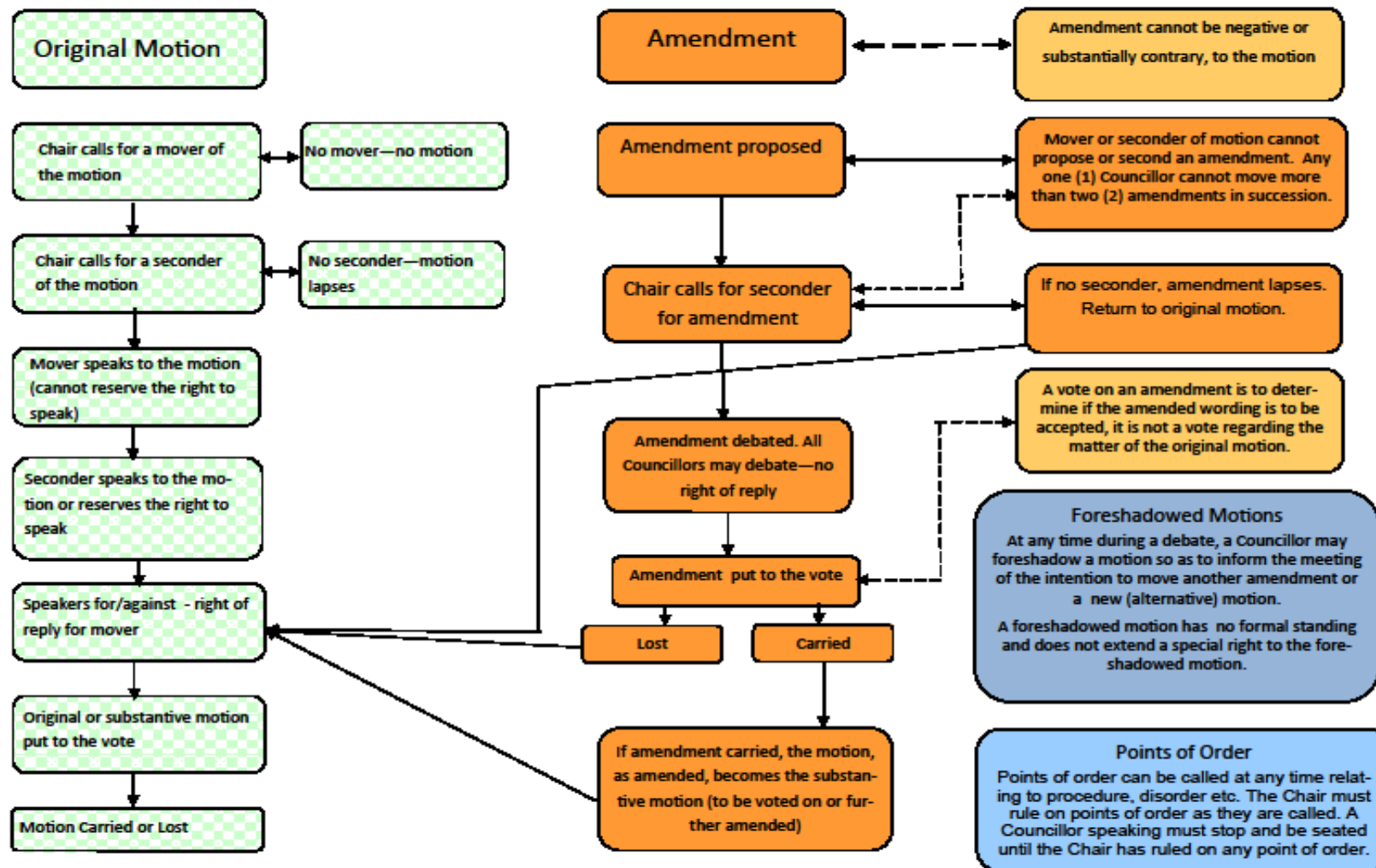
To the Mayor and Councillors of Benalla Rural City

The following petitioners draw the attention of the Council to (enter the circumstances that led to the petition)

The following petitioners request that(outline the action sought)

Name (please print name)	Address (please print full residential address)	Signature (petitioners must sign)

Schedule C: Procedure for Motions and Amendments



Schedule D: Guidelines for Public Submissions

How to maximise presentations to the Council.

The following points may assist presenters to maximise their benefits from the time available to make an oral submission:

- Start with primary messages. What is the purpose of your presentation and what do you wish to achieve?
- Plan submissions so they can be delivered in the time available. Councillors faced with a large agenda welcome presenters who can make their point succinctly and in reasonable time.
- Think about the issues from the viewpoint of councillors and staff. What will they want to know and what do you expect from the Council?
- Avoid jargon and keep the messages clear. Councillors come from a range of vocational backgrounds. Some will understand jargon very clearly, while the message may be lost on others less familiar with your issue.
- If planning to use visual presentations or maps, advise Council officers well in advance so that the appropriate technology or equipment can be provided. Arrive 15 minutes early to assist with set up and testing of presentations prior to the meeting. Backup options are helpful in the event technology fails.

After the meeting

A report will be presented to a subsequent Meeting on the proposal detailing the consideration of all submissions received, both written and oral.

Following consideration of all submissions a report will be presented to a future Meeting to make a decision on the matter.

Any person who has made a submission, or the nominated representative of a person or a group:

- (a) will be advised of the meeting date and time of the meeting at which the Council will make a decision; and
- (b) will be notified of the Council decision and the reasons for it.

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CP 21 Election Period Policy

Responsible Officer:	Chief Executive Officer
Document Type:	Council Policy
Reference:	CP 21
Adopted by Council:	26 June 2024
Date of Next Review:	June 2028

Policy Scope

INTRODUCTION

The Election Period Policy has been developed to ensure transparency, good governance and accountability are adhered to by Councillors and officers so that general elections held for Benalla Rural City Council are conducted in a manner that is ethical, fair and equitable and are publicly perceived as such.

In addition to supporting probity and confidence in the election process, observance of the election period is a statutory requirement. The *Local Government Act 2020* (the Act) governs municipal elections and requires the Council to prepare, adopt and maintain an Election Period Policy in relation to procedures to be applied by the Council during the period leading up to a general election. The statutory requirements are minimum governance standards.

The policy will assure the community that Benalla Rural City Council will not use public resources in election campaigning or make major decisions that may bind the incoming council, while continuing to function on behalf of the community.

Policy Objective

- To ensure the highest standard of good governance is achieved by the incumbent Council and all Council staff.
- To supplement the requirements of the Act with additional measures to ensure that best practice is achieved in supporting the fair and unbiased conduct of general elections.
- To ensure that Council elections are conducted in an environment that is open and fair to all candidates by outlining: the use of council resources, council publications, functions and events, requests for information, liaison with the media and Councillor expenditure in the lead up to an election.
- To recognise that the incumbent Council will require support, information and resources to fulfil its role as elected representatives of the community within the confines of this policy.

Policy Legislation

This policy should be read in conjunction with the Act, particularly the following sections-

3.1 Section 69: Governance Rules to include election period policy

1. A Council must include an election period policy in its Governance Rules.
2. An election period policy must prohibit any Council decision during the election period for a general election that—
 - a. relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
 - b. commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - c. the Council considers could be reasonably deferred until the next Council is in place; or
 - d. the Council considers should not be made during an election period.
3. An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
4. A Council decision made in contravention of subsection (2)(a) or (b) is invalid.
5. Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.

3.2 Section 123: Misuse of position

1. A person who is, or has been, a Councillor or member of a delegated committee must not intentionally misuse their position—
 - a. to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - b. to cause, or attempt to cause, detriment to the Council or another person.

Penalty: 600 penalty units or imprisonment for 5 years.

2. An offence against subsection (1) is an indictable offence.
3. For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a delegated committee include—
 - a. making improper use of information acquired as a result of the position the person held or holds; or
 - b. disclosing information that is confidential information; or
 - c. directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
 - d. exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
 - e. using public funds or resources in a manner that is improper or unauthorised; or
 - f. participating in a decision on a matter in which the person has a conflict of interest.

4. This section—

- a. has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of delegated committees; and
- b. does not prevent the institution of any criminal or civil proceedings in respect of that liability.

3.3 Section 124: Directing a member of Council staff

A Councillor must not intentionally direct, or seek to direct, a member of Council staff—

- a. in the exercise of a delegated power, or the performance of a delegated duty or function, of the Council; or
- b. in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- c. in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- d. in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Penalty:120 penalty units.

3.4 Section 304: Prohibition on Councillor or member of Council staff

1. A Councillor or member of Council staff must not use Council resources in a way that—
 - a. is intended to; or
 - b. is likely to—

affect the result of an election under this Act.

Penalty:60 penalty units.

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

Penalty:60 penalty units.

Definitions

Where terms used in this policy are defined in the Act, their use in this policy is consistent with the definitions in the Act.

Definitions used in this policy which are not defined by the Act are:

Terms	Definitions
Chief Executive Officer	Chief Executive Officer of Benalla Rural City including their delegate.
Councillors	Councillors including the Mayor.

Terms	Definitions
Council Resources	Council stationery, motor vehicles, telephones, computers, office equipment, Council staff and contractors.
Election Period	<p>During the 'Election Period' for a Municipal General Election the council will be deemed to be in 'Caretaker Mode'. The election 'caretaker' period is defined by section 3(1) of the Act to commence at the time that nominations close on nomination day, and ends at 6pm on the election day.</p> <p>Therefore, the election period for the 2024 elections commences at noon on Tuesday, September 17, 2024 and ends at 6pm on Saturday, October 26, 2024.</p>
Electoral Matter	<p>Electoral matter as defined by the Act means "matter which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election". Further the Act stipulates that "without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—</p> <ul style="list-style-type: none"> a. the election; or b. a candidate in the election; or c. an issue submitted to, or otherwise before the voters in connection with the election. d. advocates the policies of the Council or of a candidate e. refers to matters that are known to be contentious in the community and likely to be the subject of election debate.
Event or Function	Any planned gathering or social occasion organised or sponsored by Benalla Rural City.
Major Policy Decision	Any decision relating to the employment or remuneration of the Chief Executive Officer, entering into a contract or proposal, the total value of which is the greater of \$100,000 or one percent of the Council's revenue from rates and charges levied under section 158 of the Local Government Act 1989 in the preceding financial year, the allocation of community grants, major planning scheme amendments, or significant changes to Council plans or budget, decisions which would unreasonably bind an incoming Council.
Publication	Includes any means of publication including letters and information on the Internet and social media.
Public and Community Consultation	A process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy and includes discussion of that matter with the public. It does not include providing a statutory notice relating to planning permit applications or other decisions.
Significant Policy Decision	A decision which would bind an incoming Council that either relates to the commitment of substantial expenditure or action or a decision which affects the municipality and community that cannot be reversed.

Application

WHO THE POLICY APPLIES TO

Councillors must comply with the policy, regardless of whether they intend to nominate or have already nominated as candidates for election.

Staff and Delegated Committee members must act in accordance with this policy during the election period.

Council committee members who are candidates for election are expected to comply with this policy and in addition:

- a. submit apologies for any committee meetings or other activities held during the election period.
- b. return any council equipment, documents or information which is not available to the public for the duration of the election period.
- c. immediately resign from the committee upon election.

Other candidates for election are expected to comply with the obligations of this policy where they apply.

Prior to the election period the Chief Executive Officer will ensure that all members of Council staff are advised in regard to the application and scope of the caretaker procedures.

WHAT ACTIVITIES THE POLICY COVERS

The policy applies during an election period to cover:

- a. decisions that are made by the Council, a special committee or a person acting under delegation of the Council
- b. any material that is published by the Council or on the Council's behalf
- c. protocols for Council and Special Committee meetings
- d. public consultations
- e. attendance and participation in functions and events
- f. the use of Council resources
- g. access to Council information
- h. media and media services.

THE POLICY COMMITS THE COUNCIL TO

- avoid making significant new policies or decisions that could unreasonably bind an incoming Council.
- avoid making inappropriate decisions or using resources inappropriately.
- rescheduling the release of publications and communications where possible. Any publications and communications must be checked and certified by the Chief Executive Officer to ensure they do not contain any electoral matter before being released.
- ensuring that public resources, including staff time, are not used in election campaigning or in a way that may improperly influence the result of an election or advantage existing Councillors as candidates.
- ensuring that information held by the Council is made equally available and accessible to all candidates during the election.

Policy

This policy replaces and overrides any previous policy or document that refers to the Caretaker period.

During the election period, the business of council must continue and ordinary matters of administration must continue to be addressed.

The Council is committed to fair and democratic elections, and commits to comply with the restrictions, limitations and controls described in this policy to ensure that all candidates seeking election to council are treated fairly and equitably.

PROHIBITED DECISIONS

In accordance with section 69(2) of the Act the council is prohibited from making a decision during an election period for a general election that:

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

In accordance with section 69(3) of the Act the council is prohibited from making a decision during an election period for a general election or a by-election that would enable the use of council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

The following decisions will not be made during an Election Period:

- Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive.
- Decisions that have significant impacts on the council's income or expenditure or that relate to expenditure on politically sensitive matters.
- Allocation of community grants or other direct funding to community organisations.
- Major planning scheme amendments. Sale or discontinuance of roads, etc.
- Decisions of a politically sensitive nature.
- Setting advocacy positions.
- Policy or strategy decisions.

If the council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the council not making a particular decision, the Chief Executive Officer, or delegate, may make an application to the Minister for a compliance exemption in accordance with section 177 of the Act.

CARETAKER STATEMENT

During the election period, the Chief Executive Officer will ensure that a Caretaker Statement is included in every report submitted to the council or to a delegated committee of council for a decision.

The Caretaker Statement will specify one or more of the following.

- a. The recommended decision is not a decision prohibited by the Act and is a decision that falls within the guidance of the Election Period Policy.
- b. The recommended decision is outside the guidance of the Election Period Policy, but the following negative consequences of a failure to make a decision on this matter outweigh the consequences of binding an incoming council. [Insert description of negative consequences of failure to make decision].
- c. The recommended decision is a decision prohibited in the Act during an election period, but compliance exemption was sought from the Minister in accordance with section 177 of the Act and was granted by on [insert date].

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

Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

The agenda for council meetings held during the election period will make no provision for question time, notices of motion, and general business.

COUNCIL RESOURCES

1. It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. The Council commits to this principle in that it will ensure Council resources are not used inappropriately during a Council election.
2. In accordance with section 304 of the Act, the Council will ensure that probity is observed in the use of all Council resources during the election period and Council staff are required to exercise appropriate discretion to ensure compliance with section 304 of the Act. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice must be sought from the Chief Executive Officer or the General Manager Corporate and Community.
3. In determining whether the use of Council resources during the election period is appropriate, officers will have regard to whether these same resources are available to other candidates at the election.
4. Council resources, including (but not limited to) offices, meeting rooms, officers, hospitality services, photographs, equipment, Council funded telephone numbers, iPads, motor vehicles and email addresses and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election campaign.

5. Reimbursements of candidates' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign. In the case of Councillor claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.
6. Council logos, publications, letterheads, or other Benalla Rural City branding are not to be used for, or linked in any way to, a candidate's election campaign.
7. Council staff will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.
8. Officers will not provide candidates with access to databases, contact lists, property counts, email addresses or any other information that would assist in mailing or other distribution of election material.

Photos or images taken by or provided by the Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This includes photos or images provided by the Council for past Council activities. This applies equally to images on the Council website that may be able to be copied.

COUNCIL INFORMATION

1. The Council affirms that all candidates for the Council election will be treated equally.
2. For the purposes of this Policy any Councillor – whether standing for re-election or not – will be regarded as a candidate.
3. Requests for information to staff from Councillors or candidates will be referred to the GMC or CEO and recorded as a Councillor Request.
4. Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.
5. Briefing material prepared by staff for Councillors during the caretaker period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.
6. Responses to candidates' requests will be provided by the Chief Executive Officer or their delegate. Only information that can be reasonably accessed will be released.
7. Section 123 of the Act prescribes serious penalties (600 penalty units or imprisonment, or both) for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain an advantage.
8. Any Freedom of Information (FOI) applications lodged during the caretaker period on matters such as expenses, costs etc regarding current Councillors will be dealt with where possible outside of the caretaker period (the FOI Act specifies a 30-day period in providing a response to a FOI application).
9. An Information Request Register will be maintained by the Customer Service Centre staff. This register will be a public document (available for inspection and available on the Council's website) that records all requests for information of a non-election nature by all candidates and the responses given to those requests as well as the name of the candidate making the request and the date request is made.

COMMUNITY ENGAGEMENT AND PUBLIC CONSULTATION

Community Engagement of a limited kind normally associated with routine administration will only continue through the election period where it can be justified as necessary and not likely to influence the election. Significant community engagement on major strategy or policy issues will not occur, or if already commenced, should be discontinued during the election period.

Public consultation required under the *Planning and Environment Act 1987*, or matters subject to section 223 of the Act are not affected by this policy.

COUNCIL PUBLICATIONS

The Act specifically prohibits the Council publishing or distributing electoral matter thus providing fairness to all candidates by preventing elected representatives from receiving an advantage. The policy will assist the Council to meet these statutory obligations.

1. Section 304(2) of the Act prohibits Councillors or Council staff from using Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period.

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

2. Best practice recommended by Local Government Victoria – in line with State and Federal Governments – is where possible to limit the release of documents to those that are essential for the conduct of Council operations.
3. Section 304(2) of the Act refers specifically to 'electoral material'. Local Government Victoria suggests this can be broadly interpreted to refer to documents produced for the purpose of communicating with the community (including on the internet) and lists the following as examples:
 - Council newsletters
 - Advertisements and notices, except newspaper notices of meetings
 - Media releases
 - Leaflets and brochures
 - Mailouts to multiple addresses

The following examples are also included in this policy:

- Social media posts
- Council noticeboards
- New website material
- E-Newsletters
- Reports
- Material to publicise an event
- Publication and distribution of councillor speeches.

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Related Policies

Benalla Rural City Council Plan 2021-2025

Benalla Rural City Community Plan 2016-2036

Related Legislation

Local Government Act 2020

Victorian Charter of Human Rights and Responsibilities Act 2006



BENALLA

RURAL CITY COUNCIL

Benalla Rural City Council
PO BOX 227
BENALLA VIC 3671
(03) 5760 2600
council@benalla.vic.gov.au
www.benalla.vic.gov.au



4.9 Appointment of Council Representatives to the Churchill Reserve Committee of Management Incorporated

Ref: 1138149297-12715
Robert Barber – Acting Chief Executive Officer
Jess Pendergast – Governance Coordinator

PURPOSE OF REPORT

The report discusses the appointment of Council Representatives to the *Churchill Reserve Committee of Management Incorporated*.

BACKGROUND

A report was presented to the Council at its meeting on 18 December 2024 appointing Council representatives to various committees, peak industry bodies and regional and community organisations for the 2024/25 Council Year.

The Council representatives appointed to the *Churchill Reserve Committee of Management Incorporated* were Councillor Jillian Merkel and Councillor Nathan Tolliday.

DISCUSSION

Councillor Jillian Merkel has stepped down as one of the representatives on the *Churchill Reserve Committee of Management Incorporated*.

Councillor Nathan Tolliday has confirmed he wishes to remain as a representative on the *Churchill Reserve Committee of Management Incorporated*.

The committee allows for two Councillor representatives.

Councillor Justin King previous served on the committee and has expressed his interest in being appointed as a Council representative for the 2024/25 Council Year.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information.	<ul style="list-style-type: none">▪ Report presented in a public report to the Council.▪ Report published on Councils website.

FINANCIAL IMPLICATIONS

There are no material financial implications with appointing Council representatives to the *Churchill Reserve Committee of Management Incorporated*.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That Cr Nathan Tolliday and Cr Justin King be appointed as the *Churchill Reserve Committee of Management Incorporated* Council representatives for the 2024/25 Council Year

4.10 CEO Credit Card Report For The Quarter Ended 31 December 2024

Ref: 669520245-62
Tracey Beaton – Executive Coordinator

PURPOSE OF REPORT

The report details expenditure associated with the corporate credit card issued to the Chief Executive Officer for the quarter ended 31 December 2024.

BACKGROUND

As part of an audit of the Council’s 2017/18 financial statements, the Victorian Auditor General’s Office recommended that the Chief Executive Officer’s credit card transactions be reviewed and authorised by a Council member.

In response to the recommendation, transactions on the CEOs credit card are reported quarterly to the Council.

CEO Credit Card Transactions for the Quarter ended 30 September 2024

Date	Details	Amount
14/10/2024	Tesla Inc – Monthly Subscription	\$9.08
14/11/2024	Tesla Inc - Monthly Subscription	\$9.08
14/12/2024	Tesla Inc - Monthly Subscription	\$9.08
Total (ex. GST)		\$27.24

Recommendation:
That the report be noted.

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4.11 Councillors' Expenses For The Quarter Ended 31 December 2024

Ref: 36167913-8907

Tracey Beaton – Executive Coordinator

PURPOSE OF REPORT

The report details expenditure associated with Councillors' mobile phone usage, attendance at professional development courses, conferences and seminars, and reimbursement of expenses incurred.

Councillors' Information and Communication Expenses

Councillors' information and communication expenses for mobile phones and iPads are detailed in the table below:

Councillor	2024/25 Q1	2024/25 Q2
Cr Claridge	\$147.24	\$147.24
Cr Davis	\$147.24	\$147.24
Cr Firth	\$51.81	\$51.81
Cr Gunaratne	\$147.24	\$147.24
Cr Hearn	\$147.24	\$147.24
Cr King	\$147.24	\$147.24
Cr O'Brien	\$147.24	\$147.24
Cr Blore	\$0	\$36.61
Cr Merkel	\$0	\$36.61
Cr Tolliday	\$0	\$36.61
Total ex. GST:	\$935.28	\$1,045.08

Councillors' reimbursement of expenses

The Council at its meeting on 15 December 2021 adopted the *Councillor Resources and Reimbursement Policy*.

Councillors' reimbursements are detailed in the table below:

Date	Councillor	Reimbursement Details	Amount (ex. GST)
21/10/2024	Cr Firth	Mobile phone costs April 2024 to October 2024	\$202.43
Total:			\$202.43

Councillors' attendance at training courses, conferences and seminars

The Council at its meeting on 12 October 2022 adopted the *Professional Development for Councillors Policy*. The policy states that a quarterly report be submitted to the Council detailing year to date expenditure on Councillors' attendance at professional development courses, conferences and seminars.

Date	Councillor	Description	Professional Development (ex. GST)	Conferences and Seminars (ex. GST)
22/08/2024	Cr Claridge & Cr Hearn	Accommodation - MAV Networking Event and State Council Meeting	\$0	\$752
27/08/2024	Cr Claridge, Cr Davis, Cr Hearn, Cr King & Cr O'Brien	IBAC Forum: Corruption risks in local government	\$0	\$0
12/09/2024	Cr Claridge & Cr Hearn	MAV Annual Conference and Dinner	\$0	\$1,390
12/09/2024	Cr Claridge & Cr Hearn	Accommodation - MAV Annual Conference and Dinner	\$0	\$770
23/12/2024	Mayor Cr Hearn and Deputy Mayor Cr King	Municipal Association of Victoria - Mayor and Deputy Mayor training and accommodation	\$2,520	
Total			\$2,520	\$2,912

FINANCIAL IMPLICATIONS

The 2024/25 *Budget* allocated for Councillors' attendance at professional development courses, conferences and seminars is \$15,104.

Summary	Professional Development, Conferences and Seminars (ex. GST)
Quarter ended 30 September 2024	\$2,912
Quarter ended 31 December 2024	2,520
Total spend as at 31 December 2024	\$5,432

Recommendation:

That the report be noted.

4.12 Mayor and Councillors' Attendance At Conferences and Events

Ref: 36167913-8906

Tracey Beaton – Executive Coordinator

The Mayor and Councillors, listed in alphabetical order, attended meetings and events as detailed below during the period from 9 December 2024 to 2 February 2025.

Mayor Councillor Bernie Hearn	
2024	
11 December	CEO Employment and Remuneration Committee Meeting
12-13 December	Municipal Association of Victoria Mayoral Orientation and Training
15 December	Benalla Lions Club Carols by Candlelight
18 December	Assembly of Councillors
	Council Meeting
19 December	Australia Day Advisory Committee Meeting
2025	
14 January	Australia Day Advisory Committee Meeting
21 January	Consultants Meeting - <i>2025-2029 Council Plan</i>
	Council Plan Community Panel Meeting
24 January	Australia Day Rehearsal
26 January	Baddaginnie Australia Day Breakfast
	Benalla Australia Day Breakfast and Award Presentation
	Benalla Rural City Australia Day Awards Ceremony
29 January	Councillor Only Time
	Communications Advisory Committee Meeting
	Assembly of Councillors

Deputy Mayor Councillor Justin King	
2024	
11 December	CEO Employment and Remuneration Committee Meeting
12-13 December	Municipal Association of Victoria Deputy Mayoral Orientation and Training
15 December	Benalla Lions Club Carols by Candlelight
18 December	Assembly of Councillors
	Council Meeting
19 December	Australia Day Advisory Committee Meeting
2025	
14 January	Australia Day Advisory Committee Meeting
20 January	Consultants Meeting - <i>2025-2029 Council Plan</i>
24 January	Australia Day Rehearsal
26 January	Tatong Australia Day Breakfast and Award Presentation
	Lima/Swanpool Australia Day Morning Tea and Award Presentation
	Benalla Rural City Australia Day Awards Ceremony
29 January	Councillor Only Time
	Communications Advisory Committee Meeting
	Assembly of Councillors

Councillor David Blore	
2024	
11 December	Benalla Business Coffee Connections
	CEO Employment and Remuneration Committee Meeting
15 December	Benalla Lions Club Carols by Candlelight
18 December	Assembly of Councillors
	Council Meeting
2025	
10 January	Meeting with Benalla Homelessness Group
21 January	Consultants Meeting - <i>2025-2029 Council Plan</i>
26 January	Molyullah Australia Day Breakfast and Award Presentation
	Benalla Rural City Australia Day Awards Ceremony
28 January	Benalla Art Gallery Redevelopment Project Control Group Meeting
29 January	Councillor Only Time
	Communications Advisory Committee Meeting
	Assembly of Councillors
31 January	Anglican Parish of Benalla - Service of Induction of Reverend Melissa Clark

Councillor Peter Davis	
2024	
10 December	Audit and Risk Committee Meeting
11 December	CEO Employment and Remuneration Committee Meeting
18 December	Assembly of Councillors
	Council Meeting
2025	
26 January	Goorambat Australia Day Breakfast and Award Presentation
	Devenish Australia Day Morning Tea and Award Presentation
	Benalla Rural City Australia Day Awards Ceremony
	Goomalibee Australia Day BBQ Tea
29 January	Councillor Only Time
	Communications Advisory Committee Meeting
	Assembly of Councillors

Councillor Puna Hewa Gunaratne	
2024	
10 December	Audit and Risk Committee Meeting
11 December	CEO Employment and Remuneration Committee Meeting
15 December	Benalla Lions Club Carols by Candlelight
18 December	Assembly of Councillors
	Council Meeting
19 December	Municipal Association of Victoria Welcome and Introduction for Councillors
2025	
6 January	Meeting with Benalla Homelessness Group
21 January	Consultants Meeting - <i>2025-2029 Council Plan</i>
26 January	Warrenbayne Australia Day Breakfast
	Benalla Rural City Australia Day Awards Ceremony
29 January	Councillor Only Time
	Assembly of Councillors

Councillor Jillian Merkel	
2024	
11 December	CEO Employment and Remuneration Committee Meeting
18 December	Assembly of Councillors
	Council Meeting
19 December	Municipal Association of Victoria Welcome and Introduction for Councillors
2025	
6 January	Benalla Street Art Advisory Committee Meeting
26 January	Thoona Australia Day Breakfast and Award Presentation
	Benalla Rural City Australia Day Awards Ceremony
29 January	Assembly of Councillors

Councillor Nathan Tolliday	
2024	
11 December	Benalla Business Coffee Connections
	CEO Employment and Remuneration Committee Meeting
15 December	Tatong Christmas BBQ
	Benalla Lions Club Carols by Candlelight
18 December	Assembly of Councillors
	Council Meeting
2025	
6 January	Benalla Street Art Advisory Committee Meeting
20 January	Consultants Meeting - <i>2025-2029 Council Plan</i>
29 January	Assembly of Councillors

Recommendation:

That the report be noted.

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4.13 Council Actions Pending

Council Actions Pending are detailed in **Appendix 1**.

Recommendation:
That the report be noted.

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Council Actions Pending

Action No.	Meeting Name	Item	Action	Officer	Status/notes
1.	Council Meeting 14-Feb-24	4.4	Fawckner Drive Masterplan 1. That the <i>Benalla Fawckner Drive Masterplan</i> be adopted. 2. That the <i>Benalla Fawckner Drive Masterplan Strategy Advocacy Document</i> be drafted.	MC	1. Completed 2. In progress
2.	Council Meeting 13-Dec-23	4.4	Benalla Sports and Equestrian Reserve Committee That the debate on this matter be deferred until the Council Meeting on 14 February 2024 to allow the <i>Benalla Sports and Equestrian Reserve</i> user groups to endorse their representative on the <i>Benalla Sports and Equestrian Reserve Committee</i> and the <i>Instrument of Sub-Delegation from the Chief Executive Officer to Community Asset Committees</i> be updated.	CEO	Report to be presented to the Finance and Planning Committee meeting on 5 March 2025.
3.	Council Meeting 24-April-24	4.1	Benalla Indoor Recreation Centre Redevelopment Project 1. That the Council give in principle support for the Benalla P-12 College Barkly Street Campus as the preferred site location for the <i>Benalla Indoor Recreation Centre Redevelopment project</i> . 2. That the Chief Executive Officer negotiate with the Department of Education for the Council to acquire crown land at 51-54 Barkly Street, Benalla. 3. That the <i>Benalla Indoor Recreation Centre Redevelopment Project Steering Committee</i> be established. 4. That the amended <i>Benalla Indoor Recreation Centre Redevelopment Project Steering Committee Terms of Reference</i> be adopted. 5. That Cr Don Firth and Cr Bernie Hearn be appointed as the Councillor representatives on the <i>Benalla Indoor Recreation Centre Redevelopment Project Steering Committee</i> for the remainder of the 2023/24 Council year. 6. That invitations to join the <i>Benalla Indoor Recreation Centre Redevelopment Project Steering Committee</i> be extended to: ▪ Hume Region Community Infrastructure, Place, Sport and Recreation Victoria, Basketball Victoria, President Benalla Basketball Association, Chair of the Benalla Indoor Recreation Centre Committee of Management. 7. That an expression of interest process be undertaken to obtain two community member <i>Benalla Indoor Recreation Centre Redevelopment Project Steering Committee</i> representatives.	MAI	1. Completed 2. In progress 3. Completed 4. Completed 5. Completed 6. Completed 7. Completed
4.	F&P Committee 1-Mar-23	3	Planning Scheme Review Amendment – Benalla Planning Scheme Review That Council resolves to: 1. Note and forward the <i>Benalla Planning Scheme Review 2022</i> to the Minister for Planning in accordance with Section 12B (5) of the <i>Planning and Environment Act 1987</i> . 2. Seek assistance from Regional Planning Hubs to prepare and exhibit a planning scheme amendment to implement the <i>Benalla Planning Scheme Review 2022</i> .	MD	1. Completed 2. Completed

5. Reports by Councillors

Recommendation:

That the report(s) be noted.

6. Notices of Motion

7. Notices of Rescission Motion

8. Urgent Business

Business can only be admitted as urgent business by resolution of the council, and only then if it:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot be deferred until the next Council Meeting without having a negative impact on the Council, the municipality or the local community; and
- cannot be addressed through the Customer Request Management System.

A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.

The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for the Council to consider admitting as urgent business.

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Confidential Business

It is proposed that the following items be considered in confidential business pursuant to the *Local Government Act 2020* as they contain personal information or private commercial information that would result in the unreasonable disclosure of information about a person, their personal affairs or expose the business, commercial or financial undertaking if released:

9.1 Confidential Reports by Councillors

9.2 Confidential Council Actions Pending

Recommendation:

That the meeting be closed to the public for the consideration of the confidential business item noted above pursuant to Sections 3(1) and Section 66(2)(a) of the *Local Government Act 2020*.

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10. Reopening of the meeting to the public

<p>Recommendation: That the meeting be reopened to the public.</p>

Closure of the meeting