



## COUNCIL POLICIES - DEFINITIONS

### COLAC OTWAY SHIRE COUNCIL – POLICY DEFINITIONS

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**Responsible Officer:** Coordinator Council Business

**Due for Review:** As required

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## PURPOSE

The purpose of this document is to provide all definitions contained in Colac Otway's Shires Council Policy documents.

Definitions are categorised by the Council Policy they apply to (policies are listed in alphabetical order).

Often policies have common definitions, these are provided in the 'Generic Definitions' section of this document.

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## GENERIC DEFINITIONS

**Asset** - An asset is a resource with economic value that can be measured reliably that is owned or controlled by Council with the expectation that it will provide future economic benefits.

**Act** – Means the Local Government Act 2020

**Chief Executive Officer or CEO** – Means the Chief Executive Officer of Council

**Council** – Means Colac Otway Shire Council

**Councillors** – Means the individuals holding the office of a member of Colac Otway Shire Council

**Council meeting** – Has the same meaning as in the Act.

**Mayor** – Means the Mayor of Council

**Authorised Officer** – Means a person appointed under section 224 of the Local Government Act 1989.

**Council Officer** – Chief Executive and staff of Council appointed by the Chief Executive.

**Municipal District** – Means the district under the local government of a Council.

**Delegated Committee** - A committee established by a Council under section 63 of the Local Government Act 2020 or, a joint delegated committee established by two or more Councils under section 64, or a committee, other than a Community Asset Committee, exercising any power of a Council under this Act or any other Act delegated to the committee under this Act or any other Act.

**Community Asset Committee** - Means a Community Asset Committee established by a Council under section 65 of the Local Government Act 2020.

**Audit and Risk Committee** - Means the Audit and Risk Committee established by a Council under section 53 of the Local Government Act 2020.

**Advisory Committee** - Means any committee established by the Council, other than a delegated committee, that provides advice to the Council; or a delegated committee; or a member of Council staff who has been delegated power, duty or function of the Council under section 47 of the Local Government Act 2020

**Committee of Management** - Means a committee where council has been appointed under the Crown Land (Reserves) Act 1978 to manage a reserve on behalf of the Minister.

**Council office** – The Council building and surrounding areas at 2-6 Rae Street Colac.

**Conflict of Interest** - The Local Government Act 2020 defines conflicts of interest as being either general or material. In the application of this policy, conflicts may be:

- Actual: There is a real conflict between an individual's public duties and private interests.
- Potential: An individual has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.

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- **Perceived:** The public or a third party could reasonably form the view that an individual's private interests could improperly influence their decisions or actions, now or in the future.

## SPECIFIC DEFINITIONS

### 4.3 – ACQUISITION AND DISPOSAL OF COUNCIL PROPERTY

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**Property** - Real property commonly referred to land and may include a building or improvements on the land.

**Land** – The land as described in a Certificate of Title that has no improvements within its boundaries.

**PAC** – Property Advisory Committee: An internal advisory group consisting of representation from Council's Assets, Community Development, Economic Development, Recreation and Space, Planning and Strategic Property departments.

**Acquisition** – Purchase of property or land.

**Disposal** – Sale or transfer of Council owned land or property.

**Valuation** – A formal assessment performed a Registered Valuer to establish value of property or land.

**Certificate of Title** - A record of interests and rights affecting land.

**Real Assets** – Land or property.

**Best Value** - A principle based approach that aims to ensure that services meet the needs of the community in terms of quality, competitiveness, efficiency, continuous improvement and accountability.

**Contract** - A written agreement documenting the acquisition or disposal of property that is enforceable by law.

**Expressions of Interest (EOI)** - An offer made by a strategic or financial buyer for the purchase of Council property.

**Compulsory Acquisition** – A statutory process that enables Council to acquire land or property without the willing consent of its owner or occupant for public purposes such as building or roads.

**Proceeds of Sale** - Any amount that Council receives from the sale or disposal of Council property

### 16.6 – ASSET ACCOUNTING POLICY

**AASB** - Australian Accounting Standards Board is the entity that reviews and provides the standards to which Australian companies must meet in providing General Purpose Financial Statements.

**Asset Class** - Assets similar in nature and characteristics. They are revalued simultaneously to avoid ambiguity in the reporting of values in the financial statements.

**Asset Register** - A register listing details of key data for each asset behind general ledger balances

**Capital (Expansion)** - Expenditure that extends the capacity of an existing asset to provide benefits to new users at the same standard as is provided to existing users

**Capital (Expenditure)** - Is generally but not always large (material) expenditure, which has benefits (service potential), expected to last for more than 12 months. In addition to new assets capital expenditure includes renewal/replacement and expansion/upgrade of existing assets.

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**Capital (New)** - Capital Expenditure to supply “additional” service levels

**Capital (Renewal)** - Restores the service potential to the original capacity of the asset.

**Capital (Upgrade)** - Works which provide a higher level of service capacity and increasing the life of the asset beyond its original useful life.

Page | 5 **Capitalisation Threshold** - The amount at which items of expenditure will be recognised as assets in Council’s balance sheet.

**Collective Assets** - Certain assets that are made up of collections of many individual items, each of which is individually below any reasonable capitalisation threshold, similar to network assets. Depreciation - The systematic allocation of the depreciable amount of an asset over its useful life to reflect the remaining service potential.

**Depreciation** - The systematic allocation of the depreciable amount of an asset over its useful life; also known as Annual Depreciation or Depreciation Charge.

**Expense** - When expenditure produces no future economic benefits (an asset) or when, future economic benefits do not qualify, or cease to qualify, for recognition in the balance sheet as an asset.

**Fair Value** - The amount for which an asset could be exchanged or a liability settled between knowledgeable, willing parties in an arms-length transaction in the following market conditions:

- a. active & liquid market – current market price
- b. active & liquid market not available – current market prices for assets that are similar in use, type and condition
- c. specialised assets (where no market evidence of its market selling price) – replacement cost of the assets remaining future economic benefits

**Fair Value Hierarchy** - AASB 13 establishes a fair value hierarchy that categorises into three levels the inputs to valuation techniques used to measure fair value. It gives the highest priority to quoted prices (unadjusted) in active markets for identical assets or liabilities (Level 1 inputs) and the lowest priority to unobservable inputs (Level 3 inputs).

**Found Assets** - Existing assets identified for the first time (and not recognised in a previous reporting period)  
**Impairment** - The Amount by which the carrying amount of an asset exceeds its recoverable amount

**Greenfields Methodology** - A Greenfields Valuation estimates the cost to replace an asset, assuming there are no existing constraints, such as underground services or adjacent infrastructure, that will adversely affect the cost of reconstructing or replacing the asset. In this Valuation Method unit rates are based on the cost to acquire/construct the asset in a ‘greenfield’ (undeveloped) location.

**Intangible Asset** - Per AASB 138 - An intangible asset is an identifiable non-monetary asset without physical substance. Intangible assets typically include software assets.

**Maintenance Expenditure** - A component of operating expenditure, specifically on an asset, which is periodically required as part of the anticipated schedule of works needed to ensure that the asset achieves its estimated useful life and is normally relatively low cost compared to the asset value. Maintenance expenditure includes reactive maintenance and repairs such as pothole patching, blocked drains, repairs to broken fixtures; or planned maintenance which occurs on a schedule: painting a building every 5 years, annual servicing of equipment

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**Materiality** - Per AASB 1031 Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively

- a) Influence the economic decisions of users taken on the basis of the financial statements; or
- b) Affect the discharge of accountability by management or Council. The size or nature of the item, or a combination of both, could be the determining factor.

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**Network Assets** - Assets which form part of a network that, depending on individual size, could fall below any reasonable capitalisation threshold such as kerbs, footpaths or drainage

**Operating Expenditure** - are the day-to-day expenses associated with providing the service during a year of operations. It may include expenditure such as power, fuel, telephone, employee costs, materials, cleaning, minor equipment, overheads, materials and depreciation. When compared to the income over the same period a surplus or deficit can be calculated.

**Useful Life** - The passage of time that the expected consumption of asset services is available to an entity.

**VAGO** - Victorian Auditor-General's Office - plays a key role in preserving the financial integrity of the state's system of government. Who plan and conduct audits, oversee the work undertaken by contracted audit service providers

## 13.7 – ASSET MANAGEMENT POLICY

**Asset** - A resource controlled by Council from which future economic, social and environmental benefits or service potential are expected to flow to the municipality or the community.

**Asset Management** - The combination of management, financial, economic, engineering and other practices applied to assets with the objective of balancing costs, opportunities and risks against the desired performance of assets to achieve an organisation's objectives.

**Asset Management Plan** - A plan developed for the management of one or more asset groups that combines multi-disciplinary management techniques (including technical and financial) over the asset lifecycle in the most cost-effective manner to provide a defined level of service

**Asset Management Strategy** - A strategic framework that effectively guides the management, planning, construction, maintenance and operation activities of assets in the implementation of Council's Asset Management Policy.

**Asset Plan** - Council's 10 year plus planning document that outlines key elements, processes, management, and resource allocation for assets of which council is the custodian.

**Financial Plan** - Council's 10 year plus planning document that outlines the financial management, key elements, and resource allocation of the organisation.

**Integrated Strategic Planning and Reporting Framework** - The linked strategic and reporting framework required under the Local Government Act 2020 (Victoria).

**Level of Service** - The defined service quality for a particular service/activity against which service performance may be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental impact, satisfaction and cost.

**Lifecycle Costs** - The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs, also referred to as 'Whole of Life Costs'.

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**Maintenance** - All actions necessary to manage the physical condition of an asset until rehabilitation or replacement is necessary.

**New Asset** - Refers to an asset that has been created, produced or introduced for the first time, not existing before.

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**Operation(s)** - The active process of utilizing an asset which will consume resources such as manpower, energy, chemicals and materials.

**Renewal** - Refers to works required or undertaken to return the asset to its “as-new” condition.

**Sustainable** - Able to be maintained or kept going at a certain rate or level by the application of defined actions, process and/ or funding.

**Upgrade** - With respect to any physical asset, any physical enhancement or series of physical enhancements, including any such physical enhancements that would increase the product or service it provides.

#### 11.4 – ASSISTANCE TO RATES DEBTORS IN HARDSHIP

**Natural Disaster/Emergency event** - any event for which an Incident Control Centre (ICC) has been formally established.

**Financial Hardship** - where the amount outstanding is more than the current year’s rates and charges.

#### 16.8 – BORROWING POLICY

**Borrowing/Loan** - A contract entered into with the promise to repay a principal amount plus any applicable interest

**LGPRF** - Local Government Performance Reporting Framework

**SRP** - Strategic Resource Plan

#### 16.9 – BUDGET DEVELOPMENT AND MANAGEMENT

**Bill** – Local Government Bill 2019

**LGPRF** - Local Government Performance Reporting Framework

**LTFP** – Long Term Financial Plan

**SRP** - Strategic Resource Plan

#### 18.3 – CHIEF EXECUTIVE OFFICER EMPLOYMENT AND RENUMERATION POLICY

**Annual Review** - Report has the meaning given in paragraph 12.1

**Committee** - means the Chief Executive Officer Employment Matters Advisory Committee established under this Policy

**Contract of Employment** - means the contract of employment between Council and the CEO, including any schedules

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**Recruitment Consultant** - means a consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles

**Independent Chair** - means the independent person appointed by Council to the Committee to Chair the meetings and provide independent advice in accordance with section 45(2)(a) of the Act

**KPIs** - means Key Performance Indicators or performance criteria

**Performance Plan** - means the annual performance plan setting out KPIs for the CEO

**Policy** - means this CEO Employment and Remuneration Policy adopted in accordance with section 45 of the Act

**Public Sector Wages Determination** - means any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 in relation to remuneration bands for executives employed in public service bodies

**Regulations** - means any Regulations made under Division 7 of Part 2 of the Act

**Remuneration Package** - means the total gross remuneration package paid to the CEO pursuant to the Contract of Employment

**Resolution** - means a resolution of Council made at a Council meeting

**Terms of Reference** - means the Terms of Reference of the Chief Executive Officer Employment Matters Advisory Committee adopted by Council

## CS-01 CHILD SAFE POLICY

**Aboriginal Child** - A person under the age of 18 who is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.

**Child** - A person under 18 years of age

**Child abuse** - Any act committed against a child involving: physical violence, sexual offences, serious emotional or psychological abuse and serious neglect.

**Children from culturally and/or linguistically diverse backgrounds** - A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.

**Child related work** - Work within one or more of the occupational fields defined in the Act where the contact with children is direct, unsupervised, and part of a person's duties, not incidental to their work.

**Child safe organisation** - In the context of the child safe standards, a child safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse.

**Children with a disability** - A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.

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**Cultural safety for children from culturally and/or linguistically diverse backgrounds** - An environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages.

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**Cultural safety of Aboriginal children** - Cultural safety encompasses the child being provided with a safe, nurturing and positive environment where they are comfortable with being themselves, expressing their culture, their spiritual and belief systems, and they are supported by the carer and family.

**Online** - Online refers to any interactions with children over email, social media, web platforms, online conferencing, chat rooms and live or pre-recorded broadcasts. Council's online activities seek to protect the child's right to privacy, access to information, social connections and learning opportunities and promote safety and wellbeing.

**LGBTIQA+** - this is an acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning and asexual plus, children and young people.

## 9.2 – COLAC REGIONAL SALEYARDS CONDITIONS OF ENTRY AND OPERATING POLICY

**Agent** - means any person selling or offering for sale any livestock and includes a firm, company or principal of a firm or company.

**Auctioneer** - means any person who sells or attempts to sell or offer for sale or resale any goods by way of auction as herein defined.

**Livestock** - includes horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, bobby calves, asses, mules, sheep, ewes, ethers, rams, lambs, goats, swine's and any other animal permitted to be sold at the Saleyards.

**Centre** - means Colac Livestock Selling Centre located in Ballarat Road, Irrewarra (Schedule 1).

**Saleyards** - means the saleyards within Colac Regional Saleyards Centre.

**Sale Day** - means any day appointed pursuant to this policy on which sales are conducted at the Centre.

**Superintendent** - means any person appointed by Council to manage the Centre and includes any employee of Council acting in accordance with the Superintendent's direction.

**Transport** - means any vehicle and or trailer used for the purpose of transporting stock to or from the Centre.

**Vehicle** - means a vehicle which is used or intended to be used on a highway or public place and which has its own motor power, but does not include a tram or train or motorised wheel-chair.

## 2.1 – COMMUNICATIONS POLICY

**Print media** - Printed publications including, but not limited to, newspapers and community newsletters

**Broadcast media** - Television, commercial radio, community radio Online Websites, social media and other digital platforms

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**Social media** - The definition of social media continues to evolve as platforms and technologies develop. Overall, it refers to any web-based practices that can be used to share content. This includes, but is not limited to, Facebook, Instagram, Twitter, YouTube, and Blogs

**Email** - Electronic method of exchanging digital messages across the internet or other computer networks.

## 2.5 – COMMUNITY ENGAGEMENT POLICY

**Municipal community** – includes:

- (a) people who live in the municipal district of the Council; and
- (b) people and bodies who are ratepayers of the Council; and
- (c) traditional owners of land in the municipal district of the Council; and
- (d) people and bodies who conduct activities in the municipal district of the Council.

**Community Engagement** - means the process in which Council and the municipal community connect with each other to exchange views, ideas and information to

- (i) inform decisions
- (ii) build capacity and
- (iii) strengthen relationships.

**Deliberative Engagement** - is the process of consulting/engaging with communities by providing them with:

1. the information they need to come to an informed view about the relative merits of potential future; decisions, actions, projects and/or programs that will or may affect them;
2. a forum in which to consider and discuss the issues and options associated with the above;
3. an opportunity to make their considered views known to the individuals and organisations ultimately responsible for the decisions, actions, projects and/or programs that they have been consulted about.

**International Association for Public Participation Australasia (IAP2)** - IAP2 is a leading organisation in public engagement practice and has a series of tools which support the delivery of engagement, specifically core values, public participation spectrum, code of ethics for public participation practitioners, and quality assurance standards.

**IAP2 Spectrum of Participation** - defines the level of participation and the public's role in an engagement process ranging from inform, consult, involve, collaborate and empower.

**Municipal District** - means the municipal district of Council.

**Officer** - means a member of Council staff and includes the Chief Executive Officer.

## 18.11 – COMPLAINTS POLICY

**Complaint** - a complaint includes a communication (verbal or written) to Council, which expresses dissatisfaction about:

- the quality of an action, decision or service provided by Council employees or a Council contractor
- a delay by Council employees or a Council contractor in taking an action, making a decision or delivering a service

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- a Policy or decision made by the Council, a Council employee or a Council contractor.

**Complainant** - is the person or entity affected by the action or inaction of Council.

**Council staff or Council employee** - is any person employed by the Council to carry out the functions of the Council, and the Council's Chief Executive Officer.

**Council contractor** - is any third-party engaged by the Council to carry out functions on the Council's behalf.

**The Council** - means the body of elected Councillors.

**Protected Disclosure** - refers to a specific class of complaint (governed by the Protected Interest Disclosure Act 2012) that requires a high level of confidentiality and protection of the complainant.

## 2.4 – CONFIDENTIAL INFORMATION

**Information** - includes letters, reports, documents, facsimiles, attachments, tapes or electronic media and/or other forms of information including verbal.

**Section 89(2) of the Act** specifies that a Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following –

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

**Section 77(2) of the Act** specifies that information is to be considered “confidential” if any of the following circumstances exist -

- For the purposes of this section, information is “confidential information” if –
  - (a) the information was provided to the Council or a special committee in relation to a matter considered by the council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
  - (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
  - (c) subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying

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under section 89(2) of the Act and the Council has not passed a resolution that the information is not confidential.

- Confidential information referred to in sub-section (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless subsection (2)(a) or (2)(b) applies to the information.

Page | 12 Information designated “confidential information” under any of the above circumstances, ceases to be confidential if Council resolves that the information is not confidential.

#### **Confidential information may be derived from -**

- (a) Reports presented to Council or a Committee of Council.
- (b) Commercial in confidence information provided by a third party, contractors or tenderers, joint venture partners and wholly owned subsidiaries of Council.
- (c) Government Departments or Ministers.
- (d) Financial and legal analysis.

### **18.8 – COUNCIL COMMITTEES**

**Agenda** - An agenda sets out the items to be discussed at a meeting.

**Specific Purpose Committee** - Means any committee created for a discrete and specific purpose to review an issue or undertake a project and report back to Council or Chief Executive Officer. This type of committee may also facilitate networking among the membership on a subject of mutual benefit.

**Non-discretionary Committee** - Means any committee created to comply with a statutory obligation.

**Committee of Management** - Means a committee where council has been appointed under the Crown Land (Reserves) Act 1978 to manage a reserve on behalf of the Minister.

**External Committees** - Means a committee established by another entity (not Council).

**Committee Member** - A person appointed to a committee. A committee member could be a Councillor, community member, an organisational representative or an officer (or a combination of these).

**Crown Land Reserve** - Public land that has been set aside for public purposes for the enjoyment and benefit of the people of Victoria under the Crown Land (Reserves) Act 1978.

**Instrument of Delegation** - An instrument, in writing, which delegates certain powers and duties and any restrictions, conditions or exceptions entrusted to a delegate by a delegator.

**Minutes** - Minutes are a written record of what happened at a meeting.

**Terms of Reference** - Terms of reference provide a framework within which a committee operates. Included in the Terms of Reference is information about the purpose and objectives of the committee, appointment of members, meeting frequency, minutes, voting and reporting requirements

### **18.5 – COUNCILLOR EXPENSES AND SUPPORT POLICY**

**Carer** - A carer is defined under section 4 of the Carers recognition Act 2012

**Direct Benefit** - For the purpose of determining if there is a direct benefit for the involvement of Council in assessing if a matter is Eligible Council Business, the following criteria should be satisfied:

- a) The Councillor is attending in their capacity as a Councillor; and
- b) The Councillor will be engaging with other attendees at the event, in their capacity as a Councillor, to promote Council interests.

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**Eligible Council Business** - The following will be deemed to be Eligible Council Business:

- a) Council meetings and other meetings conducted under the auspices of
- b) Standing Committee or Advisory Committee meetings of Council when the Councillor is the nominated representative/substitute or otherwise by approval of the Mayor
- c) Regional meetings where the Councillor claiming reimbursement is Council's endorsed representative and travel is not paid/reimbursed by the regional organisation or meeting convenor
- d) Functions to which Councillors are invited by an organisation and where there is a direct benefit for the involvement of Council (attendance by partners will not be paid for by Council).
- e) Events where a Councillor is delivering a speech or presentation on behalf of Council.
- f) Travel within the Shire by Councillors who are attending sites for the reasonable purpose of assessing issues raised by identified members of the community, as recorded in Councillor's diaries, which are considered reasonable and necessary for Councillors to be informed about matters about which they may need to make decisions.
- g) Meetings by Councillors at the request of identified members of the community, as recorded in Councillor's diaries, which are considered reasonable and necessary for the performance of the Councillor's duties and where travel is within the Shire.
- h) Conferences and seminars approved in accordance with this Policy.
- i) Attendance at Delegated Committee meetings and travel or other out-of pocket expenses (as outlined in this policy) incurred whilst fulfilling the role of Delegated Committee member.

*Note - Any claims for expense reimbursements related to matters falling outside of these definitions must be approved by the CEO.*

**Refreshments** - Tea, coffee, non-alcoholic beverages, and a light meal such as may be considered suitable for morning tea or afternoon tea.

## 4.2 – COUNCIL PROPERTY LEASING

**Lease** - A lease is a right granted by the owner of land to an occupant to have the exclusive use of that land in consideration for a payment, known as rent.

Nature of the interest.

- A lease creates an interest in land. An interest in land is: i) binding on third parties (i.e. if the lessor sells the land the purchaser will take the land subject to the lease); and ii) is, unless the lease specifies to the contrary, capable of being assigned.
- A lease is also a contractual agreement between the landlord and the tenant under which each party has certain contractual obligations.
- Council is prohibited under the Local Government Act 1989 (Vic) from entering into a lease exceeding 50 years.
- "The Local Government Act requires Council must give public notice of its intention to enter into a lease where:
  - the lease term is one year or more; and
  - the rent exceeds \$50,000 per annum; or
  - the current market rental value of the land is in excess of \$50,000 per annum; or
  - the lease term is 10 years or more; or
  - the lease is a building or improving lease (which is a lease that includes the construction of a premises or improvements or the carrying out of major redevelopment works by either party)."

A lease agreement will be generally used where the site is fully occupied for a specific purpose, such as bowls and hockey clubs or where a club has made substantial financial contributions to the development.

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**Licence** - A licence gives the licensee a right to occupy land (not exclusively) which without the licence would be unlawful.

Nature of the interest.

- A licence does not create any interest in the land.
- The rights created by a licence are personal and do not run with the land.
- A licence cannot be assigned unless the other contracting party agrees.
- A licence will terminate where the owner of the land ceases to own the land.

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A licence agreement will apply when an occupier shares a facility or the premises offer the potential for the facility to be shared promoting greater use of Council assets, for example Cressy Neighbourhood House using the Cressy Maternal and Child Health Centre.

**Seasonal Allocation** - A seasonal allocation is an agreement in which a club agrees to occupy a premises in accordance with the terms and conditions of Council's Seasonal Allocation Policy. It will generally relate to a pavilion or sporting ground which may include change rooms, social rooms, kiosks, kitchens, offices and public toilets where used by clubs. It will apply for an occupancy that occurs for a portion of the year and fits within the following seasonal dates set by Council.

Seasonal dates:

- Summer First Saturday in October to second Sunday in March
- Winter First Saturday in April to second Sunday in September

The establishment of these agreements will be in accordance with the seasonal allocation policy and will generally apply to football, cricket and soccer clubs.

The agreements may be in a form of a lease or licence depending on whether the interest satisfies the definition of a lease or licence as set out in paragraph 2.1 and paragraph 2.2 above respectively.

**Asset Value** - The asset value of Council land and buildings is prepared by independent valuers. Council undertakes a formal revaluation of its land and buildings on a regular basis every three years.

## 6.4 – COUNCIL SUPPORT TO NEIGHBOURHOOD HOUSES

**Community** - A group of people living in the same geographic location (locality, township or suburb) and/or a group of people having common interest and needs.

**Neighbourhood House** - Neighbourhood House organisations are known by a variety of names, including Community Houses, Community Centres, Neighbourhood Centres and Learning Centres. The defining attribute and common thread is that they are all not-for-profit organisations which focus on providing generalist activities, programs and services that respond to diverse community needs. Neighbourhood Houses provide a place where members of the community are able to access support, information, learning opportunities and participate in social programs or in the operation and management of the House, as volunteers

## 2.6 – CUSTOMER SERVICE POLICY

**Difficult customer behaviours** - Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse either of a personal or general nature, intimidating, threatening or offensive behaviour, physical violence against property or physical violence against a person.

**Customers who cannot be satisfied and/or who constantly raise the same issue with different staff** - may include any person or groups who do not accept that Council is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action Council has

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taken in relation to their complaint or concern and who continue to make representations to staff insisting, demanding action/attention/resolution to their matter.

**Customers who make unreasonable demands** - Customers who make unreasonable demands include any person whose demands on Council start to significantly and unreasonably divert Council's resources away from core functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.

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## 16.5 – DEBTOR MANAGEMENT AND DEBT RECOVERY

**Rates** - Includes any and/or rates and charges on rateable land as described under Part 8 of the Local Government Act. "Rates" also includes any government imposed charge or levy that Council is required to collect on behalf of the Government.

**Debts and Sundry Debts** - Includes all debts (other than rates) for Council fees and charges

**Debt Owner** - The Manager of the Department or Unit with overall responsibility for the debt. This is generally the Department or Unit which receives the Income.

**Local Laws** - Unit The Local Laws Unit is part of the Environment and Community Safety Department and is responsible for the enforcement of local laws.

**Penalty interest on unpaid debts** - Interest that may be charged on unpaid rates and charges in accordance with section 172 of the Local Government Act.

**Special Scheme** - Construction works such as roads, footpaths or drainage which increases the amenity of the area and, therefore the property value. A Special Scheme can also include Private Works such as connection to the Natural Gas Pipeline. As the property owner receives a financial benefit from the Scheme they contribute towards the cost of the Scheme, which may be paid off over a number of years in quarterly instalments.

## ELECTION PERIOD POLICY

*This policy is captured within the Governance Rules. Council's Governance is treated as a standalone document. Please see this document for definitions.*

## 20.1 – ENVIRONMENTAL SUSTAINABILITY POLICY

**Biodiversity** - The variety of all life forms: the different plants, animals and micro- organisms, the genes they contain and the ecosystems they form. It is a concept that emphasises the inter-relatedness of the biological world. It is often considered at three levels: genetic diversity, species diversity and ecosystem diversity.

**Community engagement** - The involvement of people, businesses and stakeholders in decision making. There is a spectrum of ways in which we can involve people - from informing and consulting them, to collaborating and partnering with them.

**Environmental sustainability** - acting in a way that ensures future generations have the natural resources available to live an equal, if not better, way of life as current generations.

**Integration** - In this context, integration means bringing together multiple, sometimes conflicting, objectives and considerations – as well as time (short and long-term) and space (local, regional, global). It requires an understanding of how different objectives and systems are linked and affect each other.

**Natural resources** - All the resources that are produced by the Earth's natural processes including mineral deposits, fossil fuels, soil, air, water, plants and animals and are used by people for agriculture, industry and other purposes.

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**Quality of life** - The level of enjoyment and fulfilment derived by humans from the life they live within their local economic, cultural, social and environmental conditions.

**Principles** - To determine if a decision or action is likely to make a positive contribution to sustainability, we need a basic understanding of the key considerations or criteria of environmental sustainability. They provide a set of core issues for consideration and broad objectives to be pursued as part of our decisions.

**Waste management hierarchy** - a hierarchy, which sets out an order of preference for how waste should be managed to help achieve the best possible environmental outcomes. From most preferred to least preferred - AVOID; REDUCE; REUSE; RECYCLE; RECOVER; TREAT; DISPOSE.

## 7.4 – EQUAL OPPORTUNITY

**EEO** - Equal Employment Opportunity - means equal access to jobs and benefits and services for all employees, prospective employees and volunteers in the workplace. EEO aims to ensure fair and equitable outcomes in all areas of employment

**Discrimination** - Direct discrimination occurs if an employee is treated less favourably than other employees in the same or similar circumstances on the basis of a prohibited ground of discrimination (sex, age, race, etc). Indirect discrimination occurs where there is a requirement or policy that is the same for all that, on initial examination, appears neutral. However, it has a disproportionate impact on certain groups (such as people of a certain sex or age) and the requirement or policy is not reasonable in the circumstances.

**Positive Duty** - refers to a requirement to take reasonable and proportionate measures to eliminate discrimination, sexual harassment and victimization as far as possible.

## 12.7 – EVENTS IN A PUBLIC PLACE POLICY

**Affected Community** - Owners and/or occupiers of properties in the immediate vicinity, including all the abutting property occupiers to the road/street closure. This also applies to members of the general public who use public spaces.

**Bushfire Management Plan** - A bushfire management plan shows all the bushfire protection measures that will be implemented as part of a development to reduce the risk from bushfire to an acceptable level.

**Emergency Management Plan** – Is a document developed to identify potential emergency conditions and prescribe roles, responsibilities, and procedures to prevent loss of life and property. Emergency Management is concerned with responding to and managing unforeseen emergency incidents.

**Emergency Response Plan** – Is a document that identifies all potential emergency situations and details a set of procedures for responding to each emergency. The document prescribes roles, responsibilities, and procedures to be followed in the event of each emergency situation identified. The document aims to prevent loss of life and property. Emergency Management is concerned with responding to and managing unforeseen emergency incidents.

**Emergency Services** – Organisations that ensure public safety, security, and health by addressing and resolving different emergencies. Including but not limited to:

- Victoria Police
- Country Fire Authority (CFA)
- Fire Rescue Victoria
- State Emergency Service (SES)
- Ambulance Victoria
- Local Hospitals

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**Event** - Any planned activity held on Council owned or managed land where any structure (permanent or temporary), open area, or road, (fenced or unfenced) will contain a number of persons greater than that normally found in that area or location at one time. This activity may affect the amenity of the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground/venue (but does not include a regular, locally focused, and organised sporting competition at a venue built for that sport)
- One off or annual events such as religious meetings held in parks/sporting venues, rock concerts, promotional events
- Live performances and concerts
- Festivals.

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**Event Impact** - Any adverse impact on the amenity of the local area.

**Events Officer** – Officer of Council appointed by the Chief Executive Officer to provide ongoing support for the implementation, development, and assessment of events for approval within the Colac Otway Shire. Oversee the Event in a Public Place permit process, from submission of application up to the issuing of the authorised permit.

**Event Organiser** - Any individual, group or entity who undertakes the planning, control, management and/or implementation of an event.

**Full Road Closure** – An entire road is closed between designated points.

**High Risk Event** - Events that may include but are not limited to one or more of the following considerations:

- High density or large number of participants
- In an isolated or remote location
- Involves a road closure
- Includes food and/or beverages
- Is held on an environmentally sensitive site
- Involves high risk activities or
- Held during a fire danger period

**Notification Process** - The communication method by which approved road closure information detailing the road closure areas and times are distributed to the affected community.

**Notification Area** - Area of identified residents and/or traders who are deemed to be affected by the road closures. The notification area is to include:

- Occupiers of properties whose:
  - Frontage is within the closed section or the proposed detour;
  - Primary/only access is via the closed section;
  - Property is in close proximity to the road closure and therefore could be affected.
- Businesses/services that normally use the closed road as a primary route (or have stops within) including but not limited to:
  - Bus companies;
  - Transport companies;
  - Operators of milk tankers and other large agricultural machinery.

**Partial Road Closure** - a portion of the road width is closed between designated points.

**Private Land** - any land not owned, managed, or occupied by local, state, or federal government.

**Public Spaces** - refers to any outdoor space or land, that is owned or managed by Council for the purpose of public utility or access. This may include parks, playing fields, gardens, reserves, river and creek frontages,

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streets, footpaths, nature strips, roadways, public transport stops and stations. It does not include privately owned land.

**Risk Assessment** –A risk assessment is a systematic process performed by a competent person, which involves identifying, analysing, and controlling possible hazards/risks present in a situation or a place. This decision-making tool aims to determine which measures should be put in place to reduce or mitigate those risks, as well as specifying which of them should be prioritised according to the level of likelihood and impact they have on the community, event participants, environment etc.

**Risk Management Plan** - Identifies all the potential risks that may arise from holding an event, and then lists the steps. Event Organisers will take to reduce or mitigate the identified risks.

**Road Closure (Temporary)** - The temporary closure of a road to public vehicular traffic for a set period as required for the holding, set up and set down of an event.

**Waste Management Plan** – A plan that sets out the anticipated amount and type of waste produced by an event, and outlines strategies to minimise waste. The plan should also identify how waste will be collected, disposed of and how the site will be cleaned during and post operation.

## 12.8 FAIR ACCESS POLICY

**Community Sports Infrastructure** - Council owned-or-managed local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.

**Gender** - How you understand who you are and how you interact with other people. Many people understand their gender as being a man or woman. Some people understand their gender as a mix of these or neither. A person's gender and their expression of their gender can be shown in different ways, such as through behaviour or physical appearance.

**Gender diverse** - An umbrella term for a range of genders expressed in different ways. Gender diverse people use many terms to describe themselves. Language in this area is dynamic, particularly among young people, who are more likely to describe themselves as non-binary.

**Gender equality (1)** - The equal rights, responsibilities and opportunities of women, men and trans and gender-diverse people. Equality does not mean that women, men and trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.

**Gender equity (2)** - The provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender-related imbalances.

**Gender Impact Assessment, or GIA** - A requirement under the Gender Equality Act 2020 to be carried out on policies, programs and services which have a direct and significant impact on the public. The assessment must evaluate the effects that a policy, program or service may have on people of different genders.

**Public land management groups** - For the purposes of this document, are the Committees of Management appointed under the Crown Land (Reserves) Act 1978 and responsible for the management of recreation reserves where community sport training and games are held.

**Transgender, or trans** - Someone whose gender does not only align with the one assigned at birth. Not all trans people will use this term to describe themselves.

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## 18.12 – FLAG POLICY

**Federal Government Australian Flags Booklet** - The protocols for the appropriate use and flying of the Australian flag as published by the Department of Prime Minister and Cabinet. The booklet can be viewed here: <https://www.pmc.gov.au/publications/australian-flags-booklet>

**Ceremonial Flagpoles** - The three flagpoles located outside of Council's Rae Street customer service centre.

**Community Flagpole** - The flagpole to be located outside the main entrance of the Colac Otway Performing Arts and Cultural Centre (COPACC), at 95-97 Gellibrand Street, Colac.

**Flag** - A piece of cloth, typically oblong in shape, attachable by one edge to a pole or rope and used as a symbol or emblem of a country, group or institution.

## FRAUD AND CORRUPTION CONTROL FRAMEWORK

**Fraud** - is dishonest activity causing actual or potential loss to the Council (including theft of money or other property) and where deception is used at the time, immediately before or following the activity. This also includes the deliberate falsification, concealment, destruction or use of (or intention to use) falsified documentation and the improper use of information or position for personal financial benefit.

**Corruption** - is dishonest activity in which a person to whom the framework applies acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity or to disadvantage Council.

**Disclosure** – is a report, made by an individual or group, about improper conduct or detrimental action of Councillors, employees, contractors, sub-contractors, consultants, temporary employees, persons employed through a third party agency and volunteers. The conduct may have occurred in the past, is currently occurring or may happen in future. It is not a disclosure if the complaint or allegation is already in the public domain.

**Fraud and Corruption Control Framework** – the process of planning, organising leading and controlling activity, in order to direct and control the organisation with regard to the implementation of anti-fraud and anti-corruption strategies.

**Improper Conduct** – at its lowest threshold level, is either criminal or serious enough to result in a person's dismissal. It may include taking or offering bribes, dishonestly using influence, committing fraud, theft, misusing information or material acquired at work, conspiring or attempting to engage in the above corrupt activity. It can also arise from the inaction of an individual or group

## 18.9 – GIFTS BENEFITS AND HOSPITALITY

**Benefits** - Benefits include preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs or promises of a new job. The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.

**Bribe** - A bribe is an offer of money or other inducement made to influence a person in the performance of their duties.

**Business Associate** - An individual or body that the public sector organisation has, or plans to establish, some form of business relationship with, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.

**Ceremonial Gifts** - Ceremonial gifts are official gifts provided as part of the culture and practices of communities and government, within Australia or internationally. Ceremonial gifts are usually provided when

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conducting business with official delegates or representatives from another organisation, community or foreign government. Ceremonial gifts are the property of the public sector organisation, irrespective of value

**Client** - A customer or someone who receives services.

**Gifts** - Gifts are free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers), consumables (e.g. bottle of wine) and services (e.g. painting and repairs). The transfer of any type of property, or property entitlement, from one person to another that isn't paid for (in whatever way) at its full monetary value is a gift.

**Hospitality** - Hospitality is the friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation. Hospitality is required to be declared if valued at \$50 or more. Hospitality valued at \$50 or more should not be accepted, unless:

- it is of a standard and type that an independent observer would consider appropriate and not excessive; and
- it clear that you are attending the function or event as part of your duty and role at the Council (ie. legitimate business benefit).

**Legitimate business benefit** - A gift, benefit or hospitality may have a legitimate business benefit if it furthers the conduct of official business or other legitimate goals of Council.

## 6.1 – GRANTS, CONTRIBUTIONS AND SPONSORSHIP POLICY

**Contribution** – A contribution is a monetary payment made by Council to an organisation or received by Council that assists in meeting Colac Otway Shire Council's strategic goals and objectives.

**Non-Financial Contribution** – A non-financial contribution is the provision of a Council service, product, or facility, free of charge or at a subsidised rate. A non-financial contribution of goods or services may also be received by Council. Any non-financial contribution received or provided may be subject to eligibility criteria and shall meet Colac Otway Shire's strategic goals and objectives.

**Grant** – A grant is a payment received by Council, or a payment made by Council to an independent organisation or individual for a specific purpose or project that demonstrates community benefit and assists in meeting Colac Otway Shire Council's strategic goals and objectives. Grants are subject to an application process and generally are distributed among a range of individuals, organisations or groups.

**Sponsorship** – Sponsorship is provided or received in exchange for a negotiated mutual benefit that meets the Colac Otway Shire Council's strategic goals and objectives. A sponsorship can be of a financial or non-financial nature.

## 18.2 – INFORMATION PRIVACY

**Personal Information** - means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

**Health Information** - means information or an opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual.

**IPPs** – Information Privacy Principles. A set of principles that regulate the handling of personal information.

**HPPs – Health Privacy Principles** - A set of principles that regulate the handling of health information.

**Sensitive Information** - Personal information or an opinion about an individual's:

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- race or ethnic origin;
- political opinion;
- membership of a political association;
- religious beliefs or affiliations;
- philosophical beliefs;
- membership of a professional trade association;
- membership of a trade union;
- sexual preferences or practice; or
- criminal record

### 18.13 – LIVESTREAMING AND RECORDING OF COUNCIL AND COMMITTEE MEETINGS

**Audio Recording** - any recording made by any electronic device capable of recording sound. This includes, but is not limited to, recordings made by video camera, cassette recorder, digital audio tape, mobile phone or such other device capable of being used to record a conversation or words spoken.

**Chair** – person presiding over the meeting

**Confidential meetings** - a Meeting of Council which has been closed to members of the public in accordance with Section 66(2) of the Local Government Act 2020.

**Exceptional Circumstances** – a circumstance where there is:

- a risk or threat to public health and safety;
- a threat of violence or aggression by one or more people attending the Council Meeting against others;
- unlawful conduct by an attendee of the Council Meeting;
- significant disruption of the Council Meeting by the conduct of an attendee; and/or
- a reputational risk to the Council.

**Inappropriate Information** – information which amounts to, or could be perceived to amount to:

- defamation;
- infringement of copyright;
- breach of privacy;
- offensive behaviour including discrimination;
- vilification or inciting hatred;
- confidential or privileged; or
- misleading.

**Live streaming** – a live transmission of an event over the internet.

**Recording** – Video footage of a Council or Committee meeting that is open to the public.

**Committee Meeting** – a Planning Committee meeting or Submissions Committee meeting as constituted by Council under Section 63 of the Local Government Act 2020 and the Submissions Committee Terms of Reference (available on Council's website.)

### 6.6 – MEMORIAL AND PLAQUES POLICY

**Memorial** - An object established in memory of a person, association, anniversary or event and includes a monument.

**Open Space** - Open space refers to all land owned and/or managed by Council that is zoned Public Park and Recreation Zone or Public Conservation Resource Zone and is available for public access.

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**Plaque** - flat tablet of metal, stone or other material which includes text or images which commemorate a person, event or historical information relative to the location or public artwork of significance.

**Public Place** - Public Place refers to road reserves, municipal buildings, streetscapes and other council lands that are owned and/or managed by Council.

### 13.11 – NATURE STRIP PLANTING POLICY

**Biodiversity** - The variety of all life forms: the different plants, animals and micro- organisms, the genes they contain and the ecosystems they form It is a concept that emphasises the inter-relatedness of the biological world It is often considered at three levels: genetic diversity, species diversity and ecosystem diversity.

**Environmental sustainability** - Acting in a way that ensures future generations have the natural resources available to live an equal, if not better, way of life as current generations.

**Nature strip** - The nature strip is the area of public land between the property boundary and the road kerb. It does not include the footpath, kerb or driveway.

**Street tree** - Trees situated within, or selected and planted by Council within, the road reserve. Street trees are under the management of Council.

**Water Sensitive Urban Design** - A land planning approach based on scientific analysis and engineering design which integrates the urban water cycle (including the management of stormwater, groundwater, wastewater and drinking (potable) water supply into urban design to minimise environmental degradation and improve aesthetic and recreational appeal

### 12.4 – PLAQUES AND MEMORIALS IN COLAC BOTANIC GARDENS

**Plaque** – a small brass naming plate of dimensions up to 15cm x 15cm.

**Ashes** – the physical remains following cremation of a person. Note this policy also applies to the distribution of animal ashes.

### 12.3 PLAYGROUND MAINTENANCE AND IMPROVEMENT

**Playgrounds** - Refers to the playgrounds and skateparks currently owned, maintained and managed by Council and playgrounds managed through formal agreements (such as coastal committee of management)

### 3.5 – PROCUREMENT POLICY

**Authorising Officer** - means a Colac Otway Shire Council employee who has a formal sub-delegation from the Chief Executive Officer and is authorised to enter contracts and approve expenditure on behalf of Council within a specific monetary limit.

**CEO Delegation** - means the financial delegation of the Chief Executive Officer as approved by Council.

**Claim** - includes any claim, action, demand or proceeding by the Supplier against Council, whether under or arising out of the Contract or otherwise.

**Collaborative Procurement** - means a contract established by a council, government or a nominated agent, aggregator or other approved entity, for the benefit of multiple state, federal and/or local government entities and that achieves value for money by leveraging combined economies of scale.

**Contract** - means an agreement between two or more authorised persons on behalf of their organisations to perform or not perform a specific act/s that is enforceable in law. A contract may be verbal or written or inferred by conduct. Contracts subject to this policy relate to agreements between Council and another party who has agreed to provide goods or services to Council or undertake works on behalf of Council

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**Contract Management** - means the process that ensures all parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the contract objectives and provide value for money.

**Contract Manager** – see Superintendent

**Contract Supervisor** – see Superintendent

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**Contracted Supplier Panel List** - means a list of suppliers that have been appointed for the supply of goods and/or services following a public Tender process undertaken by Council.

**Emergency** - means a sudden or unexpected event which constitutes a risk to life or property requiring immediate action, and which may require the immediate procurement of goods/services/works to provide relief, business continuity or public safety.

- (a) An earthquake, flood, windstorm or other natural event;
- (b) A fire;
- (c) An explosion;
- (d) A road accident or any other accident;
- (e) A plague or an epidemic or contamination;
- (f) A warlike act or act of terrorism, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth;
- (g) A hi-jack, siege or riot; and
- (h) A disruption to an essential service.

**Expression of Interest (EOI)** - means an invitation for interested persons to provide information for the provision of the goods, services and works which are generally set out in the overview of requirements contained in a document. An Expression of Interest is not an offer or a contract. An EOI can be part of a multi-stage tendering process.

**Evaluation Criteria** - means the criteria that are used to evaluate the compliance and/or relative ranking of proposals. Evaluation criteria must be clearly stated in the request for tender.

**GROW G21** - is an initiative established by the G21 Geelong Region Alliance built on the collective impact model, we bring together individuals, community organisations, businesses, and government to address entrenched disadvantage through employment.

**Goods, Services or Works** - means the deliverable(s) the preferred Invitee will be required to provide to Council, once the conditions of contract have been agreed between the preferred Invitee and Council.

**Grant** - means a sum of money given by Colac Otway Shire Council to an eligible recipient (grantee) for a particular purpose following an application and assessment process.

**Indigenous Procurement** - means purchasing from a business that is owned and operated by an Aboriginal or Torres Strait Islander person(s).

**Invitee** - means a company, person or entity (including representatives) which submits a tender or quote; and includes, where the context permits, prospective Invitees and other recipients of the request for tender or request for quote.

**Local Content** - means the labour, materials, plant and supervision that is sourced from within Colac Otway Shire.

**Market Engagement Method** - means the market mechanism for the procurement of goods, services or works.

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**MAV Contracts** - means the Municipal Association of Victoria. These contracts are created through the Municipal Association of Victoria, for the supply of goods and services.

**Negotiation** - means a process of arriving at an agreement on the conditions of a contract, through discussion between Council and tenderer/tenderers.

**PA Contracts** - means Procurement Australia contracts. These contracts are created through Procurement Australia, for the supply of goods.

**Probity** - within local government, the term “probity” is often used in a general sense to mean “good process”. A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with Council’s policies and legislation are established, understood, and followed from the outset.

**Probity Advisor** - ensures process compliance and helps ensure high standards of probity in the conduct of the procurement activity.

**Probity Auditor** - means an independent scrutiny after completion of a procurement process and expresses an objective opinion to whether the probity principles and standards were adhered to.

**Procurement** - means the process involving all activities following the decision that a good or service is required. It involves the acquisition of goods and services and the disposal of goods.

**Procurement Plan** - means a document prepared prior to commencing a procurement process (having consideration to the objectives, complexities and expected contract value) to detail the intended process to be followed throughout the approach to market; including but not limited to the criteria by which submissions will be evaluated.

**Public Tender Process** - means the process of inviting parties via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with pre-determined evaluation criteria.

**Request for Quotation (RFQ)** - means the process of inviting parties to submit a quotation followed by the evaluation of submissions and selection of a successful bidder.

**Request for Tender (RFT)** - means the process of inviting parties via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with pre-determined evaluation criteria.

**Requisitioning Officer** - means a Colac Otway Shire Council employee who has system access to raise a purchase requisition. This employee will not necessarily have purchasing authority, in which case, the requisition, and associated documentation is forwarded to an Authorising Officer for consideration.

**Select Tender** - means an approach to market which is directed to a select group of suppliers who are invited to submit a tender proposal. This process may follow an Expression of Interest.

**Superintendent** - means the Council Officer or person appointed to perform the role of the Contract Manager, Superintendent or Contract Supervisor

**Supplier** - means an external person or organisation from which goods, services and works are purchased, on behalf of Council, and in accordance with contractual obligations.

**Sustainable Procurement** - means a strategic approach to meeting social, economic and environmental objectives by using procurement processes and purchasing power to generate positive social and environmental outcomes in addition to the delivery of efficient goods, services and works.

**Value for Money** - means the achievement of a desired procurement outcome at the best possible price, not necessarily the lowest price, based on a balanced judgement of financial and non-financial factors relevant to the procurement.

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**Variation** - means any direction by the Superintendent to change the goods, services or works under contract, and generally results in deliverables, outputs, methodology or timeframes that differ from those in the contract. Note that claims by the supplier are considered to be different to variations.

## 18.14 – PUBLIC TRANSPARENCY POLICY

**Closed Meeting** - means a Meeting that is closed to members of the public.

**Community** - means the residents and ratepayers of, and visitors to, the Municipal District and may, depending on the context, refer to all of those people or to particular subsets of those people.

**Confidential Information** - means confidential information as defined in section 3(1) of the Act.

**Council Information** - means all documents and other information held by Council.

**Council Offices** - means the offices of Council located at 2-6 Rae Street, Colac and 100 Great Ocean Road, Apollo Bay

**Council Website** - means Council's website at [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

**Governance Rules** - means the governance rules adopted by Council under section 60 of the Act, as amended from time to time.

**Health Information** - means health information as defined in section 3(1) of the Health Records Act 2001.

**Meeting** - means a meeting of Council or a Delegated Committee.

**Municipal District** - means the municipal district of Council.

**Officer** - means a member of Council staff and includes the Chief Executive Officer.

**Personal Information** - means personal information as defined in section 3(1) of the Privacy and Data Protection Act 2014.

**Public Transparency Principles** - means the public transparency principles set out in section 58 of the Act and reproduced in Part 6 of this Policy.

**Requestor** - means a person making a request to access Council Information under and in accordance with this Policy

## 11.1 – RATES ASSISTANCE TO COMMUNITY GROUPS

**Group** - is defined as a club or group that exists for the purpose of providing a service or recreational activity for the enjoyment and benefit of the community.

**Emergency/disaster event** - is defined as any event for which an Incident Control Centre (ICC) has been formally established.

**Hardship** - is defined as being a situation where the viability and existence of the group is threatened by the financial situation of the group.

**Significant benefit to the community** - is defined as being a benefit that could be experienced or enjoyed by many members of the community (i.e.: not just a select few).

## 12.1 – RECREATION RESERVE FEES AND CHARGES

**Regular User Group** - refers to a body of people united for sporting or recreation purposes including sports clubs, community organisations, sport associations and other groups that have an agreement with Council permitting use of the nominated Colac City Reserve or an agreement with the Committee of Management for

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the use of the Regional Recreation Reserve. Typically a regular user group is based at the nominated ground for a specific season.

**Casual Hirer** - refers to a body of people united for sporting or recreation purposes for one-off or irregular use that have a Casual Hire Agreement with Council for City Reserve use and with the Committee of Management for the Regional Recreation Reserve use.

**City** - refers to the Colac township.

**Committee of Management** - refers to the governance structure for Regional Recreation Reserves to manage the Regional Recreation Reserves.

**Recreation Reserve** - refers to the nominated sports ground as detailed in the agreement.

**Facilities** - refers to the clubroom or other infrastructure at the Recreation Reserve which is made available for use to the regular user group and casual hirers as per the agreement.

## RISK MANAGEMENT FRAMEWORK

**Communication and consultation** - Continual and iterative processes that an organisation conducts to provide, share or obtain information and to engage in dialogue with stakeholders regarding the management of risk.

**Consequences** - Outcome of an event affecting the objectives. A consequence can be certain or uncertain and can have positive or negative direct or indirect effects on objectives.

**Control** - Measure that maintains and or modifies risk. Controls are not limited to, any process, policy, device, practice or other conditions and or actions which maintain and or modify risk. Controls may not always exert the intended or assumed modifying effect.

**Establishing the context** - Defining the external and internal parameters to be considered when managing risk and setting the scope and risk criteria for the risk management policy.

**Event** - Occurrence or change of a set of circumstances. An event can have one or more occurrences and can have several causes and several consequences.

**External context** - External environment in which the organisation seeks to achieve its objectives.

**Internal context** - Internal environment in which the organisation seeks to achieve its objectives.

**Level of risk** - Magnitude of a risk or combination of risks expressed in terms of the combination of consequences and their likelihood.

**Likelihood** - Chance of something happening.

**Monitoring** - Continual checking; supervising, critically observing or determining the status to identify change from the performance level required or expected.

**Residual risk** - Risk remaining after risk treatment.

**Review** - Activity undertaken to determine the suitability, adequacy and effectiveness of the subject to achieve established objectives.

**Risk** - Effect of uncertainty on objectives. An effect is a deviation from the expected. It can be positive, negative, or both and can address, create or result in opportunities or threats.

**Risk analysis** - Process to comprehend the nature of risk and to determine the level of risk.

**Risk assessment** - Overall process of risk identification, risk analysis and risk evaluation.

**Risk attitude** - Organisation's approach to assessing and eventually pursuing, retaining, taking or turning away from risk.

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**Risk criteria** - Terms of reference against which the significance of a risk is evaluated.

**Risk evaluation** - Process of comparing the results of risk analysis with the risk criteria to determine whether the risk and/or its magnitude are acceptable or tolerable.

**Risk identification** - Process of finding, recognising and describing risks.

**Risk management** - Coordinated activities to direct and control an organisation in relation to risk.

**Risk management plan** - Scheme within the risk management framework specifying the approach, components and resources to be applied to the management of risk.

**Risk management process** - Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

**Risk owner** - Person or entity with the accountability and authority to manage a risk.

**Risk profile** - Description of any set of risks.

**Risk source** - Element which, either alone or in combination, has the potential to give rise to risk.

**Risk treatment** - Process to modify a risk.

**Stakeholder** - Person or organisation that can affect, be affected by or perceive themselves to be affected by a decision or activity. The term interested party can be used as an alternative to stakeholder

### 11.3 SPECIAL RATES AND CHARGES

**Arterial Road** - Principal route in road network carrying high traffic volumes and a high proportion of through traffic and declared as such by VicRoads.

**Collector Road** - Route which collects and distributes traffic from a precinct.

**Community Benefit** - Exist where there is a tangible and direct benefits to the people in the community.(Not all Schemes have Community Benefits)

**Community Reference Panel** - Group of nominated residents to represent the interests of parties affected by the proposed scheme

**Construction** - New works providing an asset which the public has previously not had access to or over

**Easement Drain** - Drainage usually provided at the rear of the properties located on the low side of a road constructed within an easement set aside for drainage on title. Concentrated runoff from roof and balance of property is connected to this drain

**Govt Rd/Private St** - Generally as set out on parish plans of subdivisions respectively, however in the context of these guidelines there is no distinction between these two categories

**Local Precinct** - An area characterised by its own local identity and boundaries eg. residential, commercial, industrial.

**Local Road** - Route specifically to serve a small number of residential (or commercial/industrial) properties. Predominantly used by abutting property owners.

**Main Drain** - Principal drainage route serving a catchment or part catchment into which street and easement drainage is discharged either directly or indirectly

**Maintenance** - All works necessary to ensure that previous construction either in full or part is kept in a useable, safe condition.

**Outfall Structure** - Drainage Works at confluence of main drain with outlet eg. river, lake, bay, water course.

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**Special Benefit** - Means a tangible benefit (including direct services, identifiable improvements in physical and environmental amenity, and improved safety and economic benefits), over and above that available to persons who are not the subject of the Special Charge.

**Street Drainage** - Drainage provided which is necessary to drain the street and into which adjoining properties may be connected.

Page | 28 **Subdivision Road** - Road established through the process of Subdivision. It may serve residential, commercial and industrial areas.

**Street** - Alternative term for road

## 13.6 STREET TREE MAINTENANCE

**Tree** - A woody plant that can be expected to exceed five (5) meters in height under normal growth conditions, typically with a single, dominant stem (trunk).

**Shrub** - A woody plant that would not be expected to exceed five (5) meters in height under normal growth conditions.

**Pruning** - The intentional removal of parts of a plant to improve its form or function.

**Street tree** - A tree growing within the road reserve, including nature strips, separators and medians.

**Street landscape** – includes trees, shrubs, or other plants included in nature strips which provide a continuum of connected green streets linking public parklands and private spaces throughout the urban environment.

**Environmental Weed** --Plants that invade native vegetation, usually adversely affecting regeneration and survival of the indigenous flora and fauna. They can be exotic plants, or plants that do not naturally grow in the area.

**AS 4373** - Australian Standard 4373 - Pruning of Amenity Trees

## 6.5 TEMPORARY NAMING OF SPORTS GROUNDS

**Base Name** - is a consistent name over the feature's lifespan, particularly when the private sponsorship name may change.

**Naming Rights** – The commercial rights that are afforded the sponsor.

**Sports Grounds** – Council managed land where structured sport is played, specifically the playing surface and may include ovals, courts considered to be captured in the field of play.

**Top Tier Sponsor** – The sponsor providing the greatest benefit to the club.

## 12.5 USE OF THE OLD BEECHY RAIL TRAIL BY RECREATIONAL VEHICLES

**Vehicle** - is defined as a land-based motorised device that is designed or used to transport people or cargo.

**Recreational vehicles** - on the trail are considered to be all vehicles other than emergency vehicles, maintenance vehicles or inspection vehicles.

**Emergency vehicles** - include Police, Fire, SES or ambulances.

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