



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

AGENDA

Wednesday 24 June 2020

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 22 July 2020



COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 24 June 2020

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 24 June 2020 at 4:00 pm.

AGENDA

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 PRESENT

3 APOLOGIES AND LEAVES OF ABSENCE

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

Please note: All Council and Committee meetings will be audio recorded and live streamed, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in Local Law 4, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

In response to the COVID-19 pandemic and in accordance with the Stay Safe and Restricted Activities Directions issued by the Chief Health Officer of Victoria that are in place at the time of publication,

Council advises only Councillors and Council staff are permitted to attend the Ordinary Council meeting. Strict hygiene and social distancing measures will be in place.

Please note, the current State of Emergency remains until 11.59pm, 21 June 2020. If an easing of relevant restrictions occurs at that time and Council is able to physically open the Ordinary Council meeting to the public, further details will be advised via Council's communication channels.

5 QUESTION TIME

Colac Otway Shire encourages community input and integral to this is the opportunity provided to ask questions at Council Meetings. A maximum of 30 minutes is usually allowed for question time however, in response to the COVID-19 pandemic and in accordance with the relevant Directions issued by the Chief Health Officer of Victoria that are in place at the time of publication, only those people who are working are permitted to attend this Ordinary Council Meeting. Only Councillors and Council staff will be permitted to attend this Ordinary Council Meeting.

Questions and responses to questions that are submitted in writing by 5pm of the Monday preceding this Ordinary Council Meeting will be included in the minutes of this meeting.

6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

These responses will not be read out but will be included in the minutes of this meeting.

7 PETITIONS / JOINT LETTERS

CLIMATE AND BIODIVERSITY EMERGENCY

A petition containing 3,249 signatures requesting that Colac Otway Shire Council consider three recommendations for local action on climate change was submitted to Council on behalf of petition signatories and the Climate Action Team and tabled at the February 2020 Ordinary Council Meeting at which Council resolved:

That Council consider its response to the Climate and Biodiversity Emergency Petition at the Ordinary Council Meeting scheduled to be held in Colac on 22 April 2020.

Since the February Ordinary Council Meeting, a State of Emergency was declared in Victoria due the COVID-19 pandemic. A series of Directions from the Chief Health Officer has since placed significant restrictions on the movement of people, enforceable by law. As a result of the COVID-19 pandemic, Council further resolved at its April Ordinary Council Meeting:

That Council further defer its consideration of the Climate and Biodiversity Emergency Petition, tabled at the February 2020 Ordinary Council Meeting, to a future Ordinary or Special Council Meeting, the date of which is to be determined once restrictions on the movement of people have been withdrawn by the State Government, such that Council business can be conducted with the resumption of full community participation.

As the COVID-19 pandemic restrictions are ongoing and in the interests of expedient decision-making, the following recommendation is made to Council:

RECOMMENDATION

That Council considers its response to the Climate and Biodiversity Emergency Petition at the July 2020 Ordinary Council Meeting, regardless of the COVID-19 pandemic restrictions on the movement of people, yet in accordance with the limitations of the relevant Directions of the Chief Health Officer on that date.

TRAFFIC MANAGEMENT IN OLD COACH ROAD, SKENES CREEK

A petition from 84 people requesting that Council convene a meeting of residents regarding traffic management in Old Coach Road, Skenes Creek was tabled at the April 2020 Ordinary Council Meeting at which Council resolved:

That Council consider its response to the petition regarding traffic management on Old Coach Road, Skenes Creek at a future Ordinary Council Meeting, the date of which will be determined when the COVID-19 pandemic has eased and the restrictions on the movement of people have been withdrawn by the State Government.

Officers have been working with the petition organiser and local representatives to explore options for addressing the reported issues of speeding and increased traffic currently using Old Coach Road as an alternative route. A road closure, using gates, is currently being discussed with accompanying ‘No Through Road’ signage as well as updates to GPS route mapping to redirect traffic onto Skenes Creek Road. Further consultation is required with Barwon Water and traffic counts will be conducted in July to further inform and support this approach. The petition organiser is supportive of this approach and process and is aware that officers intend to present a report to Council at the August Ordinary Council Meeting for consideration. In accordance with this, and as the COVID-19 pandemic restrictions are ongoing, and in the interests of expedient decision-making, the following recommendation is made to Council:

RECOMMENDATION

That Council considers its response to the petition regarding traffic management in Old Coach Road, Skenes Creek the at the August 2020 Ordinary Council Meeting, regardless of the COVID-19 pandemic restrictions on the movement of people, yet in accordance with the limitations of the relevant Directions of the Chief Health Officer on that date.

COLAC INDOOR SPORTS CENTRE

A petition from 1030 people regarding the Colac Indoor Sports Centre was tabled at the April 2020 Ordinary Council Meeting at which Council resolved:

That Council consider its response to the petition regarding the Colac Indoor Sports Centre at a future Ordinary Council Meeting, the date of which will be determined when the COVID-19 pandemic has eased and the restrictions on the movement of people have been withdrawn by the State Government.

As the COVID-19 pandemic restrictions are ongoing and in the interests of expedient decision-making, the following recommendation is made to Council:

RECOMMENDATION

That Council considers its response to the petition regarding the Colac Indoor Sports Centre at the July 2020 Ordinary Council Meeting, regardless of the COVID-19 pandemic restrictions on the movement of people, yet in accordance with the limitations of the relevant Directions of the Chief Health Officer on that date.

8 DECLARATIONS OF INTEREST

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

9 CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on 27 May 2020.**

RECOMMENDATION

That Council confirm the minutes of the Ordinary Council Meeting held on 27 May 2020.

Item: 10.1

Apollo Bay Indoor Pool - Request for Additional Funds

OFFICER	Lucy Vesey
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	Nil
PURPOSE	To respond to a request from the Apollo Bay P-12 College School Council (the school) for the reimbursement of funds the school have expended on the conversion of the current outdoor pool into an indoor facility.

1. EXECUTIVE SUMMARY

At the Ordinary Meeting of the Colac Otway Shire, 28 March 2018, a resolution was passed to negotiate a new funding agreement for the Apollo Bay Pool that confirmed an ongoing operational funding commitment from Council of \$200,000 annually should the facility be upgraded to an indoor aquatic venue. The resolution outlined a number of conditions of Council's contribution to be included in the agreement and for the final agreement to be brought back to Council for adoption.

A Deed of Termination for the previous Joint Use Agreement (2009) and a new Funding Agreement was negotiated and executed as of 14 January 2020. Under the new funding agreement, Colac Otway Shire Council do not have any further obligation to the facility other than the annual operational commitment. Further operational costs, capital investment and renewal will be the responsibility of the Department of Education and the School Council.

In February 2020, the Apollo Bay P-12 College (the School) and the Apollo Bay Aquatic Centre Committee (the Committee) made a request to Council Officers for additional funding to complete outstanding capital works for the construction of the indoor pool. In March 2020 the School and the Committee presented to a Council Briefing Session to request both immediate funding and the repayment to the School Council of additional funding that it has been contributed to the project.

At the Ordinary Meeting of the Colac Otway Shire, 22 April 2020, a resolution was passed to support the immediate additional funding request for \$135,211 to assist with the completion of capital works outstanding to complete the project. The additional longer-term funding request to repay the School

Council up to the maximum amount of \$100,000 over 5 years at \$20,000 per year from the operational budget, was deferred pending a further report from Council regarding specifically the school's contribution and how it relates to this project.

Officers are recommending that a total of \$75,000 be repaid to the School Council over a five-year period.

2. RECOMMENDATION

That in response to the request by the Apollo Bay P-12 School for additional funding, being for Capital Works, for the Apollo Bay Aquatic Centre Project, the Council prepare an addendum to the current Apollo Bay Aquatic Centre Funding Agreement, outlining exemptions to the Agreement for execution by the Parties (Apollo Bay P-12 College Council and Colac Otway Shire), specifically:

- 1. Council agrees that a total of \$75,000, being \$15,000 per year from the annual \$200,000 operational funding commitment, for a period of 5 years commencing in 2021/2022, be used to repay the School for its additional capital funding toward the project.*
- 2. following the final repayment, Council's annual operational contribution must be spent in accordance with the Funding Agreement terms and cannot be used for the purposes of capital works, now or in the future.*

3. KEY INFORMATION

HISTORY

A brief history of the matter of the Apollo Bay Indoor Pool request for additional funding is as follows:

- The project of heating and enclosing the Apollo Bay pool has a history dating back some 20 years and is a very important one for the Apollo Bay and coastal community.
- In 2013 Council resolved that it would not contribute toward the capital cost of the project but would contribute toward the annual operational costs.
- In 2018 the Council resolved that it would contribute \$200,000 per annum toward the operational costs once the pool upgrade project was completed.
- The Apollo Bay community set about raising funds and successfully did so by securing significant community contributions as well as School Council, State Government and Federal Government funding.
- The Apollo Bay P 12 College (the School) and the Apollo Bay Aquatic Centre Committee (the Committee) have been managing the project which is designed to heat and enclose the existing outdoor pool.
- It became apparent to the project managers that the funds available were not sufficient to complete the project due to latent conditions. These conditions included pool supply pipework that was never built even to cold water standard and which would not be able to serve a heated pool.
- The original estimate for the project was \$706,000 excluding GST.
- The revised project cost is \$924,389 excluding GST.

- The School and the Committee approached Council Officers in February 2020 to request additional funding from Council to help pay for capital works.
- In March 2020 the School and the Committee presented to a Council Briefing Session to request additional funding from Council to help pay for capital works.
- There was disagreement between Council Officers and the School and the Committee regarding the nature of the works. Officers were and are of the view that the works are capital whereas the School and the Committee see the works as maintenance. This is important because the existing Council resolution and terms of the executed Funding Agreement state that Council will not fund capital works.
- The School and the Committee provided information to Council which requested both immediate funding and the repayment to the School Council of additional funding that it has contributed.
- At the April Council Meeting, a motion was passed to support the immediate additional funding request is for \$135,211 which will be funded from the operational funding set aside in the 2019/2020 budget (\$85,000) and the future 2020/2021 operational budget (\$50,211 of the total \$200,000 committed funding).
- The additional longer-term funding request to repay the School Council up to the maximum amount of \$100,000 over 5 years at \$20,000 per year from the operational budget, was deferred pending a further report from Council regarding specifically the school's contribution and how it relates to this project.
- In effect, the request for additional funding can be met without additional cash flow from Council but it would require Council to agree to fund capital works from the existing operational contribution of \$200,000.

COUNCIL MOTIONS – APRIL 2020

Two motions were passed at the April Council meeting in relation to this matter, these are detailed below:

Motion 1

That in response to the request by the Apollo Bay Aquatic Centre Committee and the Apollo Bay P-12 School for additional funding, being for Capital Works, for the Apollo Bay Aquatic Centre Project, the Council prepare an addendum to the current Apollo Bay Aquatic Centre Funding Agreement, outlining exemptions to the Agreement for execution by the Parties (Apollo Bay P-12 College Council and Colac Otway Shire), specifically:

1. *Colac Otway Shire Council (Council) agrees to the immediate release of the committed \$85,000 from the 2019/20 budget to the Apollo Bay P-12 College Council (School) for the purpose of funding remaining capital works;*
2. *Council agrees to the immediate and early release of \$50,211 from the 2020/2021 operational funds for the purpose of funding capital works; and*
3. *That the CEO ensures that the funding was to be spent on capital works only.*

Motion 2

1. *That the issue of any reimbursement, up to a maximum of \$100,000, to the school of monies already spent be deferred pending a further report from Council regarding specifically the school's contribution and how it relates to this project.*
2. *With the exception of point 1,*
 - a. *Council will not commit any further funds toward capital works at the Apollo Bay Aquatic Centre, now or in the future, other than as outlined in the clauses above; and*
 - b. *Council will not commit any further funds to the operation of the Apollo Bay Aquatic Centre, now or in the future, other than in accordance with the terms above and the terms of the Funding Agreement.*

REQUEST FOR COUNCIL FUNDING

It became apparent to the project managers that the funds available were not sufficient to complete the project due to latent conditions. These conditions included pool supply pipework that was never built even to cold water standard and which would not be able to serve a heated pool.

The additional funding requested put to Council in March is for works that the School has assessed as non-capital items. The larger items within this claim relate to the pipes that required replacement, painting of the pool for ongoing durability and repairs to the concourse largely as a result of having to replace the pipes.

The school considers these works to be 'maintenance' costs and therefore justifiable under the current Funding Agreement terms. In the view of Council Officers, the Funding Agreement definitions and clauses confirm that the works, except for pool painting, are considered a capital cost and therefore the request must be considered separate to the Agreement.

Council had an obligation under the previous agreement to provide an annual 2% (of its former contribution) per annum towards a Capital Reserve Fund managed by the School. Council has paid this commitment (\$8000 approx.) annually. Council also had an obligation to contribute 40% of the costs of 'minor maintenance' and 'major maintenance'. As many of the works do not fall into the category of maintenance, the funds now requested cannot be considered under any prior or outstanding obligation by Council.

At the April Council Meeting, a motion was passed to support the immediate additional funding request for \$135,211 which will be funded from the operational funding set aside in the 2019/2020 budget (\$85,000) and the future 2020/2021 operational budget (\$50,211 of the total \$200,000 committed funding).

The additional longer-term funding request to repay the School Council up to the maximum amount of \$100,000 over 5 years at \$20,000 per year from the operational budget, was deferred pending a further report from Council.

The School's financial contribution specifically relating to this project is as follows:

Item	Amount (Excl. GST)	Comments
Completed works to date paid for by the School		
1. Pool heating installation	\$45,455	Invoice total: \$82,790.00 (Excl. GST). The Committee contributed the remaining \$37,335.45.
2. Deposit for air handling system	\$8,206.97	
3. Pool works: <ul style="list-style-type: none"> • Excavation & removal of existing pipework • Core drill & preparation of pool shell • Pool water supply works <ul style="list-style-type: none"> ○ Waterproofing ○ Water & pipe connections ○ Backfilling & levelling soil 	\$46,948.93	
Total spent to date	\$100,610.90	

Copies of the invoices paid to date by the School are provided in the confidential attachments to this report.

Along with the contributions to date, the School has committed an additional \$50,000 towards remaining pool works to ensure the project's completion. The remaining works and associated costs are as follows:

Item	Amount (Excl. GST)	Comments
Remaining works		
1. Additional pool works <ul style="list-style-type: none"> • Plumbing • Coping • Tiling • Caulking • Pool painting 	\$63,362.89	Quote total: \$110,311.82 (Excl. GST). A total of \$46,948.93 has already been paid from this invoice by the school, please see item 3
2. Additional pool works: <ul style="list-style-type: none"> • Replacement of finger grip tiles • Grinding of pool shell 	\$36,460.00	
Total of remaining works	\$99,822.89	School commitment of \$50,000 Council provided funds (from the allocation of \$135,211) to fund amount outstanding.

Copies of the quotes for pool works outstanding are provided in the confidential attachments to this report.

Following the completion of the outstanding pool works, the school will have contributed a total amount of \$150,610.90 towards the project. Should Council support the recommendation to repay the School a total of \$75,000, this will mean that the total cash contributions from the school equates to \$75,610.90.

This does not include the estimated \$15,000 that the School have already contributed for the connection of power to the pool site, laying the slab for the heating and removing the old pool deck. In addition, there has been a considerable in-kind contribution with administration and project management including hours of assistance from a school paid maintenance employee.

4. COMMUNITY CONSULTATION & ENGAGEMENT

The Apollo Bay community has advocated for a heated pool for many years and Council's commitment throughout the early years has been to work in partnership with the Apollo Bay Aquatic Centre committee in a bid to provide that service in an affordable and sustainable manner. That included specific public consultation at that time.

Of recent times the new agreement has been negotiated between the Department of Education, Council Officers and a representative of the school Council. No specific recent public consultation has occurred.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 1 - Our Prosperity

3. Strengthen partnerships with key stakeholders to benefit the whole community.

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.

Theme 3 - Our Community

4. Provision of resources to support physical activity by the community.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Council's commitment to the ongoing operations of the heated pool facility in Apollo Bay extends the associated social and health and wellbeing outcomes for the local community by ensuring the asset is available to the public throughout the year.

LEGAL & RISK

As Council no longer is responsible for the management of this facility and does not own the asset there is no direct financial risk to Council however this issue may attract negative reputational risk.

It is also noted that there are exit clauses in the agreement should Council believe the funding is not being managed in accordance with the agreement.

Council is not the project manager and it is therefore not possible to give an accurate opinion on the risks that remain on the project. Having said that, we note that:

1. The structure is complete
2. Mechanical issues seem to have been identified and costed
3. Below ground issues seem to have been identified and costed
4. A work breakdown and remaining costed work by trades has been provided

If the project is managed in accordance with the plan provided by the School, it should be able to complete the works within the revised budget.

Whilst it is not stated in the documentation provided by the School, a representative of the School has confirmed verbally that commissioning costs are accounted for within the totals provided.

FINANCIAL & BUDGETARY

The remaining funding requested from Council by the School to repay it for the additional \$100,000 it has invested into capital works associated with the project could be achieved by agreeing to allow \$20,000 per year from the annual operation contribution to be transferred to the School for a period of 5 years.

The School provided an estimate of annual operational costs. It states that approximately \$155,000 is required for operations with the balance to be kept in a fund for major maintenance. Considering this, the further Council contribution recommended of \$15,000 annual repayments over 5 years, would not impact on future pool operations.

This funding request can be satisfied without any additional budget allowance other than the annual operations contribution agreed to in the Funding Agreement.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

The decision by Council will be directly communicated to the school.

TIMELINE

All aspects of the project will continue and be completed while Council considers this funding request.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Item: 10.2

Colac Otway Shire Grants Program 2020-2021 - Allocation of Funds

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. Guidelines - Colac Otway Shire Grants Program 2020 - 2021 [10.2.1 - 17 pages]
PURPOSE	To seek Council's endorsement for the proposed allocation of funds for the 2020-2021 Grants Program.

1. EXECUTIVE SUMMARY

Council's 2020-2021 Grants Program has an intended budget allocation of \$311,500, subject to Council's adoption of the 2020-2021 budget. The 2020-2021 Grants Program opened to applications on 10 March 2020 for 6 weeks, closing on 17 April 2020.

Council received 68 applications which have been assessed against the Program Guidelines. Last year Council received 90 applications, and the reduction in application numbers is considered related to COVID-19 and the pressure it has placed on businesses and community volunteers. The report recommends \$203,143 to be awarded to 60 community organisations, clubs, event organisers and businesses.

The communities, event organisers and businesses across Colac Otway Shire are contributing \$1,865,528 to the recommended projects and events. The projects within small towns which are recommended for funding equal \$59,895 of the Category 1 total recommendation of \$94,267.

2. RECOMMENDATION

RECOMMENDATION 1

That Council endorses the following grants be allocated for Category 1, Community Grants, subject to the adoption of a 2020-2021 Council budget:

Item No.	Applicant	Project Name	Grant Recommended \$
1	Forrest Men's Shed	Forrest Men's Shed Solar Power	\$7,650
2	Colac Makers' Space Inc	Growing arts opportunities at Colac Makers Space	\$3,169
3	Apollo Bay Men's Shed Inc	Facilities upgrade	\$5,000
4	Forrest Learning Centre	Mud garden for Preschool and Daycare Fun	\$3,684
5	Warrobie Recreation Reserve	Facelift for Hall interior and Men's toilets	\$2,488
6	Forrest and District Historical Society	Restore Forrest Historical Lock-up	\$2,500
7	Skenes Creek Advancement Association	Greening Skenes - Stage 2	\$2,000
8	Irrewarra Cricket Club	Upgrade facilities	\$5,512
9	Red Rock Regional Theatre & Gallery	Installation of a Security System	\$4,875
10	Lions Club of Colac Inc	Shed renovations	\$10,000
11	Wye River Separation Creek Community Association Inc	Wye River Extended River Walk	\$9,128
12	Elliminyt Public Hall Inc	Repaint the Elliminyt Hall	\$6,000
13	Beeac Golf Club Inc	Automatic watering system	\$4,058
14	Colac and District Chamber of Commerce Inc	Colac District Chamber's Communications Project	\$1,512
15	Birregurra Bowling Club	External seating	\$5,000
16	Conservation Ecology Centre	Kitchen Gardening in Colac Otway	\$8,000
17	Colac Bowling Club	Colac Bowling Club Community Lawn Bowls Engagement Program	\$3,691
18	Colac Golf Club	Accessible toilet for Colac Golf Club	\$10,000

RECOMMENDATION 2

That Council endorses the following grants be allocated for Category 2, Community Events and Support, subject to the adoption of a 2020-2021 Council budget:

Item No.	Applicant	Event Name	Grant Recommended \$
1	Otway Tourist Park	Gellibrand River Blues & Blueberry Festival	\$5,000
2	Creative Otways Inc	Colac Otway Arts Trail	\$5,000
3	Warrion Public Hall Committee Inc	Warrion Flower Show	\$5,000
4	Elliminyt Primary School	Elliminyt Primary School Production 2020	\$647
5	Rapid Ascent Pty Ltd	Otway Odyssey & Great Otway Gravel Grind	\$5,000
6	Colac Kana Festival Inc	Colac Kana Festival	\$5,000
7	Colac RSL Sub Branch Inc	Colac Show 'n' Shine	\$5,000
8	Colac Orchid Club Inc	Annual Colac Orchid Show	\$1,000
9	Apollo Bay Word Fest	Apollo Bay Word Fest	\$2,000
10	Apollo Bay Edible Garden Trail	Apollo Bay Edible Garden Trail	\$1,360
11	Pink Up Colac	Pink Up Colac	\$2,000
12	Rotary Club of Colac West	Melbourne Cup Luncheon	\$720
13	International Management Group	Great Ocean Road Running Festival	\$5,000
14	Forrest Lions Club special events branch	Forrest Soupfest	\$5,000
15	Apollo Bay Seafood Festival	Apollo Bay Seafood Festival	\$10,000
16	Barongarook Landcare Group	Otway Food and Fibre Showcase	\$5,000
17	Colac Basketball Association Inc	Colac Basketball Junior tournaments 2021 Under 12 & 14 Under 16 & Under 18	\$4,375
18	Southern Exposure	Run Forrest 2021	\$5,000
19	Gellibrand Community House Inc	Community Dinner	\$3,000
20	Colac Leisure Runners Inc	Mother's Day Classic Fun Run/Walk	\$2,000

RECOMMENDATION 3

That Council endorses the following grants be allocated for Category 3, Small Grants, subject to the adoption of a 2020-2021 Council budget:

Item No.	Applicant	Project Name	Grant Recommended \$
1	Colac Otway Archers Inc	Purchase Defibrillator	\$997
2	Alvie Cricket Club	Purchase playing equipment and new uniforms for 2020-2021 Cricket Season	\$1,930
3	U3A Apollo Bay Inc	Remakery initiative – Equipment purchase	\$918
4	Corangamite Pistol Club Inc	Purchase AED defibrillator for club facility	\$1,497
5	Colac Toy Library Inc	Toys and small storage shed for Toy Library	\$1,750
6	Polwarth & District Tennis Association	Tennis Balls for Polwarth & District Tennis Association	\$2,000
7	Warncoort Tennis Club	Court cleaning equipment for Warncoort Tennis Club	\$882
8	Apollo Bay Surf Life Saving Club	IT upgrade	\$900
9	Birregurra Landcare	Habitat Improvement Program	\$2,000
10	Elliminyt Tennis Club	Defibrillator refit and Mount	\$356
11	Beeac Progress Association	Park bench overlooking Lake Beeac	\$850
12	Barwon Downs Community Centre	Bain Marie for community	\$1,700
13	Alvie Tree Planters	Lake Corangamite Reserve signage	\$1,500
14	OCR FM	Booth Without A Roof	\$1,980
15	Alvie Football Netball Club Inc	IT Upgrade for Football and Netball departments	\$860
16	Beeac Community Centre Inc	Gloss the Floor	\$600
17	Otway Districts Historical Society	Otway District Historical Society Panel Project	\$2,000
18	Positive Ageing Ambassadors	Wiser Driver & Safer Scooter Wiser Wheelchair courses	\$1,800

RECOMMENDATION 4

That Council endorses the following grants be allocated for Category 4, Building Façade Improvement Program, subject to the adoption of a 2020-2021 Council budget:

Item No.	Applicant	Project Name	Grant Recommended \$
1	GD & KA Balcombe Pty Ltd	Facade upgrade	\$2,342
2	The Farmer's Son	Farmer's Son Facade Facelift	\$1,250
3	The Foot Man	The Foot Man Facade	\$3,000
4	Stevens Communications Pty Ltd	Improvement to shop front	\$662

RECOMMENDATION 5

That Council authorises the Chief Executive, under delegation, to approve grants for the remaining amount of \$108,357. Grants are to be available through Round 2 until 30 April 2021 or until funds have been allocated, on a first come first serve basis subject to applications meeting the Grants Program Guidelines.

3. KEY INFORMATION

About the Grants Program

Council's Grants Program is offered to assist not-for-profit community organisations in providing opportunities that benefit the wider Colac Otway Shire community and help in achieving goals and outcomes consistent with Council's objectives. The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects and events.

Funding Categories

Funding is available over four categories:

1. Community Grants Program
2. Community Events and Support
 - 2a Major 'Community Organised' Events
3. Small Grants
4. Building Façade Improvement Program

All grant categories require the applicant to provide a matching dollar for dollar cash and/or in-kind contribution.

Category 1 - Community Grants Program

Nominal budget for this category is \$160,000. Grants from \$2,000 up to \$10,000 are available for a range of projects and activities.

Category 2 - Community Events and Support

Nominal budget for this category is \$100,500. This category provides:

- Grants up to \$5,000 to provide support for established events.
- Grants up to \$2,000 to provide support for one-off or start-up events.
- Grants up to 50% of the cost of standard room hire at COPACC. The maximum grant available is \$5,000.
- Major 'Community Organised' Events. Grants up to \$10,000. Specific criteria apply.

Category 3 - Small Grants

Nominal budget for this category is \$30,000. Grants up to \$2000 are available.

Category 4 - Building Façade Improvement Program

Nominal budget for this category is \$21,000. Grants up to \$3,000 are available for businesses across the Shire.

2020-2021 Grants Program

Applications for the Colac Otway Shire Grants Program opened Tuesday 10 March 2020 and closed on Friday 17 April 2020.

Sixty-eight (68) applications were received across the four categories for the 2020-2021 Grants Program requesting a total of \$252,087. The number of applications is lower than the previous year and this is believed to be a result of COVID-19 restrictions in place, and the uncertainty of the impact on planning future projects and events.

Funding is recommended to be allocated to 60 different groups, clubs, event organisers and businesses across all four categories. 32 new applicants are recommended to receive funding for 2020-2021, that did not apply in the previous year, showing an encouraging increase in new applicants. The total amount recommended to be awarded is \$203,143 which will provide projects and events with a business and community contribution of \$1,865,528.

Eight (8) applications were assessed as either ineligible against the guidelines, were withdrawn, submitted an incomplete application, or were not recommended for funding. These applicants will be provided with feedback which may assist them to apply to the program in future funding rounds.

Four (4) applications are recommended to receive less than requested. These were adjusted to match the applicant's cash contribution, or the eligible amount allowed under the category limits (eg: COPACC venue hire assistance 50%). Two (2) applications are recommended to receive more than requested following budget corrections once costs were confirmed and to meet Council's standard for park furniture.

The 2020-2021 applications recommended by the Technical Assessment Panel (TAP) will assist in improving economic and community development across the Shire for community groups, progress associations, sporting clubs, arts groups, environmental working groups and business owners.

The remaining unallocated funding of \$108,357 is proposed to be available for a second round of applications until the funds have been spent or until 30 April 2021. Due to the uncertainty of future COVID-19 restrictions, it is not proposed to formally open a full funding round for 6 weeks only. Officers believe it would be more beneficial for our community to keep the second round open and accept applications through to 30 April 2021 or until funds have been fully allocated.

Applications Assessment Process

The following outlines the assessment process for the Colac Otway Shire Grants Program:

- The Grants Officer completes a preliminary check for eligibility of the organisations that have submitted the application, also checking the funding category guidelines and assessment criteria, budgets and matching funding ratios, quotes and any other required documentation received.
- Internal Referrals process involves a meeting of Council departments where comments were sought on compliance issues specific to a particular project or event eg: checking requirements for building permit, planning and health department considerations, environment/sustainability considerations, road safety and risk assessments required to be undertaken etc.
- The Technical Assessment Panel (TAP) which consists of officers from Economic Development and Tourism, Recreation and Open Space and Community Services, completed an evaluation of the applications against the Assessment Criteria and with consideration of the departmental referral responses. The TAP determined whether a project was eligible to receive funding, demonstrated the cash and/or in-kind voluntary contribution by the applicant, responded to the assessment criteria and that applications clearly demonstrated the capacity of the applicant to deliver the project.
- Clarification on applications was sought from the applicant where required.

CATEGORY 1 – COMMUNITY GRANTS PROGRAM

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Forrest Men's Shed	Forrest Men's Shed Solar Power	\$7,650
2	Colac Makers' Space Inc	Growing arts opportunities at Colac Makers Space	\$3,169
3	Apollo Bay Men's Shed Inc	Facilities upgrade	\$5,000
4	Forrest Learning Centre	Mud garden for Preschool and Daycare Fun	\$3,684
5	Warrobie Recreation Reserve	Facelift for Hall interior and Men's toilets	\$2,488
6	Forrest and District Historical Society	Restore Forrest Historical Lock-up	\$2,500
7	Skenes Creek Advancement Association	Greening Skenes - Stage 2	\$2,000
8	Irrewarra Cricket Club	Upgrade facilities	\$5,512
9	Red Rock Regional Theatre & Gallery	Installation of a Security System	\$4,875
10	Lions Club of Colac Inc	Shed renovations	\$10,000
11	Wye River Separation Creek Community Association Inc	Wye River Extended River Walk	\$9,128
12	Elliminyt Public Hall Inc	Repaint the Elliminyt Hall	\$6,000
13	Beeac Golf Club Inc	Automatic watering system	\$4,058
14	Colac and District Chamber of Commerce Inc	Colac District Chamber's Communications Project	\$1,512
15	Birregurra Bowling Club	External seating	\$5,000
16	Conservation Ecology Centre	Kitchen Gardening in Colac Otway	\$8,000
17	Colac Bowling Club	Colac Bowling Club Community Lawn Bowls Engagement Program	\$3,691
18	Colac Golf Club	Accessible toilet for Colac Golf Club	\$10,000

Under Category 1 as above, the TAP recommends awarding grants totalling \$94,267 which deliver projects to the value of \$212,233. The small towns' projects recommended for funding equal \$59,895 of the \$94,267. The community is contributing cash and in-kind to the value of \$114,941. One application recommended amount was adjusted to match the required dollar for dollar funding ratio.

The remaining unallocated funds of \$65,733 are proposed to be made available as outlined below.

CATEGORY 2 – COMMUNITY EVENTS & SUPPORT PROGRAM

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Otway Tourist Park	Gellibrand River Blues & Blueberry Festival	\$5,000
2	Creative Otways Inc	Colac Otway Arts Trail	\$5,000
3	Warrion Public Hall Committee Inc	Warrion Flower Show	\$5,000
4	Elliminyt Primary School	Elliminyt Primary School Production 2020	\$647
5	Rapid Ascent Pty Ltd	Otway Odyssey & Great Otway Gravel Grind	\$5,000
6	Colac Kana Festival Inc	Colac Kana Festival	\$5,000
7	Colac RSL Sub Branch Inc	Colac Show 'n' Shine	\$5,000
8	Colac Orchid Club Inc	Annual Colac Orchid Show	\$1,000
9	Apollo Bay Word Fest	Apollo Bay Word Fest	\$2,000
10	Apollo Bay Edible Garden Trail	Apollo Bay Edible Garden Trail	\$1,360
11	Pink Up Colac	Pink Up Colac	\$2,000
12	Rotary Club of Colac West	Melbourne Cup Luncheon	\$720
13	International Management Group	Great Ocean Road Running Festival	\$5,000
14	Forrest Lions Club special events branch	Forrest Soupfest	\$5,000
15	Apollo Bay Seafood Festival	Apollo Bay Seafood Festival	\$10,000
16	Barongarook Landcare Group	Otway Food and Fibre Showcase	\$5,000
17	Colac Basketball Association Inc	Colac Basketball Junior tournaments 2021 Under 12 & 14, Under 16 & Under 18	\$4,375
18	Southern Exposure	Run Forrest 2021	\$5,000
19	Gellibrand Community House Inc	Community Dinner	\$3,000
20	Colac Leisure Runners Inc	Mother's Day Classic Fun Run/Walk	\$2,000

Under Category 2 as above, the TAP recommends awarding grants totalling \$77,102 which will deliver events to the value of \$1,567,237. The community is contributing cash and/or in-kind to the value of 1,487,768.

Note that the Apollo Bay Seafood Festival is recommended to receive \$10,000 through the Major 'Community Organised' Events sub-category. This reflects the event being largely community organised with an ability to attract substantial visitation to the region, creating significant economic benefits.

The remaining unallocated funds of \$23,398 are proposed to be made available as outlined below.

CATEGORY 3 – SMALL GRANTS

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	Colac Otway Archers Inc	Purchase Defibrillator	\$997
2	Alvie Cricket Club	Purchase of playing equipment and new uniforms for 2020-2021 Cricket Season	\$1,930
3	U3A Apollo Bay Inc	Remakery initiative – Equipment purchase	\$918
4	Corangamite Pistol Club Inc	Purchase AED defibrillator for club facility	\$1,497
5	Colac Toy Library Inc	Colac Toy Library Inc Toys and small storage shed for Toy Library	\$1,750
6	Polwarth & District Tennis Association	Tennis Balls for Polwarth & District Tennis Association	\$2,000
7	Warncoort Tennis Club	Court cleaning equipment for Warncoort Tennis Club	\$882
8	Apollo Bay Surf Life Saving Club	IT upgrade	\$900
9	Birregurra Landcare	Habitat Improvement Program	\$2,000
10	Elliminyt Tennis Club	Defibrillator refit and Mount	\$356
11	Beeac Progress Association	Park bench overlooking Lake Beeac	\$850
12	Barwon Downs Community Centre	Bain Marie for community	\$1,700
13	Alvie Tree Planters	Lake Corangamite Reserve signage	\$1,500
14	OCR FM	Booth Without A Roof	\$1,980
15	Alvie Football Netball Club Inc	IT Upgrade for Football and Netball departments	\$860
16	Beeac Community Centre Inc	Gloss the Floor	\$600
17	Otway Districts Historical Society	Otway District Historical Society Panel Project	\$2,000
18	Positive Ageing Ambassadors	Wiser Driver & Safer Scooter Wiser Wheelchair courses	\$1,800

Under Category 3 as above, the TAP recommends awarding grants totalling \$24,520 which will deliver projects to the value of \$54,936. The community is contributing cash and/or in-kind to the value of \$30,130.

The remaining unallocated funds of \$5,480 are proposed to be made available as outlined in the recommendation.

CATEGORY 4 – BUILDING FAÇADE IMPROVEMENT PROGRAM

Applications recommended for funding

Item No.	Applicant	Project Name	Grant Recommended \$
1	GD & KA Balcombe Pty Ltd	Facade upgrade	\$2,342
2	The Farmer's Son	Farmer's Son Facade Facelift	\$1,250
3	The Foot Man	The Foot Man Facade	\$3,000
4	Stevens Communications Pty Ltd	Improvement to shop Front	\$662

Under Category 4 as above, the TAP recommends awarding grants totalling \$7,254 which will deliver projects to the value of \$31,122. The businesses are contributing cash and/or in-kind to the value of \$24,155.

The remaining unallocated funds of \$13,746 are proposed to be made available as outlined in the recommendation.

NOT RECOMMENDED

Comment	No.	Amount Requested \$
Incomplete	1	\$20,000
Not Recommended	6	\$40,301
Withdrawn	1	\$10,000

There are 8 applications which were assessed as ineligible against the guidelines, incomplete, withdrawn or not recommended for funding due to low scoring against the assessment criteria. Some applications needed further work to enable the project to be funding ready. Reasons for not recommending these applications can be found in the confidential attachment to this report. Applicants will be provided with feedback which may assist them to apply to the program in future funding rounds.

Recommendation for Remaining Unallocated Funds

To enable applicants time to develop projects or events in the future in accordance with any COVID-19 restrictions, the following is the basis of the recommendation in this report:

- Applications will be accepted across all categories until 30 April 2021 for the remaining balance of funds on a first in, first served basis. Applications will be approved, subject to meeting the funding criteria until the remaining funds have been spent.

- Applications for funding to be approved by the Chief Executive under delegated authority. Approved allocations will be advised to Councillors through the Councillor Bulletin. This allows for quicker processing and approval of applications, particularly as we move closer to caretaker period. This approach will also provide flexibility to applicants to prepare and submit their application as future opportunities arise throughout the year. Applicants funded in Round 1 are eligible to apply to Round 2 for another project.
- Grants could be allocated per category in accordance with the remaining funds left in each category against the nominal category budget, or alternatively, consolidated and treated as a total amount with grants determined on a first in first served basis. The allocation of the consolidated remaining amount of funds is the preferred option to administer.

Alternative proposals were considered however these are not the recommended options.

1. That a formal second round of the Community Grants program (open for 6 weeks) be administered later in the calendar year utilising the unallocated funds.
2. The balance of unallocated funds remaining to be carried over to the 2021-2022 Colac Otway Shire Grants Program.
3. The balance of unallocated funds remaining in the grants program are a saving in the operational budget for 2020-2021, and these unallocated funds utilised for other purposes.
4. The balance of unallocated funds remaining in the grants program to be transferred to the Capital Works budget and added to the \$100,000 budget available for small town projects, as identified by the small town's community infrastructure plan priorities.

4. COMMUNITY CONSULTATION AND ENGAGEMENT

The Colac Otway Shire Grants Program was advertised widely across the Shire in March and April. Community information sessions were held in Apollo Bay on Tuesday 17 March and Colac on Thursday 19 March to enable groups to discuss the funding program with Council officers. Attendance numbers were low due to the commencement of COVID-19 restrictions; however email and phone assistance was provided to several interested groups consistent with previous years.

Applications were submitted online using the Smartygrants program. The Guidelines and online application were made available via the website, through direct database mail and from Council's Customer Service Centres in Colac and Apollo Bay. An officer was available to provide help with the online application by phone and found solutions to assist with computer access whilst adhering to COVID-19 restrictions. Council officers were available for individual applicants by phone and email as required providing further assistance in progressing applications.

Marketing of the Colac Otway Shire Grants Program 2020-2021 was completed through media releases, use of Council's Facebook page on several occasions, direct email to groups/clubs/businesses that have applied or enquired in previous years and are eligible to apply, radio and an advertisement in the Council column in the Colac Herald.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.
3. Towns and places are welcoming and attractive.

Theme 3 - Our Community

1. Increase social connection opportunities and community safety.
2. Connect people through events and activities.
3. Opportunities for the community to participate in lifelong learning.
4. Provision of resources to support physical activity by the community.
5. Foster an inclusive community.
6. Community planning informs provision of Council services and social infrastructure.

Alignment to Colac Otway Economic Development Strategy 2019:

Multi-Sector Opportunities and Actions – Implements various grants programs.

Alignment to Creative Colac Otway Arts & Culture Strategy 2018-2022:

Theme 2 Increase participation in arts and culture activity

Goal 1 2.1.7 Support community events and festivals that engage with target audience groups or under-represented groups

Goal 2 2.2.2 Subsidise and support community hire of COPACC

Theme 4 Creativity, Social Cohesion and Connections

Goal 2 4.2.1 Ensure that Grants Program supports events to make new contemporary work that responds to local issues and stories

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The grants program includes environmental and sustainability projects which are included in the guidelines. This allows environmental, sustainability and Landcare groups to seek funding for their projects and events to improve the environment within the Shire.

Grant funding assists communities to build community capacity of local residents and volunteers. The grants program encourages culturally based projects to be delivered throughout the Shire.

The requirement of matching funding through cash and/or in-kind works created economic benefits to the local communities and businesses. It is evident that local trades, businesses and groups benefit greatly from grant funding and stimulates the economy.

The Building Façade Improvement Program assists to grow the economy and encourage additional private sector investment as well improve the amenity of Colac. The façade program is available to businesses across the Shire.

LEGAL & RISK

The allocation of the grant funding is subject to the approval of the 2020-2021 budget. There will be an impact on some of the recommended grant applications if the budget is not approved in June 2020 and is deferred to a later Council meeting.

Also, the impact would be apparent if this Council report was deferred because a decision was not made at the 24 June 2020 meeting. There is an online event organised for July which would be affected if the decision of Council was to defer this report. The event organisers are aware that funding is not guaranteed. If delayed, it is possible that the event would have been held before funds have been allocated.

FINANCIAL & BUDGETARY

There is an allocated of \$311,500 in the Draft Colac Otway Shire 2020/2021 Budget.

As stated previously in this report, Council's Grants Program leverages a significant amount of the additional contributions from community and businesses through cash and/or in-kind contributions.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

Subject to consideration at its June meeting, Council will complete a comprehensive communication plan to announce the allocation of grants across the Colac Otway Shire.

This would include media releases, use of Council's Facebook page, details on Council's website and direct correspondence to advise successful/unsuccessful applicants. Successful applicants will enter into a Funding Agreement with Council outlining the requirements for the funding that been granted.

Promotional opportunities will be arranged with a selection of community groups, clubs, event organisers and business owners across the Shire. These promotional articles will be added to Council's website, Facebook page and in some of the small town's publications eg: Forrest Post, Birregurra Mail, Otway Light, and community group and club newsletters. All opportunities for promotion in the local media will be explored.

If Round 2 is approved to open, the Colac Otway Shire Grants Program 2020-2021 Round 2 will be marketed through media releases, use of Council's Facebook page on several occasions, direct email to groups/clubs/associations/businesses that have applied in previous years or enquired recently and are eligible to apply, radio and an advertisement in the Council column in the Colac Herald and Apollo Bay Newsheet.

TIMELINE

Key timelines include:

June 2020 – Council considers endorsing the Technical Assessment Panel's recommended allocation of grants

July 2020 – Announce the successful applicants and notify those applicants that were unsuccessful and provide feedback.

July 2020 – Round 2 Opens (subject to Council's resolution of utilising unallocated funds).

8. OFFICER DIRECT OR INDIRECT INTEREST

As part of the Technical Assessment Panel, in Category 1 Community Grants Program 2020-2021, two officers declared an indirect interest.

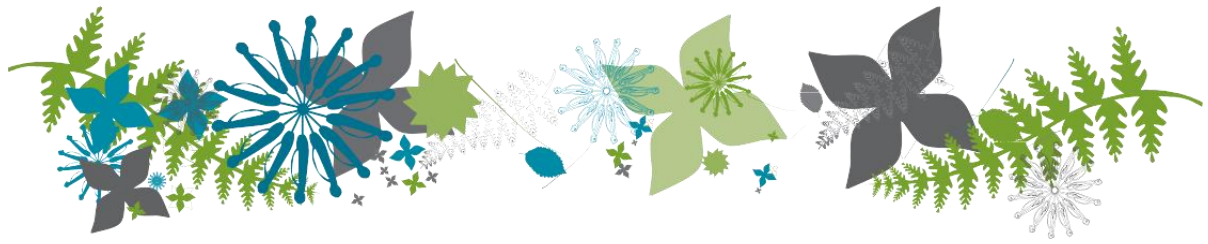
Nicole Frampton, Recreation and Open Space Coordinator, declared an indirect interest under the *Local Government Act 1989* for the Warrowie Recreation Reserve application due to her family being members of the Irrewarra Beeac Football Netball Club. The Irrewarra Beeac Football Netball Club uses the Warrowie Recreation Reserve as their home ground. Ms Frampton did not participate in the assessment of Warrowie Recreation Reserve application.

Nicole Frampton, Recreation and Open Space Coordinator, declared an indirect interest under the *Local Government Act 1989* for the Colac Basketball Association application due to her family playing basketball in the general competition. Ms Frampton did not participate in the assessment of Colac Basketball Association application.

Peter Macdonald, Acting Manager Community Services, declared an indirect interest under the *Local Government Act 1989* for the Colac Golf Club application due to being a member of the Colac Golf Club. Mr Macdonald did not participate in the assessment of Colac Golf Club application.

In addition, Ian Seuren, General Manager Development and Community Services, declared an indirect interest under the *Local Government Act 1989* for the Colac Basketball Association application due to being a committee member of the Colac Basketball Association. Mr Seuren did not participate in the assessment of any of the applications, including the Colac Basketball Association application, however was a reviewer of this report.

Tamzin McLennan, Acting Economic Development & Tourism Manager, declared an indirect interest under the *Local Government Act 1989* for the Alvie Cricket Club and Alvie Football Netball Club applications due to being a member of both clubs. Ms McLennan did not participate in the assessment of any of the applications, including both Alvie applications, however was a reviewer of this report.



Colac Otway Shire Grants Program Guidelines



Contents

Program Description and Objectives

1. **What is the Colac Otway Shire Grants Program?**
2. **Who can apply?**
3. **What types of activities might be funded?**
 - 3.1 What will not be funded?
4. **What are the funding details?**
5. **What is the application process?**
6. **How will applications be assessed?**
 - 6.1 Information you will need to provide as part of your application
 - 6.2 What are the assessment criteria?
7. **Conditions that apply to applications and funding**
 - 7.1 Funding agreements
 - 7.2 Acknowledging Council's support and promoting success
 - 7.3 Privacy
8. **Resources and additional information**
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PROGRAM CATEGORY KEY INFORMATION

Category 1 – Community Grants Program

Category 2 – Community Events & Support Program

Category 3 – Small Grants Program

Category 4 – Building Façade Improvement Program

Program description and objectives

1. What is the Grants Program?

The Colac Otway Shire Council Grants Program provides one-off financial assistance grants to assist not-for-profit, community organisations, event organisers and businesses in providing opportunities that benefit the wider community and help in achieving goals and outcomes consistent with Council's objectives.

The program supports our communities through the support of community projects, community and recreation infrastructure improvements, community activities, programs and events that contribute to community strengthening and bring a wide range of social and economic returns across the Shire.

The program aims to provide an opportunity for a wide range of groups to obtain a share of the grant funds for a varied range of projects and events within the Colac Otway Shire.

The total pool of \$311,500 is available for the Colac Otway Shire Grants Program (subject to budget approval). All categories require matching funding via cash or in-kind from the applicant on a \$1 for \$1 basis.

An applicant may submit one application per funding round in Colac Otway Shire's Grant Program. An Applicant may also submit an application for any unallocated funds remaining in the same financial year.

The program has four funding categories.

Category 1: Community Grants Program

Total category fund limit: \$160,000

Grants from \$2,000 up to \$10,000 are available.

Category 2: Community Events and Support Program

Total category fund limit: \$ 100,500

This category provides:

- Grants up to \$10,000 to provide support for **major 'community organised' events** of regional significance.*specific conditions apply
- Grants up to \$5,000 to provide support for sponsorship of established events.
- Grants up to \$2,000 to provide support for one-off or start-up events.
- COPACC Hire Assistance

Grants available for up to 50% of the cost of standard room hire at COPACC for the provision of performing arts and cultural activities.

The maximum grant available is \$5,000.

Category 3: Small Grants Program

Total category fund limit: \$30,000

Grants up to \$2,000 are available.

Category 4: Building Façade Improvement Program

Total category fund limit: \$ \$21,000

Grants up to \$3,000 are available.

Upgrade or improve the retail shop/business façade for businesses across the Shire.

2. Who can apply?

Category 1 and Category 3

Community organisations or organisations that are providing a direct benefit to the Colac Otway Shire may apply. Applicants must:

- be non-government, not-for-profit and registered as an incorporated body at the time of application for the project duration.

If an applicant organisation is not registered as an incorporated body, it must arrange for a legally constituted organisation to manage the grant funds. Auspice organisations must provide a letter of consent which must be included with your application.

- possess an Australian Business Number (ABN) or provide a completed Australian Tax Office form (Statement by a supplier) so that no withholding tax is required from the grant payment.
- have satisfactorily met Acquittal reporting requirements on any previous grants received from Colac Otway Shire.
- meet the definition of a community group. A community group is defined as a group or organisation which works for the public benefit. Voluntary and Community Groups have the following characteristics:

Organised. A Voluntary and Community Group has a structure with rules about how the group is organised and run. This is called a 'governing document' or 'constitution'.

Self-governing and independent from any other organisation. Voluntary and Community groups are independent and are free to appoint their own management committee.

Not for Profit. No one from within the group will profit from the group. For example, committee members should not be paid for their work and any profits generated should be reinvested in the group

Voluntary. Voluntary and Community groups are governed by a voluntary management committee and rely on the support of volunteers to carry out their activities.

Public/community benefit. The group will carry out activities which benefit a particular group of people within the community.

Category 2

Event organisers can apply if the event is held in the Colac Otway Shire. 'Event organiser' means a commercial entity, community group or individual who undertakes the planning, control or management and/or implementation of an event.

Schools may apply for COPACC Hire Assistance. Schools are not eligible to apply for any other category.

Groups and Associations affiliated with schools can apply for eligible events or projects that provide a benefit to the broader community (Note: events or equipment/infrastructure that are held or installed on school grounds which only benefit the school community are not eligible. Activities or equipment that should be funded by the State Government are ineligible).

Category 4

All businesses located in the commercial retail area of towns within the Colac Otway Shire that have street frontage will be eligible to apply for Category 4.

3. What type of activities might be funded?

Eligible items may include but are not limited to:

- Community initiatives.
- Arts and culture projects.
- Environmental projects.
- Projects that encourage participation in community activities.
- Projects that revitalise community and recreation facilities.
- Projects that promote gender equity
- Equipment purchases that are facility enhancing designed to remain as part of a

facility or which provide general benefit to groups.

- Training for the development of specialist skills for volunteer community members.
- Festivals and events.
- Performing arts and cultural activities/events at COPACC.
- Commercial retail building façade improvements.

Refer to the **Program Category Key Information** (pages 13 – 17) in these guidelines for specific details of each Category.

3.1 What will not be funded?

- Applications received after the closing date.
- For Categories 1 and 3, applications will not be accepted from or on behalf of individuals.
- Standard Council infrastructure is not eligible to be funded through any grant program.
For example: footpaths, bins, drainage, road construction, upgrades to Council owned buildings if compliance related or within the current lease arrangements.
- Groups cannot receive a grant in any grant program in future years if they have not completed an acquittal report for a previous grant you have received. (Contact the Grants Officer to discuss).
- Requests for retrospective funding are not eligible for funding. The project activity cannot commence or equipment purchased prior to the funding being approved.
- Funding is not available for ongoing expenses including recurrent operating costs and salary subsidies eg: rent, utility costs, staff wages etc.
- Public Liability Insurance
- Capital expenditure over \$20,000
- Administrative costs
- Project or Event Management costs
- Projects considered the responsibility of other agencies.

- Council will not enter into funding arrangements deemed inappropriate which are associated with or promote (including but not limited to):
 - any illegal activity
 - any activity not in accordance with relevant legislation; permitting; regulations etc
 - tobacco
 - offensive or sexually explicit material
 - discrimination on the grounds of race, gender or religion
 - activities violating human rights
 - political parties
 - gambling

4. What are the funding details?

The following conditions will apply to activities that receive a grant:

- The grant recipient (or the Auspice organisation who will manage the funds) must enter into a funding agreement with Colac Otway Shire Council which sets out the conditions, payment details and reporting requirements.
- The project must be completed within the financial year in which the grant is received. Any unspent funds must be returned to Colac Otway Shire Council.
- Funds must be spent on the activity as described in the application. Any proposed variation to the approved activity must be submitted in writing to Colac Otway Shire Council for approval prior to implementation.
- Applications that address gender equity are highly encouraged and prioritised through the assessment phase.
- Grant recipients (or those managing the funds) without an Australian Business Number (ABN) must provide a completed Australian Tax Office form (Statement by a supplier) so that no withholding tax is required from the grant payment.

- Grants to recipients (or those managing the funds) not registered for GST will have payments made inclusive of GST.
- For grants above \$5,000, payments will be 90% paid upfront
10% paid upon satisfactory completion of the acquittal report.
- Conditions included in the Funding Agreement must be met prior to the release of the grant payment.

5. What is the application process?

Applications will be considered in an assessment round each year as detailed in the table below:

Funding round	Applications open	Applications close
2020-2021	6 March 2020	17 April 2020

There are some important steps to consider before submitting an application.

Step 1: Check your eligibility

Check the detailed information contained in this guide to see if your organisation and your proposed activity is eligible. Other important information about this grant program and the application process can be found at:

www.colacotway.vic.gov.au

Apply for a Grant

Colac Otway Shire Grants Program

It is highly recommended applicants contact the Grants Officer to discuss the prospective application and for assistance with applying online.

Grants Officer
Colac Otway Shire
2-6 Rae Street Colac
Ph: (03) 5232 9400
Email: grants@colacotway.vic.gov.au

Step 2: To apply

All grant information, applications, reporting and financial acquittals will be managed through Smartygrants, an online web based system.

Applicants will be required to register on Smartygrants before the application can be commenced. Please ensure that emails delivered from 'noreply@smartygrants.com.au' are not blocked or directed to your junk mail inbox. All replies will be delivered to the Grants Officer.

Late or incomplete applications will not be considered.

To complete your application, make sure you have the information you need on hand including required documents if applicable (e.g. recent quote(s), land owners consent, public liability insurance, letters of support, financial statements etc.)

If you require any assistance with lodging your application online in Smartygrants, please contact the Grants Officer to make an appointment to assist you. Please allow sufficient time to lodge your application before the closing date.

Attaching required information to your application

You can attach documents to your electronic application as long as they are in an acceptable file type (e.g. Word, Excel, PDF or JPEG) and don't exceed the maximum file size. Attached files must not be larger than 10MB in size.

Applications must be completed online and close by 5.00pm on 17 April 2020.

IMPORTANT

The Colac Otway Shire Grants Program is a competitive funding program.

Applicants should note that the submission of an application does not guarantee funding of the proposal.

6. How will applications be assessed?

Eligible applications will be assessed based on responses provided in the application form. The assessment criteria are outlined in these guidelines.

Eligibility does not guarantee success. It is a competitive program and often more applications are received than can be funded.

Please note that the assessment process may take up to three (3) months from the closing date. Applicants will receive written notification whether the application has been successful or unsuccessful following the decision by Council at an Ordinary Council Meeting.

Applications for **Major 'Community Organised' Events** must meet specific Assessment Criteria and scoring, refer to 6.3.

6.1 Information you will need to provide as part of your application

All applications must provide a quote prepared within the past three (3) months for the project or event. The quote must include:

- Details of individual items to be purchased or project activity to be undertaken.
- Total project cost of items or services to be purchased for an event.

NOTE: Applications submitted without an adequately detailed quote will not be recommended for funding.

The program will not fund items that have been purchased or projects or events that have commenced prior to the funding announcement as outlined in these guidelines.

Include the following as part of your application (if applicable):

- Letter(s) of support from organisation(s) involved in the proposed project.

- If required, include land manager or land owner's consent for the project or event to be undertaken on their land.

Public Liability Insurance is required for all projects or events and is not funded by the grant program. A Certificate of Currency must be submitted with your application. If your application has appointed an Auspice, your project or event must be noted on the Auspice organisation's insurance policy.

6.2 What are the Assessment Criteria?

To be competitive, you will need to address each of the assessment criteria in your application.

Your application will be assessed against each of the four assessment criteria using the weighting indicated in the application form and in these guidelines. The application form asks questions that relate to the assessment criteria to assist you with your response.

How much information do I provide?

The amount of detail and supporting evidence you provide should be relative to the project size, complexity and grant amount. The application displays word limits as a guide as to how much information (maximum) is required to provide sufficient details to support your application.

Assessment Criteria 1 – What benefits will the project provide to your organisation and the broader community? (Weighting 50%)

In your response, please describe:

- The anticipated benefits of the project or event to the community.
- How is the project or event supporting the local community?
- Who will benefit from the project or event?
- Details of short term and long term benefits
- The expected number of people who will benefit from the project or attend the event
- The benefit for current and future generations.

Assessment Criteria 2 – Why is this project needed? (Criteria 20%)

In your response, please describe:

- How is this project or event supporting the local community?
- What demand exists that has created the idea for this project or event?
- The evidence to show why this approach will work?
- To demonstrate support from the community for your project and for **all new events** attach support letters and detail any discussions held with related groups in the area.
- Will the project address gender inequity?

Assessment Criteria 3 – How will the project be delivered? (Weighting 15%)

Applications must clearly demonstrate the capacity of the applicant to deliver the project.

In your response, please describe:

- Who will manage the project?
- What planning has been undertaken to complete this project or run the event?
- Detail the stages involved in your project or event and how you propose to deliver it.
- Details if it involves knowledge and skills development.
- Will the project be an innovative and creative response to the issue?
- Will it be sustainable? Explain how you intend to fund this project or event into the future.
- Demonstrated experience of the Applicant organisation to deliver and acquit the project within timeframes.

Assessment Criteria 4 – Who is involved? (Weighting 15%)

In your response, please describe:

- Who are the partners?
- Will there be voluntary or in-kind contributions?

- How many people from your organisation will be involved?
- Does the project actively involve a range of stakeholders?
- What size audience are you expecting?
Who is the target market to benefit from your project or event?

6.3 Major 'Community Organised' Events Assessment Criteria

Applications for up to \$10,000 must address and satisfactorily meet specific criteria outlined below. If the application does not fulfil the criteria for major events, it will be considered against the ordinary events assessment criteria.

Assessment Criteria 1 - Community Economic development opportunities (Weighting 40%)

Describe how the project will stimulate the economy including:

- Boosting off peak visitation, overnight stays and expenditure;
- The amount of visitation/tourism from people attending from outside Colac Otway Shire and the length of stay during the event;
- The level of pre training or visitation that the event will generate in the lead up to the event;
- The level of expenditure these visitors will generate (or have generated historically);
- The opportunities where Colac Otway Shire or the host township can be promoted, the nature of this promotion and the marketing reach;
- The level of involvement of local businesses in the event both pre (supply chain expenditure in event set up) or during (stall holders);
- The ability of the event to trigger repeat visitation to Colac Otway Shire;
- Reinforce and/or strengthen the desired 'brand' of the host township or Colac Otway Shire in a positive way.

Assessment Criteria 2 - Social opportunities

(Weighting 20%)

Detail the community benefits provided by the event – short and long term including:

- How the event will create social gathering opportunities;
- The level to which people of diverse groups and ages are brought together;
- Evidence of how the event will positively impact the host community;
- Identify if the social opportunities are short (event specific) or long term (ongoing spin off's) in nature;
- Level of involvement by local volunteer (No. of people and hours);
- How the event caters for needs of all abilities (disability etc).

Assessment Criteria 3 (Weighting 20%)**Cultural opportunities**

Describe how the event contributes towards:

- The development of arts & culture in the host township or greater Colac Otway Shire;
- Arts and cultural networks in Colac Otway Shire;
- Other arts and cultural programs and/or projects taking place;
- Linking attendees to culturally significant aspects of the host community through the event.

Assessment Criteria 4 (Weighting 20%)**Environmental sustainability**

Does the event plan for and contribute to:

- Positive environmental sustainable outcomes in the short (event specific) or longer term;
- Provide an element of environmental education or awareness for attendees;
- A level of excellence in event management from an environmental aspect (includes rubbish removal, waste, recycling, techniques that minimise the carbon footprint of the event);
- Minimisation of single use of plastic bottles, plastic bags and plastic straws.

Budget

A completed budget that accurately reflects your project or event must be included in your application. The budget should include details on all income (all sources of funding which will be used to deliver the project) and expenditure (all costs involved in the project).

Copies of quote(s) must be included with your application.

The budget must include the matching contribution required for your project category including cash and in-kind contributions. It is important to detail the in-kind contributions, if any, that will be made to the project in the in-kind section in the application.

Any other source of funding provided by Colac Otway Shire towards your project or event cannot be used as a matching contribution.

The income and expenditure columns must balance/be equal.

Assessment Criteria	Weighting
<i>Community Benefits</i>	50%
<i>Addressing a need for the project or event</i>	20%
<i>Planning and Project or Event delivery</i>	15%
<i>Involvement of stakeholders, partners, volunteers</i>	15%

An unsuccessful application does not necessarily mean that the project or activity is unworthy of support. An application could be rejected because of limited resources or the need to balance support given to a wide range of proposals after considering the assessment criteria.

Council will work with unsuccessful applicants to identify alternate funding sources and/or provide feedback on their application for future funding rounds for the Colac Otway Shire Grants Program.

Cash contributions

Cash contributions over \$5,000 can be confirmed by providing a detailed financial statement or Treasurer's report for the past two (2) years and a copy of a current Bank Statement.

Cash contribution under \$5,000 can be confirmed by providing a copy of a current Bank Statement.

In-kind contributions

What is an in-kind contribution?

An in-kind contribution means support, other than cash, provided by your organisation towards your project.

This can include voluntary labour (e.g. painting work) or donated goods and services (eg: kitchen equipment or professional advice from an architect).

In-kind contribution calculations

If you have in-kind contributions that count towards your organisation's matching funding contribution for an activity, you will be asked to outline in-kind contributions as part of your application:

- As part of the budget proposed in the application form (all applications)
- As a completed "In-Kind Contributions Worksheet" submitted with your application form.

To help you with evidence of in-kind contributions, download the In-Kind Contributions Worksheet.

In-kind contributions received

You need to submit written records of in-kind contributions received for your activity. It is your organisation's responsibility to keep written records (e.g. letter of donations or receipts) of the in-kind support committed or received.

Example of how to calculate your in-kind contribution Goods/ service to be provided	Organisation or Supplier	No. Hours	Rate per hour	Total Value (\$)
Architectural drawings	Smith Consulting	10	\$45	\$450
Labour to paint the new community hall – 5 people	Members of XYZ community organisation	10	\$25	\$250
Donation of new kitchen equipment	Commercial Kitchens Ltd	n/a	n/a	\$4,000
	Total			\$4,700

7. Conditions that apply to the Colac Otway Shire Grants Program

7.1 Funding agreements

Successful applicants must enter into a funding agreement with the Colac Otway Shire Council. Funding agreements establish the parties' commitments and obligations to each other and set out the general terms and conditions of funding.

Terms and conditions may vary for each grant category and recipients, depending on the requirements of the project or the event. These terms and conditions will be outlined in the Funding Agreement and can be discussed with the successful applicant prior to finalising the agreement.

Public Liability Insurance of at least \$10 million is required for all projects and events other than equipment purchases. A Certificate of Currency must be submitted with your application.

Category 2 – Community Events & Support Program

For major events only, Public Liability Insurance is increased to \$20 million. A Certificate of Currency must be submitted with your application.

Event organisers holding events on Council owned or managed land are required to complete and sign the Colac Otway Shire Council's Indemnity Form.

Ongoing Council support should not be relied upon, as each year applications will be assessed in conjunction with other applications and will be determined on funding availability.

Acquittal Report Process

At the completion of the project or event, an acquittal report must be submitted to Colac Otway Shire Council. The report should include:

- A summary of the project including feedback on the things that went well and also things that you have learnt from the project.
- The success of the project or event and achievements.
- A financial statement must be completed with receipts attached to detail how the projects or events funds were expended.
- Copies of project or event promotional materials, photographs or video.
- Evidence of acknowledgement of Council's support e.g: club newsletter, media articles, social media etc.

A group which fails to submit an appropriate project acquittal report will be ineligible to apply for funding under any future rounds of the Colac Otway Shire Grants Program until their acquittal report is completed and reviewed by Council as appropriate.

7.2 Acknowledging the Council's support and promoting success

Successful applicants need to acknowledge the Colac Otway Shire Council's support through the provision of a grant from *Colac Otway Shire Community Grants Program*.

Promotional guidelines form part of the funding agreement and include the requirement that all activities acknowledge Colac Otway Shire Council support through logo presentation on any activity-related publications, media releases and promotional material, social media, written or verbal acknowledgement at presentations or 'openings' and/or placing a Colac Otway Shire endorsed sign at the site of larger infrastructure activities.

Successful applicants may be required to contribute information on activity outcomes for use in program evaluation reviews or the Council's marketing materials.

7.3 Privacy

The Colac Otway Shire Council is committed to protecting your privacy. We collect and handle any personal information about you or a third party in your application, for the purpose of administering your grant application and informing the public of successful applications.

In order for us to administer your grant application effectively and efficiently, we may need to disclose your personal information with others for the purpose of assessment, consultation, and reporting. This can include Council staff or Councillors.

Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the *Privacy and Data Protection Act 2014 (Vic)* and other applicable laws.

The Colac Otway Shire Council's Privacy Policy can be found at www.colacotway.vic.gov.au enter Search - Privacy Statement.

Council uses an online grant application program called Smartygrants. [Click Here](#) to view Smartygrants Privacy Policy

8. Resources and additional information

For questions relating to the program, applications or your proposal, contact Colac Otway Shire Council on (03) 5232 9400 between 9.00am and 5.00pm Monday to Friday or grants@colacotway.vic.gov.au

If your query is related to the proposal or application to the Grants program, please ask for the Grants Officer.

If your query is related to an event, please ask for the Events Officer.

If your query is related to the Building Façade Improvement Program and you are enquiring about the potential need for a Planning or Building Permit, contact the Grants Officer and they can assist you with your enquiry.

9. Information Session

Two information sessions will be held to outline the Colac Otway Shire Grants Program. Community members and groups are encouraged to attend and take this opportunity to discuss proposed projects, events and applications, and seek answers to any specific questions.

Details of the sessions will be advertised on Colac Otway Shire Council website.
www.colacotway.vic.gov.au 'Apply for a grant'

Program Category

Key Information

Category 1: Community Grants Program

Total category fund limit: \$160,000

Grants from \$2,000 up to \$10,000 are available. Grants are provided on a matching cash and/or in-kind basis.

What type of activities might be eligible?

This category provides funding to Committees of Management and organisations responsible for community facilities, including public halls and recreation reserves, to assist with minor facility refurbishments and purchases that assist with delivery of the service. The applicant must demonstrate the project provides long term community benefit.

This category provides assistance to Community Groups for a broad range of community development programs, services, activities or new initiatives.

Strategic plans and updates of community priorities including Master Plans for recreation reserves/facilities will also be considered.

What type of activities might be funded?

Eligible items may include but are not limited to:

- Community projects and initiatives
- Community programs that encourage health and wellbeing
- Arts and culture projects
- Environmental projects
- Recreation or hall facility upgrades
- Projects that demonstrate broad benefit to the Colac Otway community.
- Initiatives that demonstrate multiple benefits, which may include cultural, environmental,

heritage, health and wellbeing, social support and community participation outcomes.

- Equipment purchases including sporting and safety equipment and community programs that would assist with the operation of a community group or organisation that is not eligible under Category 3 Small Grants Program due to the cost.
- Minor repairs and works.
- Minor capital improvements of community and recreation facilities up to \$20,000. Excludes project on Council owned buildings if compliance related or within the current lease arrangements.
- Strategic Planning activities that identify opportunities for growth and development. This may include master plans, feasibility plans, action plans or business plans for Council managed Committees of Management of Council facilities.

Category 2: Community Events & Support Program

Total category fund limit: \$100,500

This category provides:

- Grants up to \$10,000 to provide support for major 'community organised' events of regional significance.
- Grants up to \$5,000 to provide support for established events
- Grants up to \$2,000 to provide support for one-off or start-up events.
- COPACC Hire Assistance

Grants available for up to 50% of the cost of standard room hire at COPACC for the provision of performing arts and cultural activities.

The maximum grant available is \$5,000.

Grants are provided on a matching dollar for dollar cash and/or in-kind basis.

What type of activities might be funded?

Groups and organisations can seek funds for events and programs within the Shire for:

- Established annual events (funding for development and growth of events)
- Major 'Community Organised' Events
*specific conditions apply
- New events (seed funding)
- One off events
- Not-for-profit events
- Commercial events (subject to substantial community return)
- COPACC Hire assistance
- Training for the development of specialist skills for volunteer community members
- Education or coaching courses for officials, administrators or relevant community members

- First Aid and CPR Training for staff and volunteers

An **event** means any planned activity open to the public, 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 location surrounding the area prior to, during or after the activity, and includes:

- Sporting activities, whether conducted in an enclosed or unenclosed ground or 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 meetings held in parks or sporting venues and promotional events.
- Live performances and concerts.
- Festivals.

Events eligible for funding must be designed to benefit Colac Otway Shire's residents and businesses, and have a strong community focus. Events should enhance the region's profile, develop community cooperation and cohesion, build local skills or in other ways have a positive impact on the local community.

Events can include but are not restricted to cultural, historical, artistic (music, theatre, visual), sporting, culinary, environmental and could include markets, festivals and exhibitions.

Eligible costs associated with events could include:

- Signage
- Promotional material
- Hire costs (e.g: performers, PA equipment, staging, portable toilets etc)
- Equipment Hire

A permit may be required for your Event.

Event organisers may apply to fund only one element of an Event/Festival, however the Applicant must provide information on the full Event/Festival programme. The full programme will be required to meet the Grants Program Guidelines.

Payment of the grant will be made once any permits (if required) have been issued.

Major 'Community Organised' Event is one that may occur annually, biennially or a one-off event, is regional, State or nationally recognised. The primary evaluation is the generated economic return to Colac Otway Shire. Marketing and branding opportunities for Colac Otway Shire and its townships at a regional scale (or beyond) must also be displayed. The event must show growth elements from previous years.

New Major 'Community Organised' Events must demonstrate the event is at a suitably planned and accepted stage prior to submitting an application. This includes planning approval, approvals from key bodies such as (but not limited to) Police, VicRoads, CFA, landowners.

Specific assessment criteria apply for Major 'Community Organised' Events. Refer to 6.3

All applicants should discuss their event with Council's Event Officer.

Please contact the Events Officer on 5232 9400 between 9.00am – 4.00pm, Monday to Friday or inq@colacotway.vic.gov.au

What will not be funded?

- Events conducted completely outside of the Colac Otway Shire boundary.
- Events which lack a strong community base.
- Event organisers are accepting sponsorship from companies that Council deem are not

suitable or do not align with the Council Plan 2017-2021.

- A second or subsequent element of an Event or Festival will not be funded where the main Event or Festival is to receive funding.
- General ongoing administration costs.
- Request total funding of the festival or event.
- Retrospective funding of a festival or event.
- Seek funding for Public Liability Insurance for the event.
- Project or Event management costs

COPACC Hire Assistance

COPACC Hire Assistance does not include:

- Cleaning
- Box office fees
- Security
- Catering
- Piano tunes
- Labour charges
- Specialised lighting

Information you will need to provide as part of your application

COPACC Hire Assistance quotes must be obtained from COPACC at least 10 days prior to the application closing date.

The quote must include event dates and resources required (room, audio-visual support, labour and technical staff).

Public Liability Insurance of \$20million is required for all events and is not funded under this grant program. A Certificate of Currency must be submitted with your application.

Preference is given to events that are organised co-operatively and where some profits will be distributed back into the community.

Category 3: Small Grants Program

Total category fund limit: \$30,000

Grants up to \$2,000 are available.

Grants are provided on a matching cash and/or in-kind basis. Check with the grants officer to determine if the in-kind contribution is eligible.

This category provides funding to purchase or undertake projects related to:

- Small equipment to enhance facilities and designed to remain as part of the facility
- Community programs that encourage health and wellbeing participation and show economic benefits
- Community projects
- Environmental community projects
- Community initiatives
- Cultural & Arts projects

What type of activities might be funded?

To purchase small equipment, such as:

- appliances
- furniture
- sporting equipment
- First Aid equipment
- uniforms

Examples of projects that might be funded:

- Install watering system to automatically water communal garden beds
- Purchase a defibrillator unit
- Purchase work benches, tables, cupboard, tools and safety equipment
- Community Variable Message Sign
- Outdoor equipment for playgroup sessions with an emphasis on active play

- Purchase of Sunshade
- Purchase of whitegoods
- Purchase of IT equipment that assists in the running and administration of the club or community organisation
- Purchase of tools specific to club/organisation activities

NOTE – all equipment purchases must remain as part of the facility/organisation.

Category 4: Building Façade Improvement Program

Total category fund limit: \$ 21,000

Grants up to \$ 3,000 are available.

Grants are provided on a matching cash and/or in-kind basis.

What type of activities might be funded?

- Exterior painting of retail business building façade.
- Cleaning the existing façade.
- Removal or replacement of redundant signage, air conditioning units and hoardings.
- Minor repair, maintenance or reinstatement of missing elements.
- Minor repairs to existing façade tile or stone accents.
- Minor repairs to structural façade elements and awnings.
- New, repairs and replacements of verandahs.
- External signage.

Please note: A Planning Permit or other permits related to your proposal may be required. Please contact the Grants Officer to check if permits are required.

Information you will need to provide as part of your application

You will need to provide the following documents as part of your application:

- Description of works to be completed as part of the application form. A quote for the proposed works.
- Where the application is proposing the painting of a building, the colour palette will need to be provided for approval by Council.
- Photographs of the buildings existing condition will need to be provided including close ups of the affected areas. Photographs

will also need to be provided following the completion of the works if the application is successful.

- A Planning Permit may be required for the proposed works that need to be completed. The permit process, if required, can run concurrently with this application.
- If your building is heritage listed, you will be required to undertake research to provide Council with evidence including photographs or other documentation. Council can assist with this research or provide information on whether your business is located within a heritage building or area.
- Public Liability Insurance is required for all projects and is not funded by the grant program. A Certificate of Currency must be submitted with your application.

What will not be funded?

- Requests for retrospective funding are not eligible for funding. The project activity cannot commence or equipment purchased prior to the funding being approved.
- Ongoing or administrative costs not directly related to the project.
- Equipment purchasing (e.g: ladders, gurneys, scaffolding, and safety barriers) Hiring of equipment is permitted when related directly to the project.
- Applications will not be considered for projects that have already received funding from Council.
- Proposed works where a planning permit has been refused.

Item: 10.3

Building Compliance Policy

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Existing Council Policy - Swimming Pool and Spa Safety Barriers [10.3.1 - 5 pages] 2. Existing Council Policy - Essential Safety Measures [10.3.2 - 6 pages] 3. Existing Council Policy - Municipal Building Control Intervention Filter [10.3.3 - 7 pages] 4. Draft Council Policy - Administration & Enforcement of Building Legislation - Fina [10.3.4 - 6 pages] 5. Draft Operating Procedure - Swimming Pool & Spa Barrier Compliance [10.3.5 - 3 pages] 6. Draft Operating Procedure - Compliance Response - Non-Council Issued Building Permits [10.3.6 - 4 pages] 7. Draft Operating Procedure - Essential Safety Measures Audit Enforcement [10.3.7 - 5 pages]
PURPOSE	To present a draft Council Policy 'Administration and Enforcement of Building Legislation', which is intended to replace three existing policies.

1. EXECUTIVE SUMMARY

A draft Council Policy 'Administration and Enforcement of Building Legislation', has been prepared for consideration by Council. It replaces three existing policies relating to Council's Building Department function that are due for review. The policy aims to update and consolidate the policies, provide direction on the allocation of Council resources to compliance with building legislation, and give guidance to the approach taken in compliance activities. It was noted by the Shire's Audit Committee on 13 May 2020.

Officers are recommending that Council place the draft policy on public exhibition to seek community feedback before consideration for adoption. The attached draft Operational Procedures are provided for context, but are not being presented to Council for formal consideration. These will continue to be refined and improved over time to give effect to the policy. It is noted that procedural content has been removed from the previous policies and placed into these procedure documents where appropriate. The new draft policy therefore is more focussed on policy guidance.

2. RECOMMENDATION

That Council:

- 1. note the attached draft Council Policy – ‘Administration and Enforcement of Building Legislation’ which is intended to replace three existing Council Policies – “Municipal Building Control Intervention Filter Criteria”, “Essential Safety Measures” and “Municipal Pool and Spa Enforcement”.**
- 2. note the attached draft Operational Procedures which have been developed to support implementation of the new policy, which are not intended to be adopted by Council, but are provided for information.**
- 3. resolve to place the draft ‘Administration and Enforcement of Building Legislation’ policy on public exhibition for six weeks to seek community feedback before it is formally considered for adoption.**

3. KEY INFORMATION

Council’s Building Department Function

Councils have significant building administration, compliance and enforcement roles and functions under the *Building Act 1993* (“Act”) that relate to the safety of buildings.

An integral and crucial part of the building compliance enforcement role of a Council is carried out by the statutory office of the Municipal Building Surveyor (“MBS”). Every Council must appoint an MBS in order to fulfill the Council role and functions under the Act. An MBS has unique and distinct roles and functions that in many cases are separate to those of a Council. In some cases, generally with regard to matters of safety and risk to life and property, an MBS may have a legal duty to act in a manner that should not be subject to the direction of the Council.

As the MBS is engaged by a Council, the MBS is reliant upon the Council to ensure that there is adequate authority within the Council organisation structure and that sufficient resources are given to the office of the MBS for the statutory roles and functions under the Act and the regulations to be properly carried out.

The MBS may be subject to legal direction from the Victorian Building Authority (VBA) or the Minister from time to time, as occurred in 2018 when directions were given to respond to the risk of flammable cladding on buildings within the Shire.

Specific functions of the MBS under the Act and regulations (and building practitioners that have powers delegated by the MBS) include:

- Responding and attending to building related emergencies, dangerous buildings and dangerous land within the scope of the Act and the building regulations at any time;
- Investigating safety matters concerning buildings, pool safety barriers, essential safety measure requirements and the like, and the issuing of emergency orders, building notices, building orders and directions to fix building work;
- Considering applications for building permits, the issuing of building permits, occupancy permits (including for places of public entertainment) and administration of permits (noting Council resolved at its May 2020 meeting not to continue processing building permits);

- Administering the registration and compliance of swimming pools and spas within the municipality.
- Issue siting consent for prescribed temporary structures and Places of Public Entertainment Occupancy permits (events);
- Determining applications for Report and Consent under the Regulations (for proposals to vary requirements such as siting of buildings, buildings in flood prone areas, etc);
- Appearing before the Building Appeals Board in relation to decisions of the MBS;
- Responding to regulatory modification applications;
- Bringing court proceedings under the Act and the regulations.

Compliance Responsibilities

The following is a summary of the key compliance activities undertaken by Council:

- Response to **external complaints/safety issues identified by Council:**
 - There is a high number of non-compliant buildings in the Shire – partly due to the previous lack of Council resources to investigate and follow through.
 - Often safety issues arise due to weather events or new buildings being erected that do not have a permit or are not in accordance with an issued permit. This requires site inspections, and in some cases the issue of Building Notices and Orders.
- Administration of compliance with **swimming pool and spa barriers** requirements:
 - Outdoor pools and spas require a building permit and compliant fencing/barriers to prevent drowning. Recent legislation has tightened these requirements.
 - Regulations now require pool owners to register their pools with Council, and for 4 yearly inspection reports to be lodged with Council.
 - It is Council's responsibility to ensure on-going compliance is achieved with the regulations, and to take enforcement action if required.
- Auditing of **Essential Safety Measure (ESM)** compliance (applies to all non-dwelling construction):
 - ESM requirements include fire hose reels, fire extinguishers, smoke alarms, emergency fire exits etc. – these are established in issued Building Permits and owners have on-going obligations to maintain them in a fit for purpose state.
 - Approximately 1,100 premises are subject to ESM requirements in our Shire, including Class 3 hotel/motel accommodation, Class 5 office buildings, Class 6 retail buildings, Class 7 storage facilities, Class 8 factories and Class 9 public assembly buildings.
 - Council currently has a policy relating to ESM compliance that Council will audit properties for compliance, however resourcing until 2018/19 did not allow this to occur effectively.
 - Following the allocation of additional funds in the 2018/19 budget, an audit program began in late 2018. Accommodation buildings are of highest concern, along with take away food buildings with high fuel sources and loads (deep fryers, stove tops etc), requiring rapid fire suppression through extinguishers and hose reels.
 - The audits have also uncovered other concerning areas of non-compliance, with some buildings being used for purposes other than the purpose to which it was designed. Illegal building work is also being discovered through these audits.

The need for Council Policy Direction on Resourcing of the Building Department

Aside from the requirement to employ an MBS (whether part or full time), there is no specific obligation on Councils concerning the degree to which resources are allocated to a Building service, however a Council can be placed at risk if the MBS and the Building Department is not properly resourced.

Council has contracted this service since 2012 to a private company that services local government – Munisol. There has until recently been three contract staff equating to 2.0 EFT in total, with the total value of this contract annually being \$326,500. Administrative support is provided by Council staff in the Planning, Building and Health Department. Approximately 15-20% of officer time is spent processing building permits and undertaking related inspections – the balance is compliance related. Council is currently in a tender process for a new contract for this service, which after a transition period will be reduced to 1.6 EFT after Council's decision not to continue processing building permits.

Council historically has not had adequate resources in the Building Department to handle the workload associated with compliance, requiring increased budget allocations in recent years. With the current team, the Building Department is sufficiently able to respond as safety issues arise, and proactively audit premises for compliance. The change in contract scope described above should not alter the staff resource available to undertake compliance, with the reduction in EFT sought in the current tender reflective of the approximate time historically spent by staff processing building permits.

The MBS and other Council staff are personally responsible (in addition to liability of Council) if it is found that life or safety has been adversely affected through lack of response to known safety issues. There are many examples where non-compliance has led to death, and Coroner reports have highlighted Council's role. The Childers Backpacker fire in 2000 where 15 people were killed was the catalyst for legislative reform across Australia. Retrospective legislation was introduced requiring accommodation buildings to be upgraded to modern standards with respect to smoke detection, fire suppression and evacuation. Unfortunately, some building owners in the Colac Otway Shire have not actively upgraded their buildings, and staff continue to discover non-compliant/unsafe buildings.

An audit by the State Auditor General several years ago identified significant concerns about the degree of non-compliance of buildings in Victoria, and lack of Council oversight to address this. The Victorian Building Authority (VBA) was created (from the Building Commission) to address the Auditor General's concerns. The VBA is progressively introducing new legislation aimed at strengthening requirements and Council obligations to provide oversight/ enforcement. Recent changes to swimming pool regulations are an example.

The lack of compliance of premises with ESM requirements has in recent years been rated as an 'Extreme' Risk in the Organisational Risk Register, and reported to Council's Audit Committee as such. This risk was reduced down to 'High' in 2019 based on the audits being undertaken with current resources.

Review of Policies

There are currently three policies which guide the resourcing and activity of the Building Department (see attached). These are:

- Municipal Building Control Intervention Filter Criteria
- Essential Safety Measures
- Municipal Pool and Spa Enforcement

These policies are proposed to be replaced by a single new policy titled: 'Administration and Enforcement of Building Legislation'. These three areas are addressed below:

Intervention when Building Permits managed by Private Building Surveyors

Council through the operation of Section 212 of the *Building Act* retains the ability to enforce the Act and the Regulations even if a Private Building Surveyor (PBS) has been appointed to process a building permit application.

The VBA has various powers under the Act to intervene in circumstances where a PBS is appointed. These powers include the ability to issue directions to the PBS, enforce orders made by the PBS, prosecute persons for non-compliance with orders issued by the PBS in addition to being able to utilise all the powers that a Council MBS has in certain circumstances. The VBA is empowered to conduct disciplinary proceedings in respect of any registered building practitioner who may have not carried out their responsibilities correctly.

Council receives many complaints about building permits issued by PBSs, usually in relation to the siting of the building and compliance with building requirements (i.e. height, privacy, etc). Following the introduction of the private permit issuing system in July 1994, local government recognised the need for adopting a uniform approach across the State when dealing with complaints of that nature. Together with the MAV, Councils developed a system to classify and manage those complaints referred to as the **Building Control Intervention Filter Criteria** ('the Filter Criteria').

The Filter Criteria utilises a risk assessment matrix and identifies standardised responses to complaints from the public where a PBS has been appointed, and recognises that Council has obligations to the public with regard to dangerous situations which it can remedy or cause to be remedied. Where a danger exists and Council officers are aware of that danger, a lack of action on the part of Council could result in a claim against Council if innocent persons were to suffer loss or injury. This is regardless of whether a PBS is, or has been, appointed. In those circumstances the Filter Criteria recommends Council staff taking action to remove the danger.

The Filter Criteria also recognise that not all complaints received at Council relate to public safety and many relate to matters stemming from administrative neglect or error by PBSs. In those circumstances the Filter Criteria recommends that the matter be referred to the PBS for remedial action failing which the matter be referred to the VBA. In some circumstances it may be that the complaint is of a trivial or minor nature in which case the Filter Criteria may recommend merely referring it back to the PBS for action.

The Filter Criteria streamlines the complaint handling processes and provides a level of uniformity across all Councils. The referral of appropriate cases to the VBA also allows that authority to carry out their functions under the Act.

Council has had a policy applying the Filter Criteria for a number of years, that is a combination of policy guidance and operational procedures. It is proposed through this review that the procedural elements be extracted and placed in an Operational Procedure (see attached for information). The policy statement of approach is retained in the new combined policy.

Essential Safety Measures (ESMs)

The current ESM policy has existed since 2012 and is used to give direction on how Council will manage its risk associated with Essential Safety Measure (ESM) compliance in the Shire. Given the significant

extent of ESM requirements that apply to premises other than dwellings across the Shire, and the significant level of non-compliance that is known, Council will never be in a position to proactively enforce compliance with these requirements completely. This would require more staff resources than would be financially viable for our Shire.

Equally, it is not a viable option for Council to limit its resourcing of the Building Department to such an extent that there are inadequate resources to undertake some compliance audits of ESM requirements. As noted earlier in the report, both Council and the MBS have legal responsibilities to enforce the *Building Act* and ensure public safety is maintained, and Council's Risk Register has identified that without adequate resourcing this issue is an Extreme risk to the organisation due to the potentially catastrophic consequences of loss of human life should lack of ESM compliance contribute to a fire/building damage. It was for this reason in 2018/19 that additional resources were allocated to the Building Department to enable some auditing of commercial premises to occur.

The policy is an important mechanism for Council to manage its risk and liability by acknowledging that it cannot afford the full level of resourcing required to ensure absolute compliance, but that it instead will allocate resources to allow a prioritised program of property audits to occur each year, based on the degree of risk. By taking a risk-based approach, Council can accept a position of partial funding for this task, knowing that properties of the highest risk are being targeted as a first priority.

Building staff have prioritised the (approximately) 1,100 buildings in the Shire that are subject to ESM requirements, and have been auditing higher risk premises over the past 18 months (including accommodation above hotels, take-away food premises, timber mills and the like). These audits have revealed that land owners have very low knowledge of their responsibilities, and low levels of compliance that place their premises at significant risk of an accident. Officers have worked with these owners through formal compliance processes to ensure that fire service facilities are compliant. It is proposed that this audit program continue to be implemented over a number of years to gradually work through the list of premises and raise the level of compliance.

The current policy states Council will take this approach, and as with other policies being reviewed contains a mix of policy guidance and operational procedure. The new policy carries through the current approach but separates the procedural elements into an Operational Procedure – see attached.

Swimming Pool and Spa Barriers

Council's current policy on swimming pool and spa barriers has been in place for a number of years, and sought to manage Council's risk associated with ensuring that owners of swimming pools have compliant barriers around their pool or spa, to minimise the risk of drowning. The policy indicates Council will take a proactive approach to this issue, with a mixture of education, public awareness raising and property audits. The policy states Council will audit all premises with pools/spas (approximately 300) every four years and undertake enforcement processes to ensure compliance is achieved where necessary.

Two shire wide swimming pool audits have been undertaken in the past ten years, involving a site visit by a Council building surveyor/inspector. These audits have resulted in a fairly high level of barrier compliance, and Council has a register of known pools which is updated as new swimming pools are identified.

State Government changes to the *Building Regulations* in 2019 have put in place a suite of new requirements on property owners that aim to increase the onus on pool and spa owners to keep their barriers compliant. This includes a requirement that pools and outdoor spas are registered with

Council by 1 November 2020, and that within a specified period (depending on how old the pool or spa is), the owner must engage a building practitioner to inspect their pool and prepare a Certificate of Compliance (or Non-Compliance if it is not brought into compliance through that process) for lodgement with Council. These changes alter the role of Council. In the first instance, it is important that Council ensures that all known pools are registered, and then subsequently follows-up with owners on this register if they have not submitted a Certificate of Compliance by the required date. Council will need to address any identified non-compliance with barrier requirements arising from this process in the normal way (i.e. via Building Notices and Orders), with an additional option of issuing Infringement Notices.

It remains important that Council has a policy relating to swimming pool and spa barriers, but the recent legislative changes has resulted in a review of the approach. It is recommended Council continue its approach by proactively checking with owners who have either not registered a pool, not supplied a Compliance Certificate, or taken action to comply with requirements. It is also recommended that Council continue to take an educative approach that aims to achieve compliance through communication and media methods. As with the other policies, the operational aspects of this policy have been taken out and placed in an Operational Procedure (see attached).

Building Department Approach to Compliance

The Building Department has put considerable effort over the past 12 months into better communicating with landowners during a building compliance process. Building Notices and Orders must be issued in a standard format detailed in the Regulations, but staff have attempted to convey the requirements of land owners through attached letters that seek to offer options on how a matter can be resolved, and staff contact owners either via an on-site meeting or by phone to explain the identified breaches, and ways to resolve them. The intent is increased understanding of the building process and owner obligations and to achieve co-operative compliance as a first priority. Whilst enforcement of unresolved Building Orders will sometimes need to be pursued through prosecution in court, this is not the preferred option, and will be a last resort where significant effort by Council staff has not resulted in the required outcome, and the breach is of a serious enough nature that court action is warranted versus more minor matters that may not justify it.

The draft policy contains new material that documents this approach and specifies that the Chief Executive will be responsible for determining whether a prosecution will be pursued, taking into account specified considerations. This will formalise the process that is currently in place. Whilst the MBS has sole responsibility for determining to issue Building Notices and Orders, it is the organisation that determines whether to enforce these at the Magistrates Court.

The new policy also seeks to provide direction on the circumstances under which building compliance administration fees are reduced or waived. It is not unusual for a landowner to seek a reduction in the applicable fee due to the cost of bringing their buildings into compliance and their challenging social and/or financial circumstances. The policy will provide documented guidance for these decisions.

A separate report is tabled in the meeting agenda that relates to a review of Building Compliance Administration fees. This report responds to the Council resolution in 2019 calling for a review of the fees charged with the issue of Building Notices and Orders.

4. COMMUNITY CONSULTATION & ENGAGEMENT

It is proposed that the draft policy be placed on public exhibition for a minimum period of 6 weeks to enable broad community feedback prior to final consideration by Council. Council would promote the opportunity to provide feedback on the draft policy through a range of mediums including Council's website, Facebook page, and utilisation of local media outlets and community newsletters.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 5- Leadership and Management

Goal 3, Organisational Development and Legislative Compliance, Action 9 – 'Manage our risk exposure...'

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The administration of functions by Council's Building Department is critical to the health and safety of the community. This policy gives guidance to Council on how this will be achieved. The type of approach taken to compliance activities by building officers is also an important factor in how Council's actions are viewed by the community.

LEGAL & RISK

As outlined in this report, Council has legal responsibilities under the Building Act and associated regulations which it must manage with limited resources. The risk of Council not auditing and enforcing Essential Safety Measure requirements under the Building Act is rated as Extreme due to the significant public safety consequences of non-compliance with the requirements. The risk has been reduced to High on the basis of current resources allocated to undertaking a program of audits and compliance. Should this level of service be reduced, Council's risk exposure would be increased.

FINANCIAL & BUDGETARY

The policy proposed would not require an increase in Council resources for the Building Department. Changes in policy approach beyond that recommended could have the effect of increasing or reducing the cost of providing this function.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

The draft policy will be placed on Council's website and media releases, social media and public notices used to seek community feedback.

TIMELINE

Community engagement will commence following resolution of Council to proceed. Following the minimum 6 weeks public exhibition period, community feedback will be considered and then the final draft will be presented to Council for adoption.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.



COUNCIL POLICY

Council Policy Title	Municipal Pool and Spa Enforcement The Administration and Enforcement of Part 7 Division 1 of the Building Regulations 2006
Council Policy ref. no:	19.2
Responsible Department:	Sustainable Planning and Development
Date of adoption/review:	23 October 2013

ADMINISTRATION AND ENFORCEMENT

1. Purpose

The purpose of this policy is to guide Council's activities in meeting its responsibilities with administration and enforcement of provisions under the Building Act 1993 ("the Act"), and in particular regulation Part 7 Division 1 of the Building Regulations 2006 which requires the erection of barriers around swimming pools and spas.

The use of policies by Councils has long been recognised by the courts as a means of Councils determining how (due to the many responsibilities held) limited resources are to be allocated. By having an appropriate policy in place Council will both reduce its exposure to risk and provide guidance to Council officers on how the regulation is to be administered.

2. Background

Council is required by section 212 of the Building Act 1993 ("the Act") to administer and enforce specified parts of that Act and the whole of the Building Regulations 2006 ("the Regulations") within its municipal boundaries. As with many other responsibilities, Council has the ability to determine how it will carry out these functions having regard to competing obligations and limited resources.

Regulation Part 7 Division 1 of the Building Regulations deals with the erection of swimming pool/spa barriers in respect of pools/spas constructed prior to 1991. Pools/spas constructed after that date were required, as part of the building permit, to include as part of the construction, barriers in accordance with the relevant Australian Standard. Prior to 1991 there was no such requirement.

The underlying obligations contained in regulation Part 7 Division 1 (to provide suitable pool/spa barriers) have been in force for a number of years. The State Government and some Councils have advertised the requirements of regulation Part 7 Division 1 on many occasions. Despite this advertising, Council audits reveal that only a relatively small number of swimming pools/spas fully comply with barrier requirements, and that compliance does not occur until Council actively enforces the regulation.

The administration and enforcement of the Regulation has generally been on an ad hoc basis in most Councils and the degree of administration and enforcement has varied greatly between municipal districts. Most Councils have adopted in recent years a policy that deals with how the administration and enforcement is to take place.

A reactive policy is one where Council only enforces the regulatory requirements when it becomes aware of a specific (or potential) non-compliance. The Court has determined in numerous cases (including the well known case of *Pyrenees Shire Council v Day*) that in circumstances where a Council becomes aware of a danger to persons or property and Council has the statutory ability to cause the danger to be abated, the community expects Councils to take such action. A failure to take action in those circumstances could result in a finding of negligence against the Council.

A proactive policy is one where Council actively seeks out non-compliance and takes appropriate enforcement action. The degree of 'proactiveness' may vary. To be proactive it is necessary to:

- (a) Identify the location of swimming pools/spas in the municipality
- (b) Have a programme of inspections of those swimming pools/spas
- (c) Publicise that Council has a proactive policy and will be conducting inspections
- (d) Determine whether those inspections are to be selective or be systematic
- (e) Have a subsequent follow up programme
- (f) Have suitable staff to conduct those inspections

An education policy is one where Council makes available to the community sufficient information for persons to understand the legal requirements and the reasons for those requirements. An education policy may be passive or active. A passive education policy is one where material is made available as handouts etc at Council offices whereas an active education policy will use the media and other resources to educate as many members of the community as possible. An education policy however must be used in combination with either a reactive or proactive enforcement policy.

All Councils should, as part of their risk management process, have in place a policy that identifies the processes to be followed upon becoming aware of a non-compliant (or potentially non-compliant) swimming pool/spa barrier.

The adoption of this policy will provide specific guidance to the Council's Building Department concerning how it will implement administration and enforcement of these requirements, and give assurance to the community that the responsibility given by that Act is being administered in a responsible manner.

Council's Approach to Enforcement of Swimming Pool/Spa Barrier Requirements

Colac Otway Shire does not have the staff resources which would enable it to proactively enforce swimming pool/spa barrier requirements for all land owners on annual basis. It does acknowledge the need however for a proactive approach to administration and enforcement in respect of these regulations, in addition to on-going response to known non-compliance when this becomes evident, and education of building owners. This policy will therefore adopt the following approach to enforcement of the requirements as a means of best managing risk to human life and safety within its resource capacity, with the aim of ensuring that eventually all swimming pool/spa barriers in the municipality are compliant with the regulation.

Reactive Approach

Council officers, upon becoming aware of any swimming pool/spa within the municipal district that does not have a barrier compliant with the Regulations, will utilise the procedure set out below to bring about compliance.

1. Upon becoming aware of a potential non complaint barrier the designated Council officer will write to the property owner and occupier advising that there is concern that the building at the property may not comply with the Building Regulations and that an inspection will take place at a set date. A copy of the relevant information sheets will be sent with that letter. This will take place within 7 days of being notified of the potential non compliance.
2. The designated Council Officer will inspect the subject property within 7 days of the letter.
3. Upon inspection, in the event there is no barrier or the barrier in place does not comply with regulation Part 7 Division 1, a Building Order for Minor Work [on the basis that the Municipal Building Surveyor is of the opinion that the barrier is minor work] will be issued pursuant to section 113 of the Building Act. The building order will (generally) allow the owner 30 days in which to erect a compliant barrier.
4. In the event as determined by the Municipal Building Surveyor, the individual circumstances warrant the erection of a barrier in a period of time less than 30 days, an Emergency Order under section 102 of the Building Act will be issued.
5. Any order issued will be accompanied by a copy of regulation Part 7 Division 1 and associated educational handouts providing information on how to comply with the order and advising as to when the next inspection will take place.
6. The time for compliance under the order may be extended provided proper grounds for doing so are provided.
7. At the end of the time for compliance, the swimming pool/spa will again be inspected. If no genuine action has been taken by the homeowner to comply with the order, the matter will be referred to Council's solicitor for prosecution (for breaches of regulation Part 7 Division 1 and section 118 of the Building Act) and enforcement through section 253 of the Building Act, being an order of the court requiring compliance. A letter will be sent to the owner advising of the referral to Council's solicitor and providing a final opportunity to comply. Officers may elect to send up to two warning letters prior to referral to Council's solicitor with the aim of seeking co-operative compliance with an order.
8. If at the time of that inspection the owner has attempted to comply with the building order but there are minor matters still outstanding, the owner will be advised of a time at which a further inspection will be carried out and if there is still non compliance at that time enforcement action may be taken.
9. If a further inspection is required as a result of the barrier not being fully compliant, following that further inspection, the relevant Council officer may determine to refer the matter at that time to Council's solicitor for enforcement action.

Proactive Approach

In addition to responding to non-compliance as it becomes known, Council will take a proactive approach to administration and enforcement of swimming pool/spa barrier requirements within its resource capacity, and taking a risk management approach. This is aimed at ensuring that eventually all swimming pool/spa barriers in the municipality are compliant with the regulations. Officers will follow the following procedure:

1. Council officers will maintain a database of all swimming pools and spas in the municipality. The database will be updated by 30 June **every four years** by analysing existing records and/or by the use of aerial photography (acknowledging that aerial photography may not identify all pools and spas and existing records will also not include all existing pools and spas). It will also be updated as officers become aware of a swimming pool or outdoor spa through the course of their day to day work. The database, even if not complete, is essential for:
 - a. Determining the number of pools and spas in the municipality, which is required so as to enable the level of risk to be assessed
 - b. Determining the level of resources required
 - c. Identifying swimming pools and spas constructed both before and after 1991 so as to enable if necessary an enforcement program with respect to regulation Part 7 Division 1.
 - d. Identifying addresses for 'direct mailing' campaigns
2. Every four years, all properties known to have a swimming pool or outdoor spa will be inspected.
3. Upon inspecting a property and identifying a non compliant barrier the procedure set out in the "Reactive Approach" will be utilised to bring about compliance.

Education

The following is not a detailed procedure in respect of educational steps. Rather the following sets out a variety of measures that may be taken to increase community awareness:

1. Council's policies with respect of regulation Part 7 Division 1 will be printed and made available in pamphlet form to the public
2. A series of articles on pool safety and owner responsibilities will be prepared for the local newspapers at the start of each summer period.
3. Pool Shops, Childcare Centres, libraries and other public buildings to be asked to distribute (via the counter) pamphlets and other public awareness material
4. The use of telephone recordings to be investigated
5. Advertisements in local newspapers
6. Information and appropriate links on Council's website

Reporting

A report will be prepared by Council officers every four years at the conclusion of the four yearly audit detailing all actions taken under this policy, identifying:

- a) The number of pools/spas inspected

- b) The number of pools/spas that at 1st inspection required no further action
- c) The number of Minor Works Orders or Building Orders issued
- d) The number of orders complied with in the specified period
- e) The number of Building Orders referred for legal proceedings
- f) The number of Emergency Orders issued
- g) The number of Emergency Orders referred for legal proceedings
- h) The number of matters outstanding
- i) Details of education methods employed under the policy

This report will be forwarded to the Shire's Risk Management Committee for consideration.

Conclusion

This policy will provide Council with a clear and transparent framework for directing resources to enforcement of swimming pool/spa barrier requirements. It will ensure that Council is taking a responsible approach to this legislative responsibility within its financial capacity.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
23 November 2005	Adopted by Council
24 May 2006	Review
23 October 2013	Review



COUNCIL POLICY

Council Policy Title:	Essential Safety Measures The Administration and Enforcement of Part 12 Division 1 of the Building Regulations 2006
Council Policy ref. no:	19.3
Responsible Department:	Planning and Environment
Date of adoption/review:	23 October 2013

ADMINISTRATION AND ENFORCEMENT

1. Purpose

The purpose of this policy is to guide Council's activities in meeting its responsibilities under the *Building Act* 1993 ("the Act") and in particular regulation *Part 12, Division 1* of the *Building Regulations* 2006 which relate to Essential Safety Measures (ESM) requirements.

The use of policies by Councils has long been recognised by the courts as a means of Councils determining how (due to the many responsibilities held) limited resources are to be allocated. By having an appropriate policy in place Council will both reduce its exposure to risk and provide guidance to Council officers on how the regulations are to be administered.

2. Background

Council is required by Section 212 of the *Building Act* 1993 ("the Act") to administer and enforce specified parts of that Act and the whole of the *Building Regulations* 2006 ("the Regulations") within its municipal boundaries. As with many other responsibilities, Council has the ability to determine how it will carry out these functions having regard to competing obligations and limited resources.

Regulation Part 12, Division 1 of the Building Regulations deals with essential safety measures. An essential safety measure is defined under the *Building Regulations* 2006 (the Regulations) as an item listed in Tables I1.1 to I1.11 of Volume One of the Building Control Act (BCA), except the item in Table I1.4 relating to artificial lighting.

All buildings other than a house or outbuilding are affected. These include the following Classes as defined in the Building Code of Australia:

- Class 1b: Some boarding houses, guest houses or hostels
- Class 2: Buildings containing sole-occupancy unit (e.g. apartments, blocks of flats)
- Class 3: Backpacker accommodation, residential parts of hotels or motels, residential parts of schools, accommodation for the aged, disabled or children
- Class 5: Offices for professional or commercial purposes
- Class 6: Shops or other buildings for sale of goods by retail cafés, restaurants, milk bars, dining rooms, and bars
- Class 7: Buildings used for car parks, storage or display of goods.
- Class 8: Laboratories or buildings for production or assembly of goods
- Class 9: Public buildings such as health care buildings or assembly buildings, nightclubs, bars etc.

When the construction of a building is complete, the building owner is responsible for its upkeep and maintenance, particularly its safety features.

The maintenance of essential safety measures ensures that the safety measures mainly dealing with fire situations within the building, remain at the required operational level throughout the life of the building. The type of maintenance depends on the complexity of the service, equipment or feature and the experience of the person carrying out the inspection or test.

As an example, essential safety measures defined under the Building Regulations include:

Air conditioning systems	Fire hydrants
Emergency lifts and lighting	Fire windows
Ext doors and exit signs	Mechanical ventilation
Emergency power supply	Fire isolated stairs, passages ramps
Fire control centres	Fire rated materials
Fire curtains and doors	Path of travel to exits
Emergency warning systems	Smoke alarms
Fire detectors and alarm systems	Smoke control systems
Fire extinguishers	Sprinkler systems

The Regulations contain a full listing of essential services.

If a building was built or altered since 1 July 1994, the Regulations require a land owner to keep a current copy of the building's occupancy permit together with an annual essential safety measures report in the building. All essential safety measures reports, records of maintenance checks, services and repair work to the building must also be kept on the premises so it is easily accessible for a Municipal Building Surveyor or Chief Officer of the relevant fire brigade to randomly check for compliance. These documents are important as collectively they ensure that owners are fulfilling these obligations.

Although councils have a responsibility under building legislation for the enforcement of building safety in their municipality, owners have an obligation to ensure that essential safety measures and other safety measures are maintained and operate satisfactorily. Each year building owners are required to prepare an annual essential services report on the building's essential safety measures. An owner may choose to engage specialist maintenance contractors to assist in the preparation of this report or if written delegation is provided, an agent may complete the report. The reports must be available at the building for inspection by the Municipal Building Surveyor or the Chief Officer on request after 24 hours notice.

If the building was built before 1 July 1994, owners are responsible for ensuring that any safety equipment, safety fittings or safety measures are maintained and fulfilling their purpose. Owners are also required to prepare and display an annual essential safety measures report. This includes exits and paths of travel to exits. It is also advised that records of maintenance checks, service and repair work be kept so they can be made available for inspection by a Municipal Building Surveyor or Chief Officer.

Council's Municipal Building Surveyor or Chief Officer of the CFA is responsible for the enforcement of these Regulations, and it is often the case that without proactive enforcement from Councils or the CFA, land owners fail to meet the requirements. There is therefore a significant risk to human life or safety if proactive enforcement is not carried out.

Non-compliance may result in an infringement notice issued by Council or the Fire Brigade up to \$1000 and furthermore, non compliance may result in prosecution in which a fine may be imposed of \$10,000 for an individual or \$50,000 for companies for each breach of the Regulations. More importantly, non-compliance could place not only building occupants at risk but also those of passers-by and the occupants of adjoining buildings.

Council's Approach to Enforcement of Essential Safety Measure (ESM) Requirements

Colac Otway Shire does not have the staff resources which would enable it to proactively enforce ESM requirements for all land owners which are required to meet them under the Building Regulations. It does acknowledge the need however for a proactive approach to administration and enforcement in respect of these regulations, in addition to on-going response to known non-compliance when this becomes evident, and education of building owners. This policy will therefore undertake the following approach to enforcement of the requirements as a means of best managing risk to human life and safety within its resource capacity, with the aim of ensuring that eventually all buildings in the municipality are compliant with the regulation.

Reactive Approach

Council officers, upon becoming aware of any building within the municipal district that does not have an annual report on essential safety measures, will utilise the procedure set out below to bring about compliance.

1. Upon becoming aware of a potential non complaint ESM report the designated Council officer will write to the property owner advising that there is concern that the building at the property may not comply with the Building Regulations and that an inspection will take place at a set date. A copy of the relevant information sheets will be sent with that letter. This will take place within 7 days of being notified of the potential non compliance.
2. Upon inspection, in the event there is no essential safety measures report, a Building Order for Minor Work (on the basis that the Municipal Building Surveyor is of the opinion that the report is minor work) will be issued pursuant to section 113 of the *Building Act*. The building order will be in a standard form and will generally allow the owner 30 days in which to provide a current compliant report.
3. In the event as determined by the Municipal Building Surveyor, the individual circumstances warrant the provision of emergency safety measures, an Emergency Order under section 102 of the Building Act will be issued.
4. Any order issued will be accompanied with information on how to comply with the order and advising as to when the next inspection will take place.
5. The time for compliance under the order may be extended provided proper grounds for doing so are provided.
6. At the end of the time for compliance, the building will again be inspected. If no genuine action has been taken by the owner or occupier to comply with the order, the matter will be referred to Council's solicitor for prosecution (for breaches of *Part 12* of the regulations and *section 118* of the *Building Act*) and enforcement through *section 253* of the *Building Act*, being an order of the Court requiring compliance. A letter will be sent to the owner advising of the referral to Council's solicitor and providing a final opportunity to comply. Officers may elect to send up to two warning letters prior to referral to Council's solicitor with the aim of seeking co-operative compliance with an order.
7. If at the time of that inspection the owner has attempted to comply with the building order but there are minor matters still outstanding, the owner will be advised of a time at which a further inspection will be carried out and if there is still non compliance at that time enforcement action may be taken.
8. If a further inspection is required as a result of the equipment or report not being fully compliant following that further inspection, the relevant Council officer may determine to refer the matter at that time to Council's solicitor for enforcement action.

Proactive Approach

In addition to responding to non-compliance as it becomes known, Council will take a proactive approach to administration and enforcement of ESM requirements within its resource capacity, and taking a risk management approach. This is aimed at ensuring that eventually all buildings in the municipality are compliant with the regulations. Officers will follow the following procedure:

1. Council officers will create a database of all buildings in the municipality. The database will be created by analysing existing records and/or by the use of aerial photography. It is acknowledged that aerial photography may not identify all relevant buildings and existing records will also not include all relevant buildings. The database, even if not complete, is essential for:
 - a. Determining the number of buildings in the municipality, which is required to enable the level of risk to be assessed.
 - b. Determining the level of resources required.
 - c. Identifying all buildings erected before and after 1 July 1994 so as to enable if necessary an enforcement program with respect to Part 12 of the Regulations.
 - d. Identifying the addresses for “direct mailing” campaigns.
 - e. Determining the effectiveness of relevant policies.
2. The database is to be reviewed annually to determine an appropriate program of inspections including the numbers of buildings to be inspected over the course of the year (the inspection target) and the resources to be allocated to that work. The review will also determine the objective criteria on which the properties to be inspected are determined.
3. The list will be prioritised according to the degree of risk based on the nature of the land use. For example, accommodation (including motels, backpackers, apartments and bed and breakfasts), hotels, night clubs and the like will be considered a higher risk to human safety than shops or offices. These buildings will be audited for compliance with ESM requirements as a high priority.
4. Upon inspecting a property and identifying a non complaint system or report, the procedure set out in the “Reactive Approach” above will be utilised to bring about compliance.
5. The database of buildings will be updated on an ongoing basis, based on records of final inspections for buildings subject to ESM requirements.

Education

Council also recognises the importance of educating building owners on their legal responsibilities to comply with the regulations and the underlying reasons for the regulations itself. Council will seek to ensure the maximum possible cover is being achieved and will undertake the following steps:

1. Council's policies with respect to Part 12 of the regulations will be printed and made available in pamphlet form to the public.

2. A direct mail out campaign will take place following the establishment of a database. The mail out campaign will include the information on the policy and the options available to building owners and occupiers and the consequences of non compliance.
3. A series of articles on essential safety measures will be prepared for the local newspaper.
4. Enforcement action will be published to create greater public awareness of the consequences for non compliance.
5. Customer Service Centres, libraries and other appropriate outlets would be asked to distribute (via the counter) pamphlets and other public awareness material.
6. Information to be sent out with rate notices.
7. Advertisements in local newspapers.
8. Information and appropriate links on Council's website.

Reporting

A Report will be prepared by Council officers on an annual basis detailing all actions taken under this policy, identifying:

- a) The audit program undertaken over the course of the previous year, including the criteria used for prioritisation of risk
- b) The number of buildings inspected
- c) The number of buildings that at 1st inspection required no further action
- d) The number of building orders issued
- e) The number of building orders complied with in the specified period
- f) The number of building orders referred for legal proceedings
- g) The number of emergency orders issued
- h) The number of emergency orders referred for legal proceedings
- i) The number of matters outstanding
- j) Details of education methods employed under the policy

This report will be forwarded to the Shire's Risk Management Committee for consideration.

3. Conclusion

This policy will provide Council with a clear and transparent framework for directing resources to enforcement of ESM requirements in the highest priority developments based on a risk assessment process. It will ensure that Council is taking a responsible and risk based approach to this legislative responsibility within its financial capacity.

ADOPTED/AMENDMENT OF POLICY

Reviewed Date	Reason for Amendment
23 October 2013	Adopted by Council



COUNCIL POLICY

Council Policy Title:	Municipal Building Control Intervention Filter Criteria Guideline Policy For Council's Administration and Enforcement of Parts 3,4,5,7 & 8 of the Building Act 1993 and Building Regulations 1994 in circumstances where a private building surveyor has been appointed to carry out function
Council Policy ref. no:	19.1
Responsible Department:	Sustainable Planning and Development
Date of adoption/review:	23 October 2013

ADMINISTRATION AND ENFORCEMENT

1. PURPOSE

To inform Council of its responsibilities under the *Building Act 1993* ("the Act") in circumstances where a private building surveyor has been appointed by or on behalf of the owner of a property to issue a building permit or carry out other functions in respect of building work being carried out or proposed to be carried out at the property.

2. BACKGROUND

Council is required by section 212 of the Act to administer and enforce specified parts of that Act and the whole of the *Building Regulations 1994* ("the Regulations") within its municipal district. As with many other responsibilities, Council has the ability to determine how it will carry out these functions having regard to competing obligations and limited resources.

Since the introduction of the Building Act in June 1994 property owners have had a choice between using Council services (through the municipal building surveyor) to obtain a building permit and using a private building surveyor. The building surveyor (private or municipal) who issues the building permit is generally responsible for ensuring that the building work complies with the requirements of the Act and the Regulations.

Council through the operation of section 212 of the Act retains the ability to enforce the Act and the Regulations even if a private building surveyor has been appointed. Section 212 provides as follows:

“212. Council to administer building provisions in its municipal district

- (1) *Except where otherwise expressly provided in this Act or the building regulations, a council is responsible for the administration and enforcement of Parts 3, 4, 5, 7 and 8 and the building regulations in its municipal district.*
- (2) *Nothing in this section limits a council's powers to act outside its municipal district.”*

There is no express provision in the Act removing Council's responsibilities where a private building surveyor has been appointed.

The Building Commission is a state statutory authority which has various powers under the Act to intervene in circumstances where a private building surveyor is appointed. These powers include the ability to issue directions to the private building surveyor, enforce orders made by the private building surveyor, prosecute persons for non compliance with orders issued by the private building surveyor in addition to being able to utilise all the powers that a municipal building surveyor has in certain circumstances.

The Building Practitioners Board is the registration body for persons working in the building industry. All building surveyors (both private and municipal) must be registered with that Board. The Building Practitioners Board is empowered to conduct disciplinary proceedings in respect of any registered building practitioner who may have not carried out their responsibilities correctly.

The legislative framework clearly shows that responsibility for supervising private building surveyors rests with the Building Commission and the Building Practitioners Board. This responsibility includes those bodies taking appropriate action to resolve matters (which may include rectifying any action/inaction taken by a private building surveyor that is/was contrary to the Regulations or the Act or conducting a disciplinary Inquiry) where a private building surveyor has not carried out their work in a competent manner and to a professional standard.

Council frequently receives complaints from members of the public regarding building work that is being or has been carried out, for which a private building surveyor has been appointed. The complaints may include situations in which there is a real risk of danger to persons or property or may be regarding administrative matters or matters relating to the siting of buildings and /or structures.

The handling of these complaints can represent a significant expenditure of Council resources.

Since the introduction of the private permit issuing system in July 1994 the ongoing problems associated with handling such complaints has generally been carried out by Council's municipal building surveyor and its building department on an ad hoc basis. The **Victorian Municipal Building Surveyors Group Inc.** ('the VMBSG') at its 2002 conference overwhelmingly recognised the need for adopting a uniform approach across the State when dealing with complaints of that nature. As a result of that conference, the VMBSG, working in consultation with the Municipal Association of Victoria ('the MAV') undertook to develop a system to classify and manage those complaints.

The **Building Control Intervention Filter Criteria** ('the Filter Criteria'), utilising a risk assessment matrix, identifies standardised responses to complaints from the public where a private building surveyor has been appointed. The Filter Criteria have been developed through consultation with municipal building surveyors throughout metropolitan and regional Victoria.

The Filter Criteria recognises that Council has obligations to the public with regard to dangerous situations which it can remedy or cause to be remedied. Where a danger exists and Council officers are aware of that danger, a lack of action on the part of Council could result in a claim against Council if innocent persons were to suffer loss or injury. This is regardless of whether a private building surveyor is or has been appointed. In those circumstances the Filter Criteria recommends Council staff taking action to remove the danger.

The Filter Criteria also recognises that not all complaints received at council relate to dangers and many relate to matters stemming from administrative neglect or error by private building surveyors. In those circumstances the Filter Criteria recommends that the matter be referred to the private building surveyor for remedial action failing which the matter be referred to the Building Commission or Building Practitioners Board (or both) as appropriate.

In some circumstances it may be that the complaint is of a trivial or minor nature in which case the Filter Criteria may recommend merely referring it back to the private building surveyor for action.

It is anticipated that the Filter Criteria will streamline the complaint handling processes and provide a level of uniformity across all councils. The referral of appropriate cases to the Building Practitioners Board and the Building Commission will also allow those bodies to more readily carry out their functions under the Act.

3. BUILDING CONTROL INTERVENTION FILTER CRITERIA**STEP 1 – Determine the possible consequences of the matter being complained of:**

Table E1 Qualitative measures of consequence or impact

Level	Descriptor	Example detail description
1	Insignificant	No injuries, low financial loss, no detriment to health, no damage to property, siting.
2	Minor	Injury (self-treatable e.g. minor cuts or abrasions), medium financial loss, minimal detriment to health, minor damage to property.
3	Moderate	Injury (medical treatment required by other), high financial loss, moderate detriment to health, moderate damage to property.
4	Major	Serious non-permanent injury, major financial loss, major detriment to health, major damage to property.
5	Catastrophic	Permanent injury or death, huge financial loss, irreparable damage to property.

STEP 2 – Determine the likelihood of the event in Step 1 occurring

Table E2 Qualitative measures of likelihood

Level	Descriptor	Description
A	Almost certain	Is expected to occur in most circumstances
B	Likely	Will probably occur in most circumstances
C	Possible	Might occur some time
D	Unlikely	Could occur at some time
E	Rare	May occur only in exceptional circumstances

STEP 3 – Locate the issue on the risk matrix by comparing the likelihood to the consequence

Table E3 Qualitative risk analysis matrix – level of risk

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	M	H	E	E	E
B (likely)	M	H	H	E	E
C (Possible)	L	M	H	H	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

STEP 4 – Identify action to be taken

Table E4 Legend for Risk Analysis Matrix and Treatment

E	Extreme risk: immediate action required	Refer to PBS without delay	Council/MBS takes immediate action to suitably reduce risk	If there is evidence of conduct by any building practitioner such that a finding under section 179(1) of the Building Act 1993 could be made by the Building Practitioners Board the matter, with supporting evidence, will be referred to that Board for Inquiry.
H	High risk, attention needed in reasonable time	Refer to PBS without delay	Council/MBS takes action if PBS is not taking action to suitably reduce the risk within reasonable time	
M	Moderate risk, treatment by PBS	Refer to PBS without delay	No other action by Council/MBS	
L	Low risk, manage by referral	Refer complainant to PBS without delay	No other action by Council/MBS	If there is a suspicion that any practitioner has engaged in conduct that may amount to illegal conduct or conduct as set out in section 179(1) of the Act the matter will be referred to the Building Commission for investigation. AND if it is necessary to do so for the proper administration of the Act refer the matter of RBS to the Building Commission for the exercise of its directive powers under s198 of the Building Act 1993.

Note: PBS – Private Building Surveyor

STEP 5 – Take the action as required by the matrix

4. RELEVANT LEGISLATION REGARDING REFERRALS

BUILDING ACT 1993

179. Inquiry into conduct

- (1) On an inquiry into the conduct of a registered building practitioner, the Building Practitioners Board may make any one or more of the decisions mentioned in sub-section (2) if it finds that the registered building practitioner--
- (a) is guilty of unprofessional conduct; or
 - (b) has failed to comply with this Act or the regulations; or
 - (c) has failed to comply with a determination of the Building Appeals Board or a direction of the Commission; or
 - (d) has been guilty of conduct in relation to his or her practice as a building practitioner which--
 - (i) is constituted by a pattern of conduct or by gross negligence or gross incompetence in a particular matter; and
 - (ii) shows that he or she is not a fit and proper person to practise as a building practitioner; or
 - (da) has shown in the information provided to the Board under section 172A that he or she is not a fit and proper person to practise as a building practitioner; or
 - (e) has employed or engaged to do, on his or her behalf, work of a kind that can only be done by a person registered under this Part in a particular category or class, a person who is not so registered; or
 - f) has obtained his or her registration under this Part or any required insurance by fraud or misrepresentation; or
 - (fa) has failed to comply with a reasonable direction of an insurer in respect of the completion or rectification of defective building work or any payment to be made to the insurer in respect of the completion or rectification of defective building work in accordance with required insurance or in accordance with a guarantee under the **House Contracts Guarantee Act 1987** or has failed to comply with a direction under section 44 of the **House Contracts Guarantee Act 1987**; or
 - (fb) has failed to carry out a recommendation contained in an inspector's report under section 48 of the Domestic Building Contracts Act 1995;
 - (fc) has failed to comply with the Domestic Building Contracts Act 1995; or
 - (g) has had his or her authority to practise as a building practitioner in a place outside Victoria cancelled or suspended otherwise than for failure to renew that authority; or
 - (h) has failed to comply with an undertaking given to the Board under this Division.

BUILDING REGULATIONS 2006

1502 Professional standards

A registered building practitioner must-

- (a) perform his or her work as a building practitioner in a competent manner and to a professional standard; and
- (b) immediately inform the client in writing if a conflict of interest arises or appears likely to arise between his or her interest as a building practitioner and that of his or her client; and
- (c) receive remuneration for his or her services as a building practitioner solely by the professional fee or other benefits specified in the contract of engagement or by the salary and other benefits payable by the building practitioner's employer.

NOTE: A building practitioner who contravenes the requirements of regulation 1502 may be the subject of an inquiry under section 179 of the Act.

5. IMPLEMENTATION AND REVIEW

This policy will be implemented by the Manager Building and Planning and is subject to periodic review.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
24 May 2006	Adopted by Council
28 October 2009	Review
23 October 2013	Review



ADMINISTRATION & ENFORCEMENT OF BUILDING LEGISLATION

PURPOSE

Direction on Compliance Priorities

The Shire has significant functions under the *Building Act 1993 (Act)* - Section 212 makes Council responsible for the administration and enforcement of Parts 3, 4, 5, 7 and 8 of the *Building Act 1993* and the *Building Regulations 2018* within its municipal district. These functions ensure the health and safety of people in the Shire.

One significant responsibility of Council relates to Essential Safety Measures (ESMs), which are the safety features required in a building to protect occupants in the event of a fire. ESMs may include fire detection and alarm systems, fire doors, emergency lighting and fire hydrants, and are associated with commercial and accommodation buildings (eg apartments, motels, bars/hotels, restaurants, shops, offices, aged care, child care, schools, industry and public buildings).

Although building owners have an obligation to ensure that ESMs and other safety measures are maintained and operate satisfactorily Councils have a responsibility under the legislation for enforcement of building safety.

Another significant responsibility is the enforcement of standards applied to swimming pools and spas to limit the incidence of drownings. Under the Regulations, all swimming pools and spas containing water greater than 30cm must have a compliant safety barrier to restrict access by young children. Legislation places various obligations on swimming pool/spa owners including the need for a building permit to install a swimming pool/spa or construct or alter a pool safety barrier, the need to register a swimming pool/spa with Council, and the need for regular inspection and certification of pool safety barriers.

Councils do not have the resources required to perform all of their broad responsibilities for permits and consents under the legislation, respond to general complaints and investigate known safety risks and illegal structures, and proactively ensure that ESM and swimming pool barrier requirements are being met by land owners. However the use of policies and procedures by Councils is recognised by the courts as a means of Councils determining how limited resources are to be allocated. This policy aims to both reduce Council's exposure to risk and provide guidance to officers on how the legal provisions will be administered.

Council intervention enforcing permits issued by Private Building Surveyors

Property owners have a choice between using Council (through the MBS) or a Private Building Surveyor (PBS) to obtain a building permit. The building surveyor (private or municipal) who issues the permit is generally responsible for ensuring that building work complies with the Act and Regulations.

PBSs have essentially the same enforcement powers afforded to an MBS, save the issuing of Emergency Orders. The responsibility for supervising PBSs rests with the Victorian Building Authority (VBA). Despite the responsibilities of a PBS to achieve compliance with and to enforce the *Building Act* and *Building Regulations*, Council retains an overarching responsibility to enforce these provisions.

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Council frequently receives complaints from the public regarding building work for which a PBS has been appointed, including situations where there is a risk of danger to persons or property or matters relating to the siting/design of buildings and/or structures. The handling of these complaints can represent a significant expenditure of Council resources.

This policy aims to clarify the circumstances when Council's MBS will carry out his/her responsibilities under the Act in response to complaints from the public where a PBS is responsible for a building permit or other functions in respect of building work being carried out.

Approach to Compliance Activities

The MBS has a responsibility to respond to illegal building work and unsafe buildings under the *Building Act* and *Regulations*. This includes the issue of Building Notices and Orders, and Minor Works Orders specifying works to be completed within specified time frames, and the issue of Emergency Orders specifying immediate actions to be taken where there is a more imminent/higher risk threat to public safety. In respect of ESM and swimming pool/spa barrier non-compliance, infringements can be issued for an offence. These actions are taken under the authority of the *Building Act*, which sits separately to other delegated powers from the CEO or Council. Council further reserves the option to prosecute land owners in the Magistrates Court where Building Orders have not been complied with.

Whilst formal tools such as Building Orders, Infringement Notices and prosecution may be necessary in various circumstances, it is recognised that the works required to rectify illegal building work or unsafe buildings can have significant economic and social impacts for land owners. Council has a strong preference for resolving building non-compliance co-operatively, with punitive measures being a last resort. Council also has a preference for achieving building compliance where possible in the first instance through effective public education. This policy gives direction on how officers will undertake building enforcement activities to achieve these goals.

OBJECTIVE

The objectives of this policy are to:

- Support the MBS and building staff to meet their responsibilities for maintaining public safety under the *Building Act* and *Building Regulations*, and provide direction on setting priorities/allocating resources.
- Formalise expectations as to how and when the MBS is to use his/her powers
- Recognise education as a critical means to reduce building non-compliance in the first instance.
- Emphasise the importance of communication and a facilitative approach to achievement of compliance outcomes.
- Recognise the inability of Council to resource building enforcement to achieve full compliance with the *Building Act* and *Regulations*, particularly in the area of Essential Safety Measures, but that some resourcing will be provided to enable proactive auditing of premises through a risk based approach as the best way of managing risk to human life and safety.
- To provide direction on when Council's MBS will intervene in a building matter, in response to complaints, that is being handled by a PBS.

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SCOPE

This policy applies to all Colac Otway members of staff (including contract staff) that perform tasks in respect of the administration and enforcement of Parts 3, 4, 5, 7, and 8 of the *Building Act 1993* and the *Building Regulations 2018*, in the municipal district, excluding indictable offence(s) against the Act.

DEFINITIONS

The definitions used in the Building Act 1993, Building Regulations 2018, National Construction Code (BCA Volumes 1 and 2) and referenced Australian Standards, apply to this policy.

REFERENCES

Building Act 1993 ("Act")
 Building Regulations 2018 ("Regulations")
 Local Government Act 1989 ("Local Government Act")
 Municipal Building Surveyor (MBS)
 Private Building Surveyor (PBS)
 Victorian Building Authority (VBA)

STATEMENT OF POLICY

Approach to Compliance (General)

The MBS and other delegated building staff will respond to illegal building work and unsafe buildings as required under the *Building Act* and *Regulations* to address public safety risk. This policy does not seek to direct building staff on their actions in this regard, noting that these functions are performed under the independent authority of the Act.

In exercising its compliance powers however, Council is committed to the following principles:

- Provide a fair, consistent and predictable approach to all building compliance and enforcement activities
- Take proactive steps to educate the community on building standards/permit requirements, and processes to achieve legal building work in the first instance (eg media releases, Facebook posts, information sessions).
- Prioritise actions based on the degree of risk to public health, safety and amenity, via the use of a risk matrix. Efforts will be directed to addressing higher risk non-compliance as a priority.
- Work co-operatively with land owners to advise of identified non-compliance and provide reasonable time frames for a response.
- Deliver information and advice in plain language as appropriate, avoiding unnecessary technical terms, and communicating clearly the various options available to rectify an identified issue.
- Be facilitative and constructive in discussions with land owners to help them achieve an outcome that is acceptable to their needs and satisfactorily addresses building requirements.
- Provide clear contact information and encourage land owners to seek further advice/information from Council.

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- Contact land owners in person/by telephone where possible to explain the implications of formal notices and orders or Infringements where these are deemed necessary to ensure there is a clear understanding of what is required.
- In cases where disputes cannot be resolved, provide details of any appeal process to a Government statutory body.
- Ensure that the level of enforcement undertaken is proportionate to the nature and seriousness of the offence.
- Achieve an appropriate balance in terms of proactive and reactive compliance work to ensure that Council's legislative responsibilities, strategic objectives and priorities are achieved.

Prosecution in the Magistrates Court will be considered where there has been blatant/intentional non-compliance that is not rectified in a timely manner following the normal Notice and Order process. It will also be considered where any significant public safety risk caused by on-going non-compliance from these processes has not been appropriately mitigated.

The decision on whether to initiate prosecution proceedings will be made by the CEO upon receipt of advice from the MBS (or delegate), and relevant management responsible for the Building function. Factors that will be taken into account include:

- Degree of unresolved public safety risk and non-compliance with building requirements (ie is it a serious offence and/or high safety risk?)
- Whether the non-compliant building work was deliberate (ie undertaken with knowledge of building permit requirements/standards)
- Any prior record of non-compliant building work
- The capacity of a land owner to respond to the requirements of Building Notices/Orders (ie financially or socially), and whether some effort has been made to respond
- Whether there has been regular communication with the property owner by building staff to explain the requirements and processes
- Whether adequate/reasonable time has been given to comply

Operational Procedures will further explain the compliance approach.

Council will levy an administrative charge to be invoiced to a land owner at the time of issuing a Building Order as a means of recovering part of the cost incurred of the compliance process. This amount will be determined annually during the setting of Council Fees and Charges in the budget process. No fee will be charged for the issue of a Building Notice.

The administrative fee associated with Building Orders may be waived and/or reduced upon request by a land owner at the discretion of the Manager/General Manager responsible for the Building Department function. Requests may be considered favourably if an owner can demonstrate that:

- Any illegal works were undertaken without knowledge of building permit requirements/standards, and there has been action taken in a timely and co-operative manner to achieve compliance; or
- There has been legitimate social or financial circumstances which have prevented them from responding in a timely manner.

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Municipal Building Control Intervention – Private Building Surveyor issued permits

Where a complaint is received by Council or a situation arises that relates to building work being overseen by a PBS, Council's MBS will determine the risk being presented to the public before intervening. A risk matrix will be used to clarify the degree of public safety risk and to apportion the compliance responsibility between the PBS and Council. The risk determination will direct the MBS to a predetermined course of action, whether this be:

- Referring the matter onto the PBS for their action; or
- Intervening and taking responsibility for compliance where a PBS has not appropriately responded to a request for action; or
- For high or extreme risk matters, intervening immediately to instigate compliance action to remedy the risk; and
- Referring the PBS to the VBA if the conduct of the PBS in responding to the matter has been called into question.

An Operating Procedure will detail this risk assessment.

Essential Safety Measures (ESM)

In recognition of the importance of maintained Essential Safety Measures (ESMs) to preserving human life, Council will dedicate resources to the specific task of proactively monitoring compliance of buildings with the ESM requirements of Regulation Part 12, Division 1 of the *Building Regulations*. Whilst Council does not have the resources required to ensure all buildings are compliant in the short term, funding will be allocated annually to enable the MBS and building staff to undertake a risk based program of audits of properties to which ESM requirements apply.

The audit program will be undertaken over a period of years, according to the degree of risk relating to land use that prioritises audits in the highest risk category. For example, accommodation (including motels, backpackers, apartments and bed and breakfasts), hotels, night clubs, take away food premises and the like will be considered a higher risk to human safety than shops or offices. These buildings will be audited as a high priority. This will assist in ensuring that all relevant buildings in the municipality will be compliant with the *Regulations* over the medium to long term.

A live database of properties in the municipality that are subject to ESM requirements will be kept and updated as changes in land use occur over time, and with the results of audits and enforcement activity as it is conducted. This data base will be used to assess risk to human life using a risk matrix, and will be reviewed annually to establish the intended audit program to be undertaken each year.

The MBS will respond to the results of building audits using the same compliance tools and processes as those used for broader compliance activities under the Act and Regulations. The MBS will also respond to identified ESM non-compliance that becomes evident via other means (eg site inspections associated with building permit applications or other compliance inspections).

Infringement Notices can be issued under the Act for non-compliance with ESM requirements, however these will only be issued where the MBS is of the opinion that a property owner, following a reasonable period of encouragement and direction from Council, is not taking active steps to address identified non-compliance. In particular, Infringement Notices will generally only be used for the higher risk premises, and not for minor/lower risk non-compliance.

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A key emphasis of the ESM audit program will be placed on education of land owners as a first priority, with a series of proactive measures being implemented to make building owners aware of their responsibilities (eg direct mail outs to owners of buildings identified in the data base, web site information, media articles and information sessions).

The results of the ESM audit and compliance program will be reported to the Risk Management Committee every six months. This reporting will detail the audits undertaken, outcomes achieved, and any issues that have arisen in the course of the program.

An Operating Procedure documents the way in which this audit program will be conducted to achieve compliance with this policy objective.

Swimming Pool/Spa Barrier Compliance

Recognising the importance of compliant pool safety barriers to preserving human life, Council will dedicate a proportion of its resources to the ongoing and effective administration and enforcement of legislation pertaining to swimming pools / spa pools.

Whilst it is the responsibility of pool/spa owners to register their pools and spas with Council, and to lodge inspection Certificates of Compliance every four years, Council will allocate some of its Building resources to enable officers to proactively review the Pool Register over time to follow up owners who have not lodged the required Certificates, to ensure that pool and spa safety barriers are compliant.

The normal tools and processes for compliance activity arising from failure to comply with swimming pool/spa requirements will be applied. Infringement Notices can be issued under the Act for non-compliance, however these will only be issued where the MBS is of the opinion that a property owner, following a reasonable period of encouragement and direction from Council, is not taking active steps to address identified non-compliance.

Operating Procedures will detail how these activities will be undertaken.

SUPPORTING PROCEDURES / GUIDELINES

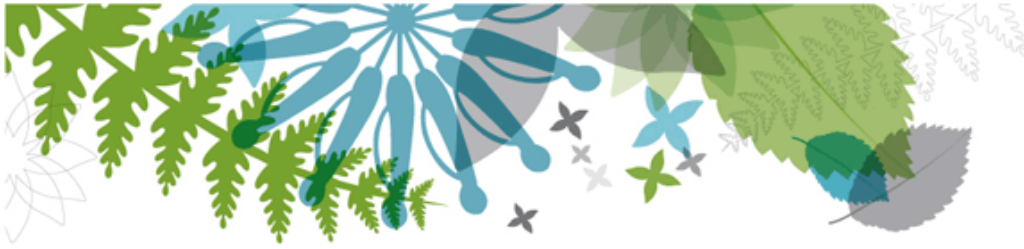
- Building Compliance – Compliance Response – Non Council Issued Permit
- Building Compliance – Swimming Pool & Spa Barrier Compliance
- Building Compliance - Essential Safety Measures Audit & Compliance

DOCUMENT CONTROL

Policy owner		Manager Planning Building & Health	Division	Development & Community Services
Adopted by council			Policy Number	
File Number			Review date	

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Operational Procedure

SWIMMING POOL & SPA BARRIER COMPLIANCE

This procedure relates to Council policy Administration & Enforcement of Building Legislation.

PURPOSE

To guide Council's activities in meeting its responsibilities with administration and enforcement of provisions under the Building Act 1993 ("the Act"), and in particular Part 9A of the Building Regulations 2018 which deals with the Safety requirements for, registration of, and certification of barriers for, swimming pools and spas. Council are responsible for ensuring swimming pool and spa safety in its municipal district.

SCOPE

The Procedure applies to Council staff in the Building Department, supporting administrative staff, and management staff responsible for overseeing the Building Department in respect of swimming pool and spa registration and compliance activities.

Part 9A of the Building Regulations contains swimming pool and spa safety requirements for land owners. The Act and Regulations contain statutory responsibilities for Councils in the management of swimming pools and spas that include:

1. The need to maintain a register ("the register") of swimming pools/spas in its municipal area, including the acceptance of registration applications.
2. The need to determine construction dates, determine the applicable standard to be met by the barrier, to set the inspection regime, and to notify applicants of this information and of successful registration.
3. The need to update ownership details on the register, upon receiving information confirming a change of ownership of land where a swimming pool or spa is registered.
4. The need to notify a new owner of land, where a pool or spa is registered, the details of that swimming pool/spa registration.
5. The need to accept Certificates of Barrier Compliance and Certificates of Barrier Non-compliance.
6. The option to issue a Barrier Improvement Notice to the owner, upon the lodgement of a Certificate of Barrier Non-Compliance, by a Building Inspector or Building Surveyor.
7. The ability to remove a swimming pool/spa from the register.

Whilst these provisions place responsibility onto swimming pool and spa owners and Council alike, Council ultimately has responsibilities under section 212 of the Building Act to ensure that owners are compliant with the requirements.

Part 9A of the Building Regulations, prescribes the processes for Council to follow regarding enforcement of the registration and certificate of non-compliance provisions for swimming pools and spas.

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DEFINITIONS

Victorian Building Authority (VBA)

REFERENCES

Building Act 1993 ("Act")

Building Regulations 2018 ("Regulations")

Local Government Act 1989 ("Local Government Act")

PROCEDURE

Council building and administrative staff will follow the following procedure in ensuring compliance with swimming pool and spa requirements:

1. Where Council staff are aware of a swimming pool and/or spa which is not registered with Council under the Regulations, the owner will be contacted by phone (where practical) and in writing to explain the requirements and provide direction on the need to register the pool/spa.
2. Where a resident makes application to register a swimming pool or spa for which a Building Permit has not been issued, and where no previous building enforcement has taken place concerning the swimming pool or spa, the MBS will exercise his/her powers under Part 13 of the Building Act – general enforcement provisions, and Part 8 of the Building Act - enforcement and safety provisions, which includes – information gathering and entry powers, the making and serving of Emergency Orders, Building Notices, Building Orders, Building Orders for Minor Work and Building Orders to stop work.
3. Council staff will once per year review the list of registered pools and spas and identify those where a Certificate of Barrier Compliance is required to be submitted, but has not been received by the due date. Officers will contact the owner by phone (where practical) and in writing to explain the requirements and provide direction on what is required.
4. Prior to the removal of any information associated with a swimming pool or spa from the register, the MBS must be satisfied that the swimming pool or spa can hold no more than 300mm of water or confirm the removal or demolition of the swimming pool or spa. Once the MBS or their representative is satisfied the swimming pool or spa does not require registration, the information pertaining to that swimming pool or spa should be removed from the register as soon as practicable.
5. Consideration will be given to issuing an Infringement Notice to an owner if that owner has not responded positively to the request/direction by Council for rectification of non-compliance with requirements to register their pool/spa, or to meet the requirement for submission of a Certificate of Barrier Compliance, or comply with the barrier requirements identified in a Certificate of Non-compliance. Such an approach will be considered where an owner has failed to respond to enforcement direction from Council after a number of attempts, or where action being taken by the owner is insufficient/inadequate and there is little prospect of timely progress towards compliance being made.

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Education

Council recognises the importance of educating building owners on their legal responsibilities to comply with the regulations and will undertake the following steps:

1. Fact sheets explaining the requirements relating to swimming pools and spas in Part 9A of the Regulations will be printed and made available in pamphlet form to the public, and uploaded to Council's web site. Web links will be provided to VBA website information.
2. A series of articles on swimming pool safety and requirement to comply with the requirements will be prepared for the local newspapers/community news and promotion in social media such as Facebook over the course of the year, with a particular emphasis over the warmer 6 months of the year (October to March).
3. Customer Service Centres, libraries and other appropriate outlets will be asked to distribute (via the counter) pamphlets and other public awareness material.
4. Council will write to pool/spa owners to advise 6 months in advance of a date by which owners are required to submit to Council a Certificate of Barrier Compliance.

RELATED DOCUMENTS

Colac Otway Register of Swimming Pools & Spas

DOCUMENT CONTROL

Policy owner	Manager, Governance & Communications	Division	Executive
Date adopted by Executive		Policy Number	OD – 01
File Number		Next review date	

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CM reference		Date of adoption	
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Operational Procedure

COMPLIANCE RESPONSE – NON COUNCIL ISSUED BUILDING PERMITS

This procedure relates to Council policy Administration & Enforcement of Building Legislation.

PURPOSE

To clarify the circumstances when Council's Municipal Building Surveyor (MBS) will carry out his/her responsibilities under the Building Act and associated Regulations in response to complaints from the public where a Private Building Surveyor (PBS) is responsible for a building permit or other functions in respect of building work being carried out.

SCOPE

This procedure applies to Council building and administrative staff when Council receives complaints relating to building permits or other consents issued by a PBS, and sets direction on the procedure that will be followed.

DEFINITIONS

The definitions used in the *Building Act 1993*, *Building Regulations 2018*, National Construction Code (BCA Volumes 1 and 2) and referenced Australian Standards, apply to this procedure.

Municipal Building Surveyor (MBS)
Private Building Surveyor (PBS)
Victorian Building Authority (VBA)
Building Practitioners Board (BPB)

REFERENCES

Building Act 1993 ("Act")
Building Regulations 2018 ("Regulations")
Local Government Act 1989 ("Local Government Act")

PROCEDURE

The following is a description of the approach to be taken by Council's MBS when handling complaints from the public concerning building permits or other consents being handled by a Private Building Surveyor (PBS):

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STEP 1 – DETERMINE THE POSSIBLE CONSEQUENCES OF THE MATTER BEING RAISED:

Table E1 Qualitative measures of consequence or impact

Level	Descriptor	Example detail description
1	Insignificant	No injuries, low financial loss, no detriment to health, no damage to property, siting.
2	Minor	Injury (self-treatable e.g. minor cuts or abrasions), medium financial loss, minimal detriment to health, minor damage to property.
3	Moderate	Injury (medical treatment required by other), high financial loss, moderate detriment to health, moderate damage to property.
4	Major	Serious non-permanent injury, major financial loss, major detriment to health, major damage to property.
5	Catastrophic	Permanent injury or death, huge financial loss, irreparable damage to property.

STEP 2 – DETERMINE THE LIKELIHOOD OF THE EVENT IN STEP 1 OCCURRING

Table E2 Qualitative measures of likelihood

Level	Descriptor	Description
A	Almost certain	Is expected to occur in most circumstances
B	Likely	Will probably occur in most circumstances
C	Possible	Might occur some time
D	Unlikely	Could occur at some time
E	Rare	May occur only in exceptional circumstances

STEP 3 – LOCATE ISSUE ON THE RISK MATRIX BY COMPARING THE LIKELIHOOD TO THE CONSEQUENCE

Table E3 Qualitative risk analysis matrix – level of risk

Likelihood	CONSEQUENCES				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	M	H	E	E	E
B (likely)	M	H	H	E	E
C (Possible)	L	M	H	H	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

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STEP 4 – IDENTIFY ACTION TO BE TAKEN

Table E4 Legend for Risk Analysis Matrix and Treatment

E	Extreme risk: immediate action required	Refer to PBS without delay	Council/MBS takes immediate action to suitably reduce risk	If there is evidence of conduct by any building practitioner such that a finding under section 179(1) of the <i>Building Act 1993</i> could be made by the VBA the matter, with supporting evidence, will be referred to that authority for Investigation. If it is necessary to do so for the proper administration of the Act refer the matter of PBS to the VBA for the exercise of its directive powers under s198 of the <i>Building Act 1993</i> .
H	High risk, attention needed in reasonable time	Refer to PBS without delay	Council/MBS takes action if PBS is not taking action to suitably reduce the risk within reasonable time	
M	Moderate risk, treatment by PBS	Refer to PBS without delay	No other action by Council/MBS	
L	Low risk, manage by referral	Refer complainant to PBS without delay	No other action by Council/MBS	

Building staff will advise the complainant of the action that will be taken by email and telephone.


RELATED DOCUMENTS

None

DOCUMENT CONTROL

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CM reference		Date of adoption	
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Policy owner	Manager, Governance & Communications	Division	Executive
Date adopted by Executive		Policy Number	OD – 01
File Number		Next review date	

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Operational Procedure

ESSENTIAL SAFETY MEASURES COMPLIANCE AUDITS & ENFORCEMENT

This procedure relates to Council policy Administration & Enforcement of Building Legislation.

PURPOSE

To give direction to Council building staff undertaking an Essential Safety Measures (ESM) audit and compliance program that aligns with the Council Policy – Administration & Enforcement of Building Legislation.

In addition to responding to non-compliance as it becomes known, Council will take a proactive approach to administration and enforcement of ESM requirements within its resource capacity, and taking a risk management approach. This is aimed at ensuring that eventually all buildings in the municipality are compliant with the regulations.

SCOPE

The Procedure applies to Council staff in the Building Department, supporting administrative staff, and management staff responsible for overseeing the Building Department in the implementation of the ESM audit and compliance program.

DEFINITIONS

Annual Essential Safety Measures Report – An annual report held by a building owner that is a summary of all inspections, testing and maintenance (including repairs) of any ESM in the building or place. This report is to be in an approved form and is to be made available to the Council’s MBS or CFA officer within 24 hours of request.

Essential Safety Measure – Essential Safety Measures (ESM) are the fire, life safety and health items installed or constructed in a building to ensure adequate levels of fire safety and protection over the life of the building.

Maintenance Records – Records of inspections, testing and maintenance (including repairs) of any ESM in the building or place.

Occupancy Permit – An Occupancy Permit is a document that signifies that a building surveyor is satisfied that the completed building work is suitable for occupation. The Occupancy Permit will also state the ESMs required to be present in the building, how often they should be maintained, and to what standard they should be maintained to.

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REFERENCES

Building Act 1993 (“Act”)
 Building Regulations 2018 (“Regulations”)
 Local Government Act 1989 (“Local Government Act”)
 Victorian Building Authority (VBA)

PROCEDURE

ESM Audit Program

Council building staff will follow the following procedure in undertaking a proactive program of ESM audits:

1. Administrative staff will maintain a database of all commercial buildings in the municipality that are known to be subject to ESM requirements. The database will be updated as new buildings are constructed and use of the building changes (ie as Council records the issue of new permits, the data base will be updated).
2. Information sources to inform a review of the database include: rates or property information, past building permits or occupancy permits), aerial photography, site inspections and the like. The database, even if not complete, is essential for:
 - a. Determining the number of buildings in the municipality, which is required to enable the level of risk to be assessed.
 - b. Determining the level of resources required.
 - c. Identifying all buildings erected before and after 1 July 1994 so as to enable if necessary an enforcement program with respect to Part 12 of the *Regulations*.
 - d. Identifying the addresses of land owners to be contacted with educational material.
 - e. Determining the effectiveness of relevant policies.
3. The list of buildings in the database will be prioritised according to the degree of risk based on the nature and classification of the building. Buildings with the highest level of risk based on the above assessment will be audited for compliance with ESM requirements as a high priority.

The Building Code of Australia uses a system of building classification to determine risk to occupants, by the use of the building. Councils ESM inspection program uses these building classifications to identify the level of risk.

High risk buildings are those that contain sleeping occupants that may be unfamiliar with their surroundings. Other high risk buildings are buildings that can facilitate a large number of occupants and includes:

- Accommodation Buildings – Class 1b and Class 3 buildings
- Public assembly buildings (hotels, nightclubs etc...) – Class 9b buildings

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Medium risk buildings are those that are open to the public during business hours, and include:

- Restaurants and Cafes – Class 6
- Shops – Class 6
- Offices – Class 5

Low risk buildings are those used for manufacturing or for storage purposes that have limited occupants at any given time, including:

- Warehouses – Class 8
- Storage Buildings – Class 7b

4. The database is to be reviewed twice per year (by 28 February and 31 August) by the MBS to determine an appropriate program of inspections including the numbers of buildings to be inspected over the course of the next six months (the inspection target) and the resources to be allocated to that work.
5. Having identified the list of audits to occur, building staff will send notice in writing to the relevant land owners advising of Council's intentions to audit, and inviting the owner to schedule a suitable time. This notice will be accompanied by fact sheets/information relating to ESM responsibilities, and reference to web based information.

When Officers become aware of Non-Compliance with ESM requirements

1. Council building staff will sometimes become aware of ESM non-compliance via a complaint from the public, or inspection of the premises for other purposes.
2. Upon inspection, in the event there is a non-compliant or absence of the required AESM report, or non-compliant or absent maintenance records, the authorised building staff member will further communicate with the owner, preferably in person, and grant a further 14 days for the maintenance record(s) and/or AESM to be produced.
3. Upon inspection in the event there is a failure to adequately maintain any installed ESM, the authorised person will immediately notify the MBS in writing via an inspection report. The MBS will consider commencing enforcement under Part 8 of the *Building Act*, including the issuing of a Building Order for Minor work, the issuing of a show cause Building Notice, or in the most extreme cases, the issuing of an Emergency Order.
4. Council officers will assist the building owners with rectifying the matters through educational information and assistance whilst administering Part 8 or the Act.
5. Consideration will be given to issuing an Infringement Notice to a building owner if that owner has not responded positively to the request/direction by Council for rectification of non-compliance. Such an approach will only be considered where an owner has failed to respond to enforcement direction from Council after a number of attempts, or where action being taken by the owner is insufficient/inadequate and there is little prospect of timely progress towards compliance being made. The severity of non-compliance and safety risk presented by the non-compliant ESM will also be taken into account when deciding to issue Infringements.

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The process of issuing Building Notices and Orders is expressed in the Act and Regulations.

Education

Council recognises the importance of educating building owners on their legal responsibilities to comply with the regulations and will undertake the following steps:

1. Fact sheets explaining ESM requirements with respect to Part 12 of the Regulations will be printed and made available in pamphlet form to the public, and uploaded to Council's web site. Web links will be provided to VBA website information.
2. A series of articles on ESMs will be prepared for the local newspapers/community news and promotion in social media such as Facebook over the course of the year.
3. Customer Service Centres, libraries and other appropriate outlets will be asked to distribute (via the counter) pamphlets and other public awareness material.
4. Direct engagement will be undertaken with business associations, including occasional targeted forums with business owners, including in Colac and Apollo Bay.
5. Drop-in information sessions will be scheduled at least once per year, and these opportunities promoted heavily via the media and business associations.

Reporting

The six monthly review of the status of the audit program (referred to above) will inform a twice yearly report to the Shire's Risk Management Committee. The report will be prepared by the Manager responsible for the Building Department, supported by the MBS, and will detail all actions taken under this procedure, identifying:

- a) The audit program undertaken over the course of the previous 6 months.
- b) The number of buildings inspected
- c) The number of buildings that at 1st inspection required no further action
- d) The number of building notices and building orders issued and resolved, and number outstanding
- e) The number of Infringement Notices issued
- f) Details of instances where land owners are referred for legal proceedings
- g) Details of education and information sharing activities

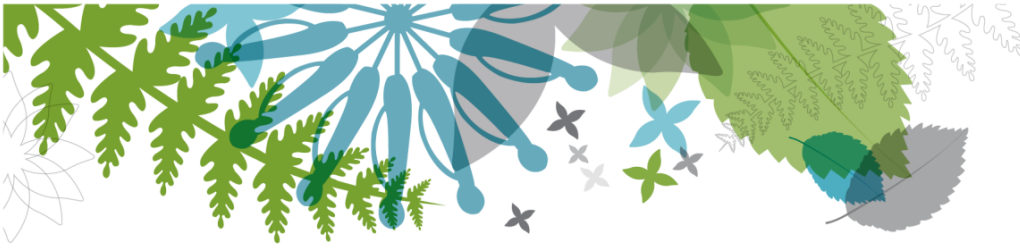
RELATED DOCUMENTS

Colac Otway Register of Properties Subject to ESM Requirements

On-going Audit Program

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DOCUMENT CONTROL

Policy owner	Manager Planning Building & Health	Division	Development & Community Services
Date adopted by Executive		Policy Number	OD – 01
File Number		Next review date	

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Item: 10.4

Review of Building Compliance Administrative Fees

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	To recommend changes to Building Compliance Administration fees following a review requested by Council.

1. EXECUTIVE SUMMARY

In 2019 Council requested a review of the Building Compliance Administrative Fees charged when Building Notices and Building Orders are issued under the *Building Act 1993*.

This report provides an overview of the fees that are charged and outlines the results of benchmarking with other Councils. It is proposed that a change be made to the way that the Administrative Fees are charged in response to this review, and that Council seek community feedback on the proposed change prior to a decision.

A separate report is included in the June 2020 Ordinary Council Meeting agenda in relation to the development of a new Council policy for 'Administration and Enforcement of the Building Legislation'. This policy is to replace three existing policies, and has incorporated guidance concerning the preferred building enforcement approach (educative and seeking co-operative compliance in the first instance), as well as guidelines to help determine when prosecution might be pursued, and when administrative fees associated with building compliance may be waived or reduced. Together, this review of the compliance fees and policy development responds to the Council resolution that called for a review to be undertaken. The Building Compliance fees are currently set at \$0 and would be updated after a final decision on the fee amount through the current process.

2. RECOMMENDATION

That Council:

1. *notes the review of Building Compliance Administration Fees undertaken by officers following Council's resolution at its 26 June 2019 Council meeting, which has been undertaken in tandem with preparation of a new policy relating to Building Compliance.*
2. *apply a fee of \$800 for the 2020/21 year associated with the issue of a Building Order under that Building Act 1993, with this fee to be reviewed annually as part of Council's consideration of its fees and charges.*
3. *exhibits the proposed change in building compliance fees for a period of 6 weeks to seek community feedback before formal consideration of a position on the fees at a future Council meeting.*
4. *notes that any change in fees resulting from the review process would not be applied retrospectively once adopted.*

3. KEY INFORMATION

Context

At the 26 June 2019 Ordinary Council Meeting, when considering the 2019/20 User Fees and Charges, Council resolved that the Building Compliance Administration Fees be reduced to zero (\$0) until Council had the opportunity to be briefed on when, how and to what extent these fees are applied and appropriate guidelines, policy or similar, have been developed. The resolution was as follows:

That Council resolve, in relation to the User Fees and Charges schedule:

To direct that the respective fees described as "Building Enforcement" on page 151 of the agenda (page 30 of the User Fees and Charges schedule) be reduced to zero (\$0), effective immediately, until Council has had the opportunity to be briefed on when, how and to what extent these fees are applied and appropriate guidelines, policy or similar, have been developed to the satisfaction of Council confirmed by an explicit Council resolution.

Background

Council is responsible for the administration and enforcement of the *Building Act 1993* (parts) and the Building Regulations (entire) in its municipal district. This responsibility involves investigating breaches of building legislation, which can include unlawful building work and unlawful change of use of a building, amongst other things.

Part 8 of the *Building Act* contains enforcement and safety provisions, which enables the issuing of Building Notices and Building Orders by Council's Municipal Building Surveyor.

Council for many years has charged an Administrative Fee when issuing both a Building Notice and a Building Order under the *Building Act 1993* to landowners when responding to breaches of the legislation through the compliance process.

A **Building Notice** is issued by Council's Municipal Building Surveyor (MBS) when illegal building work or other breaches of the Act or Regulations are identified – often this arises from a complaint by members of the public, and sometimes it is discovered by staff in the course of their duties. The Notice

needs to be in a State Government mandated form and provides a specified period for the owner to “show cause” as to how the owner will remedy an identified breach. Often an owner is required to demonstrate why unlawful works should be allowed to remain.

It is essentially a legal prompt for an owner to explain what has happened and why, and provide information to justify the works. A covering letter accompanies the Building Notice, explaining the “show cause” process, including an owner's appeal rights.

On many occasions an owner responds in a positive manner, by removing the works or putting a plan in place to rectify the matter. If an owner does not respond or responds in a manner that fails to justify the breaches, the MBS issues a **Building Order** in the State Government mandated format. The Order will usually require that the building be removed, or that the current use cease within a specified period. It is often not until an Order is issued, and with much follow-up work by Building staff, that appropriate action is taken to respond by the landowner.

One Administration Fee is invoiced when the **Building Notice** is issued (previously \$969.00), and a further fee (previously \$612) is invoiced when the **Order** is issued (if applicable). Where a response to the Building Notice is adequate and responsive, and an Order is not necessary the \$969 fee was payable. It was only in cases where it was considered necessary to issue a formal Order that the second fee applied, bringing the total fees to (\$1,581).

These two fees have historically been included each year in Council's User Fees and Charges document that complements the annual Council budget, and are not statutory fees. It is up to Council to determine the amount of the charge, or whether to levy any charge at all.

Many Councils have applied fees in this way over the years to recover some of the cost to Council of building compliance activities. The Building legislation does not mandate or prescribe fees payable to Council for the issuing of Notices or Orders. There are also no provisions for issuing Infringement Notices as is the case with other matters such as breaches of Local Laws or Planning legislation. The amount charged by other Councils for the issuing of Building Notices and Building Orders varies across the State, and each Council takes a slightly different approach. As noted above, in June 2019, Council resolved to reduce the admin fees to \$0, pending a review of the fees and procedures for charging such fees.

It should be noted that the workload associated with building compliance is significant, being a majority of the work undertaken by the Council's Building Department. Given that there are no prescribed fees for this activity it is important that Council takes the opportunity to generate some income to off-set this cost, particularly when landowners are not willing to respond adequately to issues.

Benchmarking

In the early stages of reviewing fees administered by other Councils, officers were able to obtain a copy of benchmarking data undertaken by another Council in 2019. This information has been used as the basis of the analysis.

	Surf Coast Shire	Colac Otway	Pyrenees	Macedon Ranges	Golden Plains	City of Ballarat	Warnambool	Corangamite
Issue of Building Notice	\$285.60	\$969	\$640	Twice the cost of a building permit (minimum \$1,500)	\$550	\$924 plus \$432 inspection \$1356 TOTAL	\$658.95	-
Issue of Building Order	-	\$612	\$440	-	-	-	-	-

Key things to note:

- Of the Councils benchmarked, Colac Otway and Pyrenees are the only Councils to charge for issuing both a Building Notice and a Building Order.
- Most Councils apply a charge for resolution of building notice processes in one form or another, the exception being Corangamite Shire.
- City of Ballarat and Macedon Ranges have similar charges (when charges for Notices and Orders are considered together) to Colac Otway of approximately \$1,350 to \$1,500. Pyrenees is closer to \$1,000.
- Other benchmarked Councils have charges ranging from \$286 (Surf Coast) to \$659 (Warnambool).

This analysis confirms that Council's past approach of applying fees for resolution of building non-compliance has been consistent with the approach of other Councils, with each seeking to use these fees to act as a disincentive to non-compliance occurring, and to recover some of the costs incurred to Council of the compliance activity it conducts. It is a user charge that only applies to those with non-compliant building work.

Future Approach

Building staff and Councillors alike have received feedback in recent years that the Colac Otway Shire compliance fees are high, and of the benchmarked fees with other Councils, they are at the upper end of the spectrum of Councils. This is particularly the case when a person receives both a Notice and an Order and is required to pay both charges.

Owners of non-compliant building work also often find it difficult to pay the Council charges with a Building Notice and/or Order, as often the works are conducted by persons with low income earning potential, or the cost of responding to the notice and orders (i.e. through new buildings permits and associated design/technical work, and works to rectify non-compliance) is significant.

Together, these factors have contributed to challenges of staff successfully securing payment of the fees owed, with many people opting for payment plans, and some being written off as bad debts.

There is potential that lower charges could be applied to reflect this experience, recognising that through a combination of factors, the financial impact of rectifying building non-compliance can be significant.

One option for Council is to still apply an administrative charge to the issue of both Building Notices and Orders, but to reduce the amount charged. If this approach was adopted, officers would suggest a fee of say **\$650** (compared to \$969 previously for COS) for a Notice, and **\$350** (compared to \$612 for COS previously) for a Building Order.

A further option is to remove the charge for the Building Notice, but only apply a charge to the issue of a Building Order. This approach would be based on the premise that if an owner can quickly resolve an issue without resort to an Order being issued, this would avoid any charge being applied, but if the matter is not resolved to the extent an Order can be avoided, a charge is applied at that time. This would provide both an incentive for owners to co-operatively resolve non-compliant building work, and to recover the higher costs associated with longer and more involved building compliance processes associated with the issue of an Order. Under this scenario, officers recommend a fee for a Building Order of **\$800** (previously this fee was \$612, but combined with the Notice fee was \$1,581 in total).

Officers recommend the latter option (i.e. only applying a **\$800** fee at the Building Order stage) be adopted given it provides an incentive for owners to co-operatively resolve non-compliant building work, and reflects the significant additional workload associated with resolving Building Orders.

As noted above, a separate report is tabled in the June 2020 Ordinary Council Meeting agenda in relation to the development of a new Council policy for 'Administration and Enforcement of the Building Legislation'. This policy is to replace three existing policies, and has incorporated guidance concerning the preferred building enforcement approach (educative and seeking co-operative compliance in the first instance), as well as guidelines to help determine when prosecution might be pursued, and when administrative fees associated with building compliance may be waived or reduced. Together, this review of the compliance fees and policy development responds to the Council resolution that called for a review to be undertaken.

4. COMMUNITY CONSULTATION & ENGAGEMENT

It is proposed that Councillors place both the proposed Building Compliance fees and draft Council policy on public exhibition together for a 6-week period before formally adopting the fees. The draft 2020/21 budget continues to maintain the fees at zero, until the current review process is complete and a Council resolution achieved. It is noted that any new fees arising from the review will not be applied retrospectively, and will only apply to new Notices and Orders issued.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

"Goal 1: Effectively manage our resources.

Action 1 – Manage the short and long term financial sustainability of the Shire through prudent financial management.

Action 3 – Identify new income opportunities."

The application of charges for issuing Building Notices and Orders aims to recover some of the costs incurred by Council in the investigation and administration of this compliance, which is a significant cost to Council. These costs are borne by those who have who have caused this effort to be incurred, rather than the cost being borne by the wider community from rates revenue.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The setting of fees for Building Compliance, as with any other fees and charges, has social implications. The financial impacts of fees can be significant when added to the overall costs for owners to resolve non-compliant building work (refer to discussion in main part of the report).

LEGAL & RISK

There are no risks associated with this report.

FINANCIAL & BUDGETARY

Council's budget previously for income associated with these fees has been \$22,500. No fees have been collected in 2019/20 following Council's decision to reduce the fees to \$0. Not setting any charge following the review process will limit Council's capacity to fund the Building service by removing a current revenue stream.

7. IMPLEMENTATION STRATEGY

The suggested fees for Building Compliance will be placed on public exhibition for 6 weeks in conjunction with the draft Building Compliance Policy (see earlier discussion). A report will then be tabled at a future meeting for Council to adopt a formal position.

COMMUNICATION

The changes will be promoted via media release, Public Notices in local newspapers, Council's web site and social media.

TIMELINE

The public engagement process will occur over the course of late June and July. A further report will be tabled at the August or September Council meeting, prior to the caretaker period for the local government elections.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Item: 10.5

Great Ocean Road Event Closure Guidelines community consultation

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Draft Great Ocean Road Event Closure Guidelines (marked up copy) Draft Great Ocean Road Event Closure Guidelines (clean copy)
PURPOSE	To seek Council's endorsement of the draft Great Ocean Road Event Closure Guidelines following community feedback.

1. EXECUTIVE SUMMARY

At the April Council meeting, Council endorsed a six-week community consultation period on the draft Great Ocean Road Event Closure Guidelines. The Guidelines have undergone a review by partner agencies involved in road and event management along the Great Ocean Road spanning the Colac Otway and Surf Coast shires. The Department of Transport (DOT – formerly Regional Roads Victoria/VicRoads), the authorising agent for permitting closures of the Great Ocean Road, has led the review. Other partners involved in the review are the Colac Otway Shire Council, Surf Coast Shire Council and Victoria Police.

Council opted to conduct community consultation before providing DOT an official endorsement of the Guidelines because of the varied impact Great Ocean Road closures have on our coastal and hinterland communities. Whilst the Great Ocean Road Running Festival has always provided excellent economic and social returns to the businesses and communities of the Colac Otway Shire, the Amy's Gran Fondo event has had a negative economic and social impact. Council felt that it was important to capture our community's views on the draft Guidelines so it could provide more informed feedback to the DOT. This report outlines the key themes of the feedback obtained.

Once the draft Guidelines are adopted, the DOT will seek Ministerial approval to conduct a new Expression of Interest (EOI) process calling for events to apply for the right to close the Great Ocean Road between the period of 2022 to 2024. Council's recent round of community consultation has revealed a range of key themes which can be recommended to the DOT. The purpose of this report is to seek Council's endorsement of the draft Great Ocean Road Event Closure Guidelines, so that DOT can progress the Expression of Interest process.

2. RECOMMENDATION

That Council:

- 1. provides provisional approval of the Draft Great Ocean Road Event Closure Guidelines subject to the following amendments being incorporated into the document:**
 - a. Organisers that receive permits to close the Great Ocean Road for events are required to use an independent, suitably-qualified professional to conduct the post-event economic impact assessment.**
 - b. Organisers that receive permits to close the Great Ocean Road for events are required to show evidence that their risk management plans have been completed by a suitably-qualified professional.**
 - c. That the Department of Transport adds a fifth independent member to the Steering Committee, agreed to by the shires of Colac Otway and Surf Coast, and removes the clause allowing Department of Transport to have the final decision in a split vote. The appointment period for the independent member would be in line with the permit period of 2022-2024.**
- 2. recommends that weightings be incorporated into the Expression of Interest assessment criteria to upscore events that:**
 - a. don't require a full eight-hour closure of the Great Ocean Road;**
 - b. and/or provide stop/go vehicle movements in key locations along the road.**
- 3. recommends that if events participating in the Expression of Interest process cannot demonstrate that they meet the evaluation criteria, the Steering Committee should consider only granting one permit for Great Ocean Road event closures.**
- 4. recommends that should two closures of the Great Ocean Road for events continue, that consideration be given to splitting the two closures up so they are not closing the same stretch of the road.**
- 5. strongly encourages the Department of Transport and Steering Committee members to take into account all of the feedback outlined in this report and work closely with events to ensure community concerns and suggestions are appropriately addressed.**
- 6. reaffirms that it does not support the Gran Fondo event in its current format and location, as per the resolutions of Council at the December 2017 Ordinary Council Meeting (OM171312-6), October 2018 Ordinary Council Meeting (OM182410-2), and April 2020 Ordinary Council Meeting (OCM202204-11).**
- 7. recommends and strongly advocates to the Department of Transport, Surf Coast Shire Council and the event organiser that the 2020 and 2021 Gran Fondo events should not be held within the Colac Otway Shire.**

3. KEY INFORMATION

The Great Ocean Road is one of Victoria’s principal tourist routes and one of the world’s most renowned coastal drives. It also has an important role providing access for residents and businesses within the coastal towns and villages it traverses.

Events on the Great Ocean Road attract large numbers of participants and bring economic benefits to the wider region, particularly during the off-peak season. However, events also impede the access and mobility of residents and can have adverse flow-on effects to communities and businesses depending on the nature of the event and the stretch of road upon which it is held.

The Great Ocean Road Event Closure Guidelines (Guidelines) provide a consistent approach for considering requests for event closures of the Great Ocean Road, as well as a framework for considering competing applications from events to close the road. They seek to achieve a balance between the benefits major events bring, with the impact and inconveniences experienced by residents and businesses.

This current iteration of the Guidelines mirrors the previous, in that it allows for no greater than two event closures of the Great Ocean Road per year, which must be in the low season (1 May to 31 October). Every six years, an additional permit may be issued to accommodate the Great Victorian Bike Ride outside the low season.

The Department of Transport (DOT) acts as the owner of the Guidelines as the road authority however partners with Surf Coast Shire, Colac Otway Shire and Victoria Police when implementing the Guidelines.

Following Council’s April 2020 resolution to commence community consultation on the draft Guidelines, officers embarked on a range of initiatives to encourage our community to comment on the draft document. The methods of consultation and engagement are outlined further in the community engagement section of this report. Below is an outline of the key themes emerging from community consultation.

Key themes arising from community consultation on the draft Guidelines

ISSUE ARISING FROM DRAFT GUIDELINES	FEEDBACK KEY THEMES
Section 2. Definitions	One day is defined as a maximum of eight hours, but what happens if an event goes for multiple days? Clarity required within the guidelines.
Section 3. Governance	Some respondents are not comfortable with Department of Transport having the casting vote on the committee. Detailed evaluation process is a good addition.
	Measures should be added to the guidelines that allow for the guidelines to be reviewed sooner than every five years under extraordinary/unforeseen circumstances.
Section 4. Conditions	Two closures per year is acceptable to some groups, but no more (with the exception of the Great Victorian Bike Ride). Some groups consulted would prefer one plus the Great Victorian Bike Ride.
	If events participating in the EOI cannot demonstrate that they meet the evaluation criteria, the steering committee should consider not granting permits for the maximum of two events to operate annually on the area defined as the Great Ocean Road.

ISSUE ARISING FROM DRAFT GUIDELINES	FEEDBACK KEY THEMES
	<p>The guidelines say that parallel closures of the GOR and inland routes is to be avoided wherever possible, but in practice this hasn't eventuated. Respondents would like to see more emphasis on leaving inland routes open if the GOR is closed. Respondents also wish the language to be strengthened e.g. in 4.3 it says that closure of inland routes 'should' be avoided but 'must' would provide better clarity.</p> <p>Risk management plans should be reviewed by independent qualified professionals to ensure adherence to best practice.</p> <p>Coastal communities favour events that provide stop-go vehicular access to allow people (especially the elderly residents who require daily support and access essential provisions) to enter and exit Apollo Bay while the event is taking place.</p> <p>Request that any proposed closures of the GOR between Skenes Creek and Apollo Bay only be permitted only a 'hold and release (or escort)' basis.</p> <p>Current low season is defined as 1 May to 31 October, but the 31 October date often abuts the Melbourne Cup long weekend. Consider pulling back the low season definition to the weekend before the Melbourne Cup holiday to ensure no clash.</p> <p>Eight-hour closures are too long for the hospitality and tourism sectors – preference would be for six-hour closures maximum. One respondent along the Great Ocean Road loses 70 per cent of trade every road closure.</p> <p>In 4.5 the word significant should be better defined e.g. what does 'significant benefits to the local communities' mean?</p>
<p>Section 5. Application process and evaluation criteria</p>	<p>Social and economic impact studies should be undertaken (at event organiser's expense) by an independent qualified firm to ensure the assessment results are reliable and unbiased. To ascertain the shared impacts of events in our region, it would be preferable to include municipal impact data in the assessment.</p> <p>There should also be more transparency regarding the profit made by events that close the road, particularly given local businesses often lose money on those days.</p> <p>DOT/Steering Committee should consider allowing one 'competitive' event and one 'non-competitive' event to close the road to ensure the closures provide maximum accessibility (not just physical accessibility but financial/age accessibility). For example, not everyone is able to afford a bike and associated equipment capable of riding along the Great Ocean Road or in the hinterland.</p> <p>An event's track record of community engagement and partnership/fundraising should be factored in when assessing EOI submissions. The requirement for events to partner with local coastal and communities should be strengthened generally.</p> <p>Events that attract national and international participants, and showcase what the region has to offer, should be favoured.</p> <p>Events need to take environmental sustainability more seriously – pleased to see that in the assessment criteria. Examples given include</p>

ISSUE ARISING FROM DRAFT GUIDELINES	FEEDBACK KEY THEMES
	<p>re-use of old bicycles in garages that could be gifted to communities to allow more people to participate.</p> <p>Many events are well versed on community engagement – take the AFL community series for example – the community camps are a great way to involve the community. Consider enhancing the social opportunities section to encourage/require more community engagement. E.g. clinics from world-class athletes for local children/adults.</p> <p>Consider requiring event organisers to provide ‘companion’ events in the hinterland to draw people into the Otways.</p> <p>Make it a requirement for events to provide opportunities for local community members to be on the organising committee/steering committee/sister committee organising companion events. The local intel and input into decision making will make it easier for the events to have meaningful interactions with the community.</p> <p>Some community members would like to see an event that focuses on wellness and sustainability rather than both events be competitive/race based.</p> <p>Events that encourage people to stay in the region for an entire weekend are preferable for economic output.</p> <p>Evaluation criteria is good as long as the independent assessment (discussed in 5.4 - post event debrief) and the steering committee evaluate the report against the criteria fairly.</p> <p>Events need to do a better job of communicating about alternative routes – it is a regular occurrence that attractions such as the Otway Fly have to refund bookings as people get lost and don't make their bookings.</p> <p>The term ‘host shires’ (5.2.2) needs a clearer definition.</p> <p>Please consider adding to 5.2.2 a point about measuring the impact of road closures on medium to large businesses.</p> <p>Query about previous events studies regarding isolated townships - should events also measure community impacts, like road closure, time management, practicality and inefficiencies?</p> <p>As a given, the events should be responsible to put together local packages that promote longer visits.</p> <p>The guidelines seem to preclude the potential for one-off events, for example a one-off fundraiser or environmental community awareness event.</p> <p>Community meetings pre and post event should be held on weekends so that a majority of coastal community members can attend if they wish.</p>
Event specific feedback	<p>If the Fondo is to receive permits beyond 2021, they (in partnership with DOT) should be made responsible for ensuring the pelotons of riders using the Great Ocean Road and inland routes for training in the 6-8 weeks in advance of the event do so safely. Many reports of large bunches of riders on the Forrest-Skenes Creek Road and Great Ocean Road training in an unsafe manner. Consider a time limit (e.g. 6am to 9am only on weekends) and a number limit (e.g. three max in one</p>

ISSUE ARISING FROM DRAFT GUIDELINES	FEEDBACK KEY THEMES
	<p>group at once). If this can't be achieved, consider preventing bikes using that road completely.</p>
	<p>Bike riders don't tend to be big spenders along the coast or hinterland, in the experience of local businesses. They compete, get a coffee then leave.</p>
	<p>The Cadel Evans Great Ocean Road Race uses the GOR 'brand' but in reality traverses very little of the road. Tourists see the signs in Geelong and Torquay and assume that the entire GOR is closed, resulting in less traffic for businesses beyond the immediate race location. The DOT should reconsider the use of Great Ocean Road in this context, and include in the guidelines some criteria for events to meet before they can use the Great Ocean Road brand in their title.</p>
	<p>Consider starting events earlier in the morning so the road closures have less of an impact on community members e.g. start the Fondo at 9am or earlier (instead of 11am).</p> <p>Alternatively, consider having the Gran Fondo (if that gets another permit) go from Lorne to Apollo Bay along the coast first, to enable the re-opening of the road earlier.</p>
	<p>Buses for the marathon move people back and forth on the GOR but don't deposit people inland. Could the Marathon provide busses inland to places like Forrest and Deans Marsh where additional accommodation beds are available?</p>
	<p>Consider reversing the Fondo route every second year so that all towns benefit. Could the AGF go from Apollo Bay to Port Campbell one year?</p>
	<p>Closing the road for 10-15 of the last riders is not sensible. Consider opening half the road for the last few hours.</p>
	<p>Consider through the EoI process, events that drive social, environmental and economic outputs but also have flexible operations - i.e. run from different township to create different outputs every second year.</p>
	<p>There is no significant post event visitation to attractions such as the Cape Otway Lightstation unless there's partnership and cooperative promotions by events. Events should be encouraged to collaborate with local operators.</p>
	<p>Great Ocean Road Running Fest brings lots of family visitation. Further, it provides financial contributions to local community groups, which is welcome.</p>
	<p>Could a subsidised marketing support package assist local business to get involved in large events?</p>
	<p>The rubbish post Gran Fondo has been present and needs to be looked at.</p>

ISSUE ARISING FROM DRAFT GUIDELINES	FEEDBACK KEY THEMES
	Event organisers should be required to create opportunities for local community members to participate in full, or in part, at low cost, and that local community members be permitted to walk or cycle along the road while the closures are in place.
	Some members of the community enjoy the quietness when the road is closed, and enjoy cheering on local faces in events such as the marathon.
	Better rubbish management is needed for large events along the Great Ocean Road including making the DOT responsible for ensuring rubbish clean up post event is adequately performed.
	Concerns were expressed about what might happen when the Great Ocean Road Authority is operational – clarity from government is required on event permitting in this scenario.
	Better management of event set-ups is required. One event sets up merchandising tents and food stalls at the registration and information area, which discourages participants from spending at local businesses.

Further, it should be noted that Colac Otway Shire Council officers have already tabled several additional suggested changes to the Guidelines as part of the review process, including:

- The possibility of breaking the two closures up so they are not closing the same stretch of the road. For example, one closure from Lorne to Apollo Bay (eg: GOR Running Festival), and the other closure from Anglesea to Lorne.
- Restricting the closures to one event annually.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Following Council’s April 2020 resolution to commence community consultation on the draft Guidelines, officers embarked on a range of initiatives to encourage our community to comment on the draft document. These included:

- Ads in the Colac Herald and Apollo Bay News and Otway Light.
- Promotion on Council’s Facebook page.
- Post on Council’s website with downloads of the Guidelines available.
- Media release distributed to all local media.
- Direct email to Council’s tourism database of 300+ addresses.
- Direct email to Council’s business database of 700+ addresses.
- Offers set up video conferences or phone conferences with anyone wishing to connect with officers.
- Officers pro-actively arranged group video conferences with key personnel from the:
 - Apollo Bay Chamber of Commerce
 - Forrest community and business leaders

- Wye River and Separation Creek Community Association
- Discussions with owners of large tourist attractions along the Great Ocean Road as far as Beech Forest/Lavers Hill.
- And several individual phone calls/video calls with other community leaders from Apollo Bay, Wye River, Kennett River and Separation Creek.
- Letter to Minister for Roads Jaala Pulford clarifying Council's opposition to the Gran Fondo occurring in the Colac Otway Shire.
- Eight written submissions were received from individuals and groups, including the Wye River and Separation Creek Community Association and the Skenes Creek Advancement Association. Refer to attached confidential submissions for more information.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Event closures of the Great Ocean Road are complex in that they lead to significant economic, cultural and social benefits to some parties, but sometimes comparable disadvantages to others. Carrying out community consultation on the guidelines has helped Council in its bid to balance these competing priorities by ensuring our community has a chance to have its views reflected in the Guidelines.

Alignment to Council Plan 2017-2021:

Theme 1 - Our Prosperity

1. Plan infrastructure, assets and land use with a long-term vision for economic growth.
2. Support a thriving economy and industries.
3. Strengthen partnerships with key stakeholders to benefit the whole community.
4. Improve strategic planning and coordination of the Great Ocean Road.

Theme 2 - Our Places

2. Our places are managed for long-term sustainability.

Theme 3 - Our Community

2. Connect people through events and activities.
4. Provision of resources to support physical activity by the community.

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The Great Ocean Road is one of Victoria's principal tourist routes and one of the world's most renowned coastal drives. It also has an important role providing access for residents and businesses within the coastal towns and villages it traverses.

Events on the Great Ocean Road attract large numbers of participants and bring economic benefits to the wider region, particularly during the off-peak season. However, events also impede the access and mobility of residents and can have adverse flow-on effects to communities and businesses depending on the nature of the event and the stretch of road upon which it is held.

Council has a formal position that it does not support the Gran Fondo event in its current format based on the significant negative impact to our communities.

The Great Ocean Road Event Closure Guidelines provide a consistent approach for considering requests for event closures of the Great Ocean Road, as well as a framework for considering competing applications. They seek to achieve a balance between the benefits major events bring, with the impact and inconveniences experienced by residents and businesses.

LEGAL & RISK

The Guidelines set out clear requirements for event organisers to meet to ensure that any events that take place on the Great Ocean Road adhere to best-practice risk management. Council's resolution, if adopted by the Steering Committee, will further strengthen this section of the Guidelines.

FINANCIAL & BUDGETARY

Not applicable.

7. IMPLEMENTATION STRATEGY

Subject to Council's consideration of this report, officers will immediately implement the resolution and provide feedback to DOT as a matter of priority.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



**Guidelines for considering the closure of the
Great Ocean Road to conduct events Great Ocean Road (GOR) Event Closure Guidelines
(November 25, 2013)(Version 4 – January 2020)**

1. Background

The Great Ocean Road is one of Victoria's principal tourist routes and one of the world's most famous coastal drives. While principally a tourist road, it ~~provides has~~ an equally important role in providing access for residents and business within the coastal towns and villages that abut it.

Given the roads iconic nature, events on the Great Ocean Road attract large numbers of participants, bringing with it an economic benefit to the region, particularly during the off peak tourist season.

Unregulated closures of the Great Ocean Road, for the purposes of conducting events, will impact on the access and mobility of residents and the region's ability to attract tourists, resulting in adverse flow on effects to communities and business.

~~VicRoads Regional Roads Victoria~~, Victoria Police, ~~Municipalities Surf Coast Shire, Colac Otway Shire~~ and the community recognise that whilst major events provide economic and tourism benefits to the region, a balance must be struck to maintain access and mobility for these communities.

The objective of these guidelines is to provide a framework and a consistency in the approach for considering requests for the closure of the Great Ocean Road for the purpose of conducting events. ~~Such events that~~ impact upon both municipalities of Surf Coast and Colac Otway Shires through the closure of the Great Ocean Road.

These guidelines have been developed in collaboration with ~~VicRoads Regional Roads Victoria~~, Surf Coast Shire, Colac Otway Shire and Victoria Police ~~as the four agencies that have legislative governance of sections or the length of the Great Ocean Road incorporated in these Guidelines.~~ ~~incorporating e~~ Extensive consultation ~~has also been undertaken~~ with the affected communities ~~and other stakeholders~~ along the Great Ocean Road.

2. Definitions

Great Ocean Road ——— For the purpose of these Guidelines the Great Ocean Road ~~is shall be~~ ——— considered ~~to be as~~ the section of road between the two townships of Anglesea and ——— Apollo Bay (from O'Donohue Road, Anglesea to Cawood St, Apollo Bay).

Event The types of events covered by this Guideline include; triathlons, fun runs, marathons, community sporting events, cycling, motoring and other events.

Road works are not classified as events for the purpose of this document.

An event is one that is classified to operate ~~during day time hours, (for a maximum of 8 hours.)~~ ~~during the low season, May 1– 31 October.~~

Closure Where public traffic is restricted from travelling in one or both directions of the Great Ocean Road for a duration of greater than 20 minutes.

Note:

- Closure does not include hold and release type management.
- Closures in townships where a reasonable detour is available will not be classified as closures for the purpose of this document.
- One day is defined as no greater than 8 hours.

<u>Inland Route</u>	Roads providing a connection between the Princes Highway and the Great Ocean Road.
<u>Steering Committee</u>	Organisations represented on the steering committee; <u>consists of VicRoads Regional Roads Victoria, Surf Coast Shire, Colac Otway Shire and Victoria Police. VicRoads Regional Roads Victoria is the secretariat of the Steering Committee. These agencies will be the only agencies represented on the Steering Committee as they represent the agencies that provide permits for events along the Great Ocean Road.</u>
<u>Low Season</u>	For the purposes of this document, the Low s Season is defined between the dates of 1 May and 31 October.
<u>Yearly</u>	Calendar year not financial year.
<u>Document Name</u>	The name 'Guidelines for considering the closure of the Great Ocean Road to conduct events Great Ocean Road (GOR) Event Closure Guidelines' to be are referred to as 'Guidelines' for the remainder of this document.

3. Governance

3.1 Approval Authority

~~Under~~ Within the meaning of the *Road Management Act 2004*, VicRoads is the Responsible Road Authority for the Great Ocean Road and in accordance with Section 99B of the Road Safety Act 1986 Section 99B, has authorising powers to issue a permit for the closure of the Great Ocean Road for a non-road activity.

Victoria Police provide permission for an event to be held on a road in accordance with the *Road Safety (Traffic Management) Regulations 2009*. (Part 3 – Activities on Roads)

Closures will only be approved with the agreement of the Steering Committee.

3.2 Decision Making and Dispute Resolution

All governance decisions made by the Steering Committee will be a majority rule decision. In the event of a dispute, the Steering Committee agency that disagrees with the majority will need to provide evidence based on the criteria in the Guidelines as to why they disagree with the decision making.

Regional Roads Victoria will have the final decision in case of a split vote.

3.3 Cancellation of an Event

An event may be cancelled if:

- the event organisers have not demonstrated the capability to deliver on the criteria as outlined in these Guidelines;
- the event organisers have not met the minimum requirements of event delivery in terms of paperwork required;
- there is evidence of the above.

3.4 Municipal Event Policies

These Guidelines are to be used in conjunction with existing municipal event policies. Suitability of events should be considered by both municipalities in accordance with their own existing Event Policies/Strategic Plans.

In assessing events, impacts on neighbouring municipalities should be considered and appropriate community and stakeholder engagement undertaken.

Contact either Surf Coast Shire 03 5261 0600 or Colac Otway Shire 03 5232 9400 to determine the co-ordinating municipality.

3.5 Confidentiality

Until such time as in-principle approval is formally provided, the Event Application or the Event shall remain confidential.

3.6 Review

These Guidelines will be reviewed every 5 years by the Steering Committee with the next review due in 2024.

4. Conditions**4.1 Number of events permitted yearly**

The number of events permitted to conduct a closure of the Great Ocean Road shall be no greater than two per year and must be in the Low Season (as defined). Events must be subject to each municipalities Event Approval process.

In the context of these Guidelines any request to conduct an additional event would be considered as an exception.

Every six years an additional permit may be issued to accommodate the Great Victorian Bike Ride outside of the low season.

Event GOR Road Closure Application Process

~~The Steering Committee will consider interest from suitable event organisers to conduct events on the Great Ocean Road. The method for selecting events will be via a formal competitive application process.~~

~~The Steering Committee appreciates the significant workload involved in preparing and running an event for the first time, and the length of time to develop sustainable events. Due to this, events proposed to run on an annual basis will be considered more favourably.~~

The Steering Committee will consider providing in-principle support to events for up to a three-year period. Event organisers will be required to submit applications based on a set of criteria including but not limited to:

- Regional and local benefits (as per Benefits section)
- Proven event organisation experience.
- Financial capacity and event sustainability.

Whilst in-principle support may be provided for a three-year period, event support will be reviewed on an annual basis to ensure events adhere to the application process and benefits detailed in their submission.

4.2 Low Season Event Timing 1 May 1 – 31 October 31

Closures are to be restricted to the Low season between 1 May and 31 October. Support for events in the low season is a key priority element of the relevant State Government Departments.

Events will not be considered that involve closures of the Great Ocean Road during school holidays, public holidays or long weekends.

The duration of closures should be kept to a minimum and conducted at times that minimise their impact on traffic.

4.3 Road Closures

Each event is to be considered on an individual basis in relation to the location of closures on the Great Ocean Road and any other closures on the wider network related to the event (eg: inland routes). The closure of inland routes should be avoided where ever possible or co-ordinated in such a way to minimise any adverse impacts. This also applies in particular to the inland routes serving the land locked 5 hamlets located on the Great Ocean Road - Wongarra, Kennett River, Wye River, Sugarloaf and Separation Creek. Events that minimise closures, particularly in regard to inland routes, will be considered more favourably.

4.4 Duration of events

The duration of a closure of the Great Ocean Road for an event shall be limited to no greater than 8 hours in one day with rolling opening times strongly encouraged to minimise community disruptions. Times will be staged and sections clearly advertised.

Events with a closure duration of greater than one day will not be considered.

4.5 Type of Event

The types of events to be considered as warranting closure of the Great Ocean Road shall be limited to events of International, National or State significance where coverage of the event and participation is available to a wider audience. Such events, and must be able to demonstrate significant benefits to the local communities.

The event must demonstrate a capacity to support, enhance and reflect community values including health and well-being and consistency with State and Local Government policies.

Events that allow the general public to access and participate in the event will be considered more favourably than closed or restricted events that do not allow this participation.

However, the prioritisation of events able to generate a wider community participation and ancillary participation outside of the direct event shall not preclude anythe event from being considered.

4.6 Approval Lead Time

The Steering Committee shall establish a calendar of approved events for an 18 month rolling period on the Great Ocean Road – based on the competitive application process.

Event proposals are required to allow take into consideration enough lead time to provide consultation and approvals for events.

4.7 Risk Management and Agency/Community Capacity

A risk assessment must be undertaken in accordance with ISO 31000:2009, and provided as part of the Event Application. This risk assessment must include a risk matrix covering all likely issues.

Each municipality's Event Policies/Strategic Plan requirements need to be considered.

An evaluation must be undertaken to ascertain the level of support available from the agencies for the event. It must also identify the impacts on the local community should the event require the use of local essential services.

The event should aim to be self-sufficient and demonstrate no impact on existing local services that cannot be managed (eg: medical, logistical, infrastructure, crowd management, traffic management, emergency management, access etc.). This must also be considered by the event applicant as a part of the Event Application.

5. Application Process and Evaluation Criteria

Commented [EC1]: This heading needs a better name to encompass the 4 points below.

5.1 GOR Event Closure Application Process

Event organisers wishing to apply for one of the two permissible road closure for the Great Ocean Road for events will be required to submit an EOI application during the EOI period. This period be conducted at least 18 months before the current in principle support for current events expires.

The Steering Committee appreciates the significant workload involved in preparing and running an event for the first time, and the length of time to develop sustainable events. Due to this, events will only be considered if they are proposed to run on an annual basis.

The Steering Committee will consider providing in-principle support to events for up to a three year period. Event organisers will be required to submit applications yearly based on a set of criteria including but not limited to:

- Regional and local benefits (as per Benefits section)
- Proven event organisation experience.
- Financial capacity and event sustainability.

Whilst in-principle support will be provided for a three year period, event organisers will be required to submit event applications yearly as per each agencies event guidelines.

5.2 Evaluation Criteria

These criteria outline how each event is assessed during the Expression of Interest process and will be used for dispute resolution. They will also be used for criteria for cancelation of an event.

5.2.1 Event Management

To conduct an event on the Great Ocean Road all event organisers must demonstrate the following:

- Demonstrated capacity in staging and managing events of state, nation or international significance
- Adequate governance systems in place including an event refund policy.
- Demonstrated capacity to provide required emergency management and traffic management plans and documentation in a timely manner.
- Demonstrated capacity to provide an environmental management plan demonstrating best practice in minimising use of non-renewables and single use plastic items.
- Adequate coverage levels of public liability and professional indemnity insurance.
- Demonstrated financial stability over the past three financial years.
- Capacity to undertake risk management assessments in accordance with ISO 31000:2009.

5.2.2 Economic Development Opportunities

Event organisers need to address the following and provide an economic impact assessment post event:

- Impact on off peak visitation, overnight stays and expenditure.
- The amount of visitation/tourism from outside Host Shires and the length of stay during the event.
- Demonstrate high levels of expenditure ('yield') per visitor/ participant.
- The level of pre training or visitation that the event will generate in the Host Shires in the lead up to the event.
- The level of expenditure these visitors will generate (or have generated historically) and its distribution in the region.

- The opportunities where the Host Shires and/or the host townships can be promoted, the nature of this promotion and the marketing reach.
- The level of involvement of local businesses in the event both pre-event (supply chain expenditure in event set up) or during the event (stall holders).
- The ability of the event to trigger repeat visitation to the host region.
- The ability for the region to be promoted to participant databases.
- The ability of the event to reinforce and/or strengthen the desired 'brand' of the host township or Host Shires in a positive way.

5.2.3 Social Opportunities

Event organisers need to identify in a post event report the short term and long term community benefits provided by the event including:

- How the event will create social gathering opportunities.
- The level to which people of diverse groups, abilities and ages are brought together.
- Evidence of how the event will positively impact the host community.
- Detail of how the host community will be acknowledged or supported if the event is to cause an inconvenience (e.g. road closures).
- Identify if the social opportunities are short term (event specific) or long term (ongoing spin offs) in nature.
- Level of involvement by local volunteers (number of people and hours).
- Tangible legacy outcomes for the host community as a result of the event.
- How the event caters for needs of all abilities (including people with a disability).
- How the event will engage with host community to develop local ownership.

5.2.4 Environmental Sustainability

The natural environment is a key driver for attracting people to visit the Great Ocean Road. It is a privilege for event organisers and participants to have access to the road to conduct their activities and in return, it is expected that these stakeholders will contribute to the ongoing protection of the environment and sustainable visitation through their actions and approach.

To be considered for an in-principle licence for one of two possible road closures to conduct an event, applicants must:

- Demonstrate best practice in sustainable event delivery including waste minimisation, recycling and strategies to minimise the carbon footprint of the event
- Commit to Surf Coast Shire Council's Plastic Wise Policy
- Eliminate all single use plastic
- Develop environmental sustainable targets for the duration of the agreement
- Develop a communications plan specific to sustainable matters, including how the event organiser will influence and manage participants' behaviour in relation to waste – for example, disqualifying participants who are seen to drop food wrappers or water bottles on the road
- Provide evidence of environment outcomes in the post-event report. This includes quantifying waste mitigation outcomes, such as the percentage reduction of waste diverted to landfill.

The co-ordinating Road Authority or Municipality may impose a bond as part of the conditions of any permit under Section 99B(1) of the *Road Safety Act (1986)* or through municipal event plans to recover costs involved in cleaning up after an event where this hasn't been carried out appropriately by the organiser.

Event Benefits

It is acknowledged that some events may impose inconvenience in local access to the community. Documentation shall be provided to the Steering Committee from the applicant via the coordinating municipality to enable an assessment of the benefits and the impacts flowing from the Event. The Steering Committee will review the balance of the impacts/benefits in relation to State and Local Government policies regarding:

Social: Community identity and pride can be generated through tourism. A positive sense of community identity can be reinforced and tourism can encourage local communities to maintain their traditions and identity. Events can bring communities together, provide opportunities to fundraise and facilitate community strengthening activities. Events promote a region's liveability. Events can in some instances contribute financially to local

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infrastructure improvements. However, events that impact on access can have detrimental social impacts. Event organisers will need to consider and provide evidence of how their event provides social returns that outweigh social impacts.

Economic: Major events stimulate business and create jobs. Increased spending in the community generated from visitors or tourism businesses can directly and indirectly promote the viability of local businesses.

Tourism operators can play a role in highlighting the broad prosperity that tourism can bring to a community and will contribute to a greater understanding and respect for the value of tourism.

Events bring many visitors to our region, which is particularly important in the low season. An important aspect of major events utilising the Great Ocean Road is that they create awareness of the region and encourage repeat visitation.

The closure of the Great Ocean Road can impact on local business trade. Event organisers will need to identify how local businesses can receive benefits from the event and provide evidence that the benefits to the area outweigh the impacts.

Environmental: benefits may include providing financial or in-kind support for the conservation of the local environment and natural resources will enhance the reputation of any tourism business. Tourism, particularly ecotourism, can place a greater focus on the conservation of natural resources through the recognition of their importance to visitor experiences and their economic value to the local community.

The overall benefits to the affected communities must be demonstrated via an independent assessment. The event organiser will need to provide the independent assessment prior to approval. Each Council will provide a list of preferred suppliers. For the event to be considered, the benefits of both municipalities must be demonstrated in the event proposal.

Risk Management and Agency/Community Capacity

A risk assessment must be undertaken in accordance with ISO 31000:2009, and provided as part of the Event Application. This risk assessment must include a risk matrix covering all likely issues.

Each municipality's Event Policies/Strategic Plan requirements need to be considered.

An evaluation must be undertaken to ascertain the ability and level of support available from the agencies for the event. It must also identify the impacts on the local community should the event require the use of local essential services.

The event should aim to be self-sufficient and demonstrate no impact on existing local services that cannot be managed (eg: medical, logistical, infrastructure, crowd management, traffic management, emergency management, access etc.). This must also be considered by the event applicant as a part of the Event Application.

Environmental Impact

An assessment of the environmental impact the event will have on the local environment must be considered and included with the submission of the Event Application.

The co-ordinating Road Authority or Municipality may impose a bond in accordance with Section 99B of the Road Safety Act (1986) or through municipal event plans to recover costs involved in cleaning up after an event where this hasn't been carried out appropriately by the organiser.

Each municipality may introduce an event bond to ensure the environmental impacts are minimised by each event. (Refer to the Shire Event Policy and Event Management Plan for further details).

5.3 Communication Plan

Following in-principle approval, a draft communication plan for notification of traffic disruption on the Great Ocean Road will need to be developed and approved submitted to by the Steering Committee with all event paperwork. 6 months prior to the proposed Event date.

The draft communication plan will outline the process that will be undertaken to consult with all affected communities. Consideration must be given to the land locked communities and special requirements they may have for movement within the road closures.

Event organisers are to coordinate a pre event community meeting and a debrief post event if required, in the township most affected by the road closure as agreed by the Steering Committee. Municipalities are able to assist with database information. Event organisers will cover the costs of facility hire and other associated costs. Event organisers must liaise with the Steering Committee to structure the format of both meetings.

Typical expectations for additional community consultation include information mail outs, and community signage and other promotional information such as media articles, letters, posters, and associated websites.

5.4 Event Debrief

Where an event is approved and completed, an independent assessment will be carried out every year, post event, of the impacts/benefits to the broader community of the event, and its outcomes, as outlined in the criteria above, shall be undertaken with a report summary provided to the Steering Committee within 3 months following the event at a Debrief Meeting. The assessment is to be coordinated and paid for by the event organisers.

If an event organiser wishes to run an event on an annual basis, any matters raised in the Event Debrief must be included in the Risk Management Plan and mitigated appropriately. If this is not completed to the satisfaction of the Steering Committee, the in-principle agreement for to the Event shall be revoked.

Confidentiality

~~Until such time as in-principle approval is formally provided, the Event Application or the Event shall remain confidential.~~

Review

~~These Guidelines will be reviewed by the Steering Committee in 2018.~~



Great Ocean Road (GOR) Event Closure Guidelines (Version 4 – January 2020)

1. Background

The Great Ocean Road is one of Victoria's principal tourist routes and one of the world's most famous coastal drives. While principally a tourist road, it has an equally important role in providing access for residents and business within the coastal towns and villages that abut it.

Given the roads iconic nature, events on the Great Ocean Road attract large numbers of participants, bringing with it an economic benefit to the region, particularly during the off peak tourist season.

Unregulated closures of the Great Ocean Road, for the purposes of conducting events, will impact on the access and mobility of residents and the region's ability to attract tourists, resulting in adverse flow on effects to communities and business.

Regional Roads Victoria, Victoria Police, SurfCoast Shire, Colac Otway Shire and the community recognise that whilst major events provide economic and tourism benefits to the region, a balance must be struck to maintain access and mobility for these communities.

The objective of these guidelines is to provide a framework and a consistency in the approach for considering requests for the closure of the Great Ocean Road for the purpose of conducting events. Such events impact upon both municipalities of Surf Coast and Colac Otway Shires through the closure of the Great Ocean Road.

These guidelines have been developed in collaboration with Regional Roads Victoria, Surf Coast Shire, Colac Otway Shire and Victoria Police as the four agencies that have legislative governance of sections or the length of the Great Ocean Road incorporated in these Guidelines. Extensive consultation has also been undertaken with the affected communities and other stakeholders along the Great Ocean Road.

2. Definitions

Great Ocean Road For the purpose of these Guidelines the Great Ocean Road is considered to be the section of road between the two townships of Anglesea and Apollo Bay (from O'Donohue Road, Anglesea to Cawood St, Apollo Bay).

Event The types of events covered by this Guideline include; triathlons, fun runs, marathons, community sporting events, cycling, motoring and other events.

Road works are not classified as events for the purpose of this document.

An event is one that is classified to operate for a maximum of 8 hours.

Closure Where public traffic is restricted from travelling in one or both directions of the Great Ocean Road for a duration of greater than 20 minutes.

Note:

- Closure does not include hold and release type management.
- Closures in townships where a reasonable detour is available will not be classified as closures for the purpose of this document.
- One day is defined as no greater than 8 hours.

Inland Route Roads providing a connection between the Princes Highway and the Great Ocean Road.

<u>Steering Committee</u>	The steering committee consists of Regional Roads Victoria, Surf Coast Shire, Colac Otway Shire and Victoria Police. Regional Roads Victoria is the secretariat of the Steering Committee. These agencies will be the only agencies represented on the Steering Committee as they represent the agencies that provide permits for events along the Great Ocean Road.
<u>Low Season</u>	For the purposes of this document, the Low Season is defined between the dates of 1 May and 31 October.
<u>Yearly</u>	Calendar year not financial year.
<u>Document Name</u>	The ' Great Ocean Road (GOR) Event Closure Guidelines' are referred to as 'Guidelines' for the remainder of this document.

3. Governance

3.1 Approval Authority

Under the *Road Management Act 2004*, VicRoads is the Responsible Road Authority for the Great Ocean Road and in accordance with Section 99B of the *Road Safety Act 1986*, has authorising powers to issue a permit for the closure of the Great Ocean Road for a non-road activity.

Victoria Police provide permission for an event to be held on a road in accordance with the *Road Safety (Traffic Management) Regulations 2009*. (Part 3 – Activities on Roads)

Closures will only be approved with the agreement of the Steering Committee.

3.2 Decision Making and Dispute Resolution

All governance decisions made by the Steering Committee will be a majority rule decision. In the event of a dispute, the Steering Committee agency that disagrees with the majority will need to provide evidence based on the criteria in the Guidelines as to why they disagree with the decision making.

Regional Roads Victoria will have the final decision in case of a split vote.

3.3 Cancellation of an Event

An event may be cancelled if:

- the event organisers have not demonstrated the capability to deliver on the criteria as outlined in these Guidelines;
- the event organisers have not met the minimum requirements of event delivery in terms of paperwork required;
- there is evidence of the above.

3.4 Municipal Event Policies

These Guidelines are to be used in conjunction with existing municipal event policies. Suitability of events should be considered by both municipalities in accordance with their own existing Event Policies/Strategic Plans.

In assessing events, impacts on neighbouring municipalities should be considered and appropriate community and stakeholder engagement undertaken.

Contact either Surf Coast Shire 03 5261 0600 or Colac Otway Shire 03 5232 9400 to determine the co-ordinating municipality.

3.5 Confidentiality

Until such time as in-principle approval is formally provided, the Event Application or the Event shall remain confidential.

3.6 Review

These Guidelines will be reviewed every 5 years by the Steering Committee with the next review due in 2024.

4. Conditions

4.1 Number of events permitted yearly

The number of events permitted to conduct a closure of the Great Ocean Road shall be no greater than two per year and must be in the Low Season (as defined). Events must be subject to each municipalities Event Approval process.

In the context of these Guidelines any request to conduct an additional event would be considered as an exception.

Every six years an additional permit may be issued to accommodate the Great Victorian Bike Ride outside of the low season.

4.2 Low Season Event Timing 1 May – 31 October

Closures are to be restricted to the Low Season. Support for events in the low season is a key priority of the relevant State Government Departments.

Events will not be considered that involve closures of the Great Ocean Road during school holidays, public holidays or long weekends.

The duration of closures should be kept to a minimum and conducted at times that minimise their impact on traffic.

4.3 Road Closures

Each event is to be considered on an individual basis in relation to the location of closures on the Great Ocean Road and any other closures on the wider network related to the event (eg: inland routes). The closure of inland routes should be avoided where ever possible or co-ordinated in such a way to minimise any adverse impacts. This applies in particular to the inland routes serving the land locked 5 hamlets located on the Great Ocean Road - Wongarra, Kennett River, Wye River, Sugarloaf and Separation Creek. Events that minimise closures, particularly in regard to inland routes, will be considered more favourably.

4.4 Duration of events

The duration of a closure of the Great Ocean Road for an event shall be limited to no greater than 8 hours in one day with rolling opening times strongly encouraged to minimise community disruptions. Times will be staged and sections clearly advertised.

Events with a closure duration of greater than one day will not be considered.

4.5 Type of Event

The types of events to be considered as warranting closure of the Great Ocean Road shall be limited to events of International, National or State significance where coverage of the event and participation is available to a wider audience. Such events must be able to demonstrate significant benefits to the local communities.

The event must demonstrate a capacity to support, enhance and reflect community values including health and well-being and consistency with State and Local Government policies.

Events that allow the general public to access and participate in the event will be considered more favourably than closed or restricted events that do not allow this participation.

However, the prioritisation of events able to generate a wider community participation and ancillary participation outside of the direct event shall not preclude any event from being considered.

4.6 Approval Lead Time

The Steering Committee shall establish a calendar of approved events for an 18 month rolling period on the Great Ocean Road – based on the competitive EOI application process.

Event proposals are required to allow enough lead time to provide consultation and approvals for events.

4.7 Risk Management and Agency/Community Capacity

A risk assessment must be undertaken in accordance with ISO 31000:2009, and provided as part of the Event Application. This risk assessment must include a risk matrix covering all likely issues.

Each municipality's Event Policies/Strategic Plan requirements need to be considered.

An evaluation must be undertaken to ascertain the level of support available from the agencies for the event. It must also identify the impacts on the local community should the event require the use of local essential services.

The event should aim to be self-sufficient and demonstrate no impact on existing local services that cannot be managed (eg: medical, logistical, infrastructure, crowd management, traffic management, emergency management, access etc.). This must also be considered by the event applicant as a part of the Event Application.

5. Application Process and Evaluation Criteria

5.1 GOR Event Closure Application Process

Event organisers wishing to apply for one of the two permissible road closure for the Great Ocean Road for events will be required to submit an EOI application during the EOI period. This EOI period will be conducted at least 18 months before the current in principle support for current events expires.

The Steering Committee appreciates the significant workload involved in preparing and running an event for the first time, and the length of time to develop sustainable events. Due to this, events will only be considered if they are proposed to run on an annual basis.

The Steering Committee will consider providing in-principle support to events for up to a three year period. Event organisers will be required to submit applications yearly based on a set of criteria including but not limited to:

- Regional and local benefits (as per Benefits section)
- Proven event organisation experience.
- Financial capacity and event sustainability.

Whilst in-principle support will be provided for a three year period, event organisers will be required to submit event applications yearly as per each agencies event guidelines.

5.2 Evaluation Criteria

These criteria outline how each event is assessed during the Expression of Interest process and will be used for dispute resolution. They will also be used for criteria for cancellation of an event.

5.2.1 Event Management

To conduct an event on the Great Ocean Road all event organisers must demonstrate the following:

- Demonstrated capacity in staging and managing events of state, national or international significance
- Adequate governance systems in place including an event refund policy.
- Demonstrated capacity to provide required emergency management and traffic management plans and documentation in a timely manner.
- Demonstrated capacity to provide an environmental management plan demonstrating best practice in minimising use of non-renewables and single use plastic items.
- Adequate coverage levels of public liability and professional indemnity insurance.
- Demonstrated financial stability over the past three financial years.
- Capacity to undertake risk management assessments in accordance with ISO 31000:2009.

5.2.2 Economic Development Opportunities

Event organisers need to address the following and provide an economic impact assessment post event:

- Impact on off peak visitation, overnight stays and expenditure.
- The amount of visitation/tourism from outside Host Shires and the length of stay during the event.
- Demonstrate high levels of expenditure ('yield') per visitor/ participant.
- The level of pre-training or visitation that the event will generate in the Host Shires in the lead up to the event.

- The level of expenditure these visitors will generate (or have generated historically) and its distribution in the region.
- The opportunities where the Host Shires and/or the host townships can be promoted, the nature of this promotion and the marketing reach.
- The level of involvement of local businesses in the event both pre-event (supply chain expenditure in event set up) or during the event (stall holders).
- The ability of the event to trigger repeat visitation to the host region.
- The ability for the region to be promoted to participant databases.
- The ability of the event to reinforce and/or strengthen the desired 'brand' of the host township or Host Shires in a positive way.

5.2.3 Social Opportunities

Event organisers need to identify in a post event report the short term and long term community benefits provided by the event including:

- How the event will create social gathering opportunities.
- The level to which people of diverse groups, abilities and ages are brought together.
- Evidence of how the event will positively impact the host community.
- Detail of how the host community will be acknowledged or supported if the event is to cause an inconvenience (e.g. road closures).
- Identify if the social opportunities are short term (event specific) or long term (ongoing spin offs) in nature.
- Level of involvement by local volunteers (number of people and hours).
- Tangible legacy outcomes for the host community as a result of the event.
- How the event caters for needs of all abilities (including people with a disability).
- How the event will engage with host community to develop local ownership.

5.2.4 Environmental Sustainability

The natural environment is a key driver for attracting people to visit the Great Ocean Road. It is a privilege for event organisers and participants to have access to the road to conduct their activities and in return, it is expected that these stakeholders will contribute to the ongoing protection of the environment and sustainable visitation through their actions and approach.

To be considered for an in-principle licence for one of two possible road closures to conduct an event, applicants must:

- Demonstrate best practice in sustainable event delivery including waste minimisation, recycling and strategies to minimise the carbon footprint of the event
- Commit to Surf Coast Shire Council's Plastic Wise Policy
- Eliminate all single use plastic
- Develop environmental sustainable targets for the duration of the agreement
- Develop a communications plan specific to sustainable matters, including how the event organiser will influence and manage participants' behaviour in relation to waste – for example, disqualifying participants who are seen to drop food wrappers or water bottles on the road
- Provide evidence of environment outcomes in the post-event report. This includes quantifying waste mitigation outcomes, such as the percentage reduction of waste diverted to landfill.

The co-ordinating Road Authority or Municipality may impose a bond as part of the conditions of any permit under Section 99B(1) of the *Road Safety Act (1986)* or through municipal event plans to recover costs involved in cleaning up after an event where this hasn't been carried out appropriately by the organiser.

5.3 Communication Plan

Following in-principle approval, a draft communication plan for notification of traffic disruption on the Great Ocean Road will need to be developed and submitted to the Steering Committee with all event paperwork.

The draft communication plan will outline the process that will be undertaken to consult with all affected communities. Consideration must be given to the land locked communities and special requirements they may have for movement within the road closures.

Event organisers are to coordinate a pre event community meeting and a debrief post event if required. Municipalities are able to assist with database information. Event organisers will cover the costs of facility

hire and other associated costs. Event organisers must liaise with the Steering Committee to structure the format of both meetings.

Typical expectations for additional community consultation include information mail outs, community signage and other promotional information such as media articles, letters, posters, and associated websites.

5.4 Post Event Debrief

Where an event is approved and completed, an independent assessment will be carried out every year, post event, of the impacts/benefits to the broader community. This will include an analysis of how the event outcomes reflected the criteria above. The report will be provided to the Steering Committee within three months of completion of the event. The assessment is to be coordinated and paid for by the event organisers.

If an event organiser wishes to run an event on an annual basis, any matters raised in the Event Debrief must be included in the Risk Management Plan and mitigated appropriately. If this is not completed to the satisfaction of the Steering Committee, the in-principle agreement for the Event shall be revoked.

DRAFT

Item: 10.1

Heavy Vehicle Policy Review

OFFICER	Timothy Brain
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. Heavy Vehicle Policy [10.6.1 - 3 pages]
PURPOSE	To revoke the outdated 13.8 - Heavy Vehicle Access Policy

1. EXECUTIVE SUMMARY

Colac Otway Shire Policy 13.8 - Heavy Vehicle Access was adopted by Council on 23 October 2013 (refer Attachment 1 – 13.8 Heavy Vehicle Access) and an accompanying procedure was developed - *Guidelines for Assessing B-Doubles and Higher Mass Limit Vehicles on Local Road* (refer Attachment 2 – 13.8 Heavy Vehicle Access- Strategy (1)).

In 2014 the National Heavy Vehicle Regulator (NHVR) regulations were passed. The regulations now govern matters relating to Heavy Vehicle access, therefore it is recommended that the Council policy is revoked.

2. RECOMMENDATION

That Council revokes the Colac Otway Shire Policy 13.8 - Heavy Vehicle Access.

3. KEY INFORMATION

On 10 February 2014, the Heavy Vehicle National Law, covering all heavy vehicles over 4.5 tonnes, commenced in Queensland, New South Wales, Victoria, Tasmania, South Australia and the Australian Capital Territory (ACT). These regulations supersede Colac Otway Shire's Heavy Vehicle Access Policy 13.8 that was adopted on the 23 October 2013.

Prior to 10 February 2014, when a business made an application to drive oversized vehicles on a council road, council officers would deal directly with the applicant and assess the application against the Council's Heavy Vehicle Policy and associated procedures.

Since February 2014, businesses apply through the NHRV portal and council officers provide a recommendation based on the NHVR guidelines. The recommendation details whether council officers believe that oversized vehicles should be able to drive on the council road, with the NHVR making the final decision.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 2 - Our Places

1. Assets and infrastructure meet community needs.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable.

LEGAL & RISK

Officers currently operate with reference to the National regulations, however revoking the old Council Policy will ensure that there is no confusion at the application stage, improving overall compliance and reducing timeframes for processing applications.

FINANCIAL & BUDGETARY

Not applicable.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

Once the Policy is revoked, it will be removed from the Council website and information will be provided directing applicants to the NHVR website.

TIMELINE

The Council website will be updated within 2 weeks of the Policy being formally revoked.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

COUNCIL POLICY

Council Policy Title:	Heavy Vehicle Access
Council Policy ref. no:	13.8
Responsible Department:	Infrastructure and Services
Date of adoption/review:	23 October 2013

1. PURPOSE

This policy will provide a clear direction and process to ensure consistency in assessing access to the local road network by B-Doubles and Higher Mass Limit Vehicles.

2. INTRODUCTION

The use of B-Doubles or Higher Mass Limit Vehicles on local roads within the Colac Otway Shire is dependent on the operator gaining Council's approval and a permit being issued by VicRoads.

High Productivity Freight Vehicles (HPFVs), such as B-Doubles and Higher Mass Limit Vehicles, are important to the efficiency of the freight task in the Colac Otway Shire. The larger capacity of these vehicles reduces the number of vehicles required for a given amount of freight.

Access to the local road network should be considered where it can be demonstrated by consistent assessment that these vehicles can operate safely with other traffic and where road infrastructure is suitable.

3. SCOPE OF THE POLICY

This policy applies to the assessment of all future applications from companies or individuals for the use of HPFVs (e.g. B-Doubles or Higher Mass Limit Vehicles) on the local road network in the Colac Otway Shire.

4. DEFINITIONS

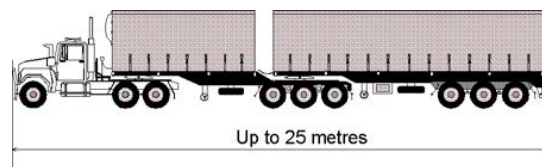
High Productivity Freight Vehicles is the umbrella term for vehicle configurations that are permitted to operate after gaining approvals through the national Performance Based Standards (PBS). These vehicles must comply with approved safety and infrastructure protection performance measures.

HPFVs represent the next generation in freight transport, with the ability to shift more freight more efficiently with greater environmental and safety performance. HPFVs can range from specialist rigid trucks, through to multi-combination articulated configurations and B-Doubles. Longer B-Doubles are examples of next generation HPFVs.

PBS is a new national management method to 'match' vehicles to roads. It offers the potential for heavy vehicle operators to achieve higher productivity and safety through innovative vehicle design.

PBS sets minimum vehicle 'performance' standards to ensure trucks are stable on the road and can turn and stop safely. These standards focus on how well a vehicle behaves on the road rather than its overall length or mass.

A **B-double** is defined as a combination consisting of a prime mover towing two semitrailers. The prime mover and the two trailers are combined by two turntable assemblies. The double articulation is the main distinguishing feature of a B-double.



From 1 July 1999 mass limit increases were implemented in Victoria. Higher Mass Limits allows for increases to general axle mass limits provided the vehicle is fitted with road friendly suspensions. These include some air and steel suspension types.

5. POLICY

That, as a matter of policy, where an application for access to the municipal public road network by HPFVs is received:

- The General Manager, Infrastructure and Services assesses each application on its merits, based on the 'Guidelines for Assessing B-Doubles and Higher Mass Limit Vehicles on Local Roads';
- That Council engages in a consultation process with relevant stakeholders where it is deemed necessary; and
- That any approval that is granted be endorsed subject to appropriate conditions.

6. RELATED LEGISLATION

Road Safety (Vehicles) Regulation 1999
Road Safety Act 1986

7. RELATED POLICIES/PROCEDURES/GUIDELINES

'Guidelines for Assessing B-Doubles and Higher Mass Limit Vehicles on Local Roads'

8. POLICY IMPLEMENTATION

This policy takes effect immediately upon approval by Council. The General Manager Infrastructure & Services is responsible for implementing this policy by making the Policy and Procedure accessible to all staff.

All relevant officers are responsible for using this policy when assessing applications for the operation of HPFVs on local roads within the Colac Otway Shire.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
14 December 2005	Adopted by Council
24 May 2006	Review
28 April 2010	Review
23 October 2013	Review

Item: 10.7

Policy Review: 11.4 Assistance to Rates Debtors in Hardship

OFFICER	Paul Carmichael
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Council Policy 11.4 - Assistance to Rates Debtors in Hardship - For Adoption [10.7.1 - 4 pages] 2. Council Policy 11.4 - Assistance to Rates Debtors in Hardship - Mark Up [10.7.2 - 5 pages] 3. Policy 11.4- Assistance-to- Rates- Debtors-in- Hardship- To Audit Committee 13-5 [10.7.3 - 4 pages] 4. Geelong region Financial Inclusion Action Plan (FIA P) 2020-21 [10.7.4 - 32 pages] 5. Application for Assistance to Rates Debtor Due to Financial Hardship [10.7.5 - 5 pages]
PURPOSE	To review and consider the updated Council Policy 11.4 Assistance to Rates Debtors in Hardship for adoption.

1. EXECUTIVE SUMMARY

Council Policy 11.4 - Assistance to Rates Debtors in Hardship was last reviewed in January 2016 and is due for review.

It is important to note that the intent of this policy is to provide ratepayers experiencing financial hardship with relief from penalty interest, rather than the waiving of general rates and charges. By waiving penalty interest, it provides the ratepayer with a reduction in the outstanding balance to be paid and allows future payments to be applied to paying off the principal rather than paying off interest. The intention is that the debtor may then catch up with the debt over a period of time without accruing additional interest charges.

As provided for under the *Local Government Act 1989*, general rates and charges remain as a charge against the property, to be recouped upon sale of the property.

The major amendment to the policy relates to including reference to the Geelong regional Finance Inclusion Action Plan (FIAP) that Colac Otway is a member of. As detailed later in the report, it is aimed that the FIAP will streamline any application process for financial assistance.

The amendments to the policy were presented and discussed at the Audit Committee on 13 May 2020 (refer attachment 3).

The committee accepted that the content of the policy remains current and there were no recommended amendments that altered the intent of the policy.

Subsequent to the Audit Committee Meeting, in moving the policy to the current format for Council's consideration, several amendments have been made to the presentation and layout of the policy, none of which change the intent. Please refer to attachment 2 (Mark Up) for details.

2. RECOMMENDATION

That Council adopts the updated Council Policy 11.4 - Assistance to Rates Debtors in Hardship.

3. KEY INFORMATION

As part of the review cycle of policies, each policy is analysed to ensure that it sits in the correct place within our policy framework. Council policies are strategic statements of position and/or principle that address issues of significance across the whole of the Colac Otway Shire community and typically have a life measured in years. Policies can range from broad philosophies to specific objectives, but they should not contain procedural content. Policies provide a structured framework for consistent and transparent decision making.

Procedures, guidelines, standards and forms are administrative tools that sit under a policy to give it life and allow the policy to be implemented. These are supporting documents to the policy and as such should not be included as part of the policy. Effective procedures should be dynamic documents that are continuously reviewed and updated in response to changing context and opportunities for improvement.

Where Council policies contains a mixture of policy and procedure, they have been separated into a policy and procedure to allow them to stand apart. This in turn, enables the procedure to be responsive and improved through review on an as needs basis.

Council Policy 11.4 - Assistance to Rates Debtors in Hardship allows Council to provide assistance to rates debtors that are experiencing demonstrated financial hardship in relation to rates levied for their principal place of residence. The policy does not extend to commercial or investment properties.

Under the policy, the amount outstanding must exceed the current year's rates. Inevitably, the amount outstanding will include an amount of penalty interest, which exacerbates the debt. The policy provides for:

- Interest going forward to be put on hold for an agreed period of time; and
- Accrued interest to be waved.

These actions reduce the immediate balance to be paid and allow future payments to be applied to paying off the principal rather than paying off interest. The intention is that the debtor may then catch up with the debt over a period of time.

It should be noted the policy does not provide for any of the general rates and charges to be waived. This is because these are a charge against the property and as such will be redeemed when the

property is sold. Whilst this may reduce the amount of money the ratepayer (as vendor) receives at settlement of the property sale, it does not affect the ongoing financial situation of the ratepayer whilst they own the property.

An essential aspect of the policy is that the ratepayer can use the interest free period to get the debt back under control. To this end, the policy requires the ratepayer to enter into an ongoing payment arrangement. The amount to be paid and frequency of payments are negotiated with the ratepayer based upon personal financial information provided by them. This information is treated confidentially.

The policy was first adopted in 2007 and last reviewed in January 2016. In reviewing the policy, officers are of the view the intent of the policy, the level of assistance able to be provided and the type of information required to be provided by applicants are appropriate.

Having said this, officers are aware of some perceived issues that are believed to discourage people from seeking assistance from us. Anecdotally, it has been suggested that:

- the application process and the type of information required (i.e. personal income and expenditure information) was too onerous and discouraged applicants (refer to the attached application form).
- ratepayers presenting to Colac Area Health's financial counselling service were being "lost" by not subsequently presenting to us.

Officer's response to the level of information required is that:

- the information requested is crucial in assessing the bona fide credentials of the applicant
- It helps the applicant and Council identify how much the applicant can contribute to an ongoing payment arrangement to bring the debt back under control
- It is often a useful financial management experience for the applicant to breakdown their income and expenditure
- The type of information required is the same as any financial counsellor would require.

In response to the issue of "losing" applicants, Council has recently formed a relationship with Barwon Water and Colac Area Health's financial counselling service whereby those organisations may:

- actively identify shared clients that may be eligible to hardship assistance from us, and
- accept applications for hardship assistance on our behalf.

The main benefit of this is that people in need of rates assistance under our policy will be able to apply for assistance from Council when they are dealing with either Barwon Water or Colac Area Health, without having to come to the Council office. Thus, the applicant will only have to complete the application process once.

This relationship resulted from officers participating in a project to develop a Financial Inclusion Action Plan (FIAP) for the Geelong region. The project was co-ordinated by the Good Shepherd Microfinance organisation throughout 2019 and sought to develop a plan to mitigate financial hardship in the greater Geelong region. In addition to Colac Otway Shire, the following organisations are participants in the regional FIAP (which was the first of its kind in Australia):

- Barwon Water
- Bethany
- City of Greater Geelong
- Deakin University
- First State Super
- Give Where You Live Foundation
- MatchWorks
- WorkSafe Victoria
- Good Money Store.

The FIAP was finalised in December 2019 and launched in February 2020.

The amendments to the policy were presented and discussed at the Audit Committee on 13 May 2020 (refer attachment 3).

The committee accepted that the content of the policy remains current and there were no recommended amendments that altered the intent of the policy.

Subsequent to the Audit Committee Meeting, in moving the policy to the current format for Council's consideration, several amendments have been made to the presentation and layout of the policy, none of which change the intent. Please refer to attachment 2 (Mark Up) for details.

The proposed amended policy was discussed at Council's Briefing session on 3 June 2020 and no further changes were proposed.

4. COMMUNITY CONSULTATION & ENGAGEMENT

The purpose of this report and policy is to inform the community of Council's position in relation to how it can assist rates debtors who are experiencing financial hardship.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
2. Openness and accountability in decision making.
4. Provide value for money services for our community.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Having an Assistance to Rates Debtors in Hardship policy has economic implications for the community. As the requirement to pay municipal rates can contribute towards financial hardship experienced by some ratepayers, it is appropriate for Council to have a policy that allows it to take action to provide assistance when needed.

It is also important that Council ensure that assistance is only given to applicants that are in legitimate financial hardship.

LEGAL & RISK

The assistance granted under this policy is permitted to be granted by section 171 (2) of the *Local Government Act 1989*.

FINANCIAL & BUDGETARY

The amount of interest to be waived under this policy depends on the number of applications granted and the amount of interest that has accrued on the accounts. Generally, it would be expected to be no more than \$5,000 per year.

7. IMPLEMENTATION STRATEGY

The policy is already in place, so no implementation is required.

COMMUNICATION

The amended policy will be included in an Ordinary Council Meeting agenda and once adopted, will be placed on Council's website.

TIMELINE

It is expected this Policy will be adopted at the June 2020 Council meeting.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



Council Policy

11.4 ASSISTANCE TO RATES DEBTORS IN HARDSHIP

PURPOSE

The purpose of the policy is to:

- I. establish principles to apply when an application for assistance is received;
- II. identify the type of assistance that may be granted; and
- III. establish a procedure for assessment of applications received.

The policy is aimed to assist property owners that are experiencing medium to long term financial difficulty.

SCOPE

This policy applies to all ratepayers of the Colac Otway Shire.

DEFINITIONS

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.

REFERENCES

Local Government Act 1989

Financial Inclusion Action Plan

STATEMENT OF POLICY

Council recognises that from time to time ratepayers may have difficulty in meeting their rate payment obligations due to financial hardship. The Local Government Act allows Council to provide assistance to ratepayers and Council recognises it is important to provide assistance where the payment of rates would cause significant hardship.

Uncontrolled when printed

CM reference		Date of adoption	
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Council is also a participant in the Geelong region Financial Inclusion Action Plan (FIAP) which aims to alleviate financial hardship in the Geelong region. As part of this plan, Council has entered into an arrangement with Colac Area Health (CAH) and Barwon Water (BW) that allows these organisations to:

- identify shared clients that may be experiencing rates hardship;
- advise these clients of the possibility of rates hardship assistance under this policy; and
- accept applications for hardship assistance from these clients on behalf of Council.

This program provides for applications received by CAH and BW to then be referred to Council for assessment, saving the resident of undertaking the process for multiple organisations.

The following criteria and guidelines should be considered when assessing an application for rates assistance.

- (a) the rates payable must relate to the applicant's primary place of residence unless the application relates to a Natural Disaster/Emergency event.
- (b) applications for rates assistance for residential investment, commercial or industrial properties will NOT be granted unless the application relates to a Natural Disaster/Emergency event.
- (c) applications for rates assistance for farms or commercial properties that are also used for residential purposes will NOT be granted, unless the residential part of the property is separately assessed for rates and/or the application relates to a Natural Disaster/Emergency event. The relationship of the applicant to the adjoining business activity and gross income generated by that activity will be taken into consideration.
- (d) the amount outstanding must be more than the current year's rates and charges unless the application relates to a Natural Disaster/Emergency event in which case all applications will be considered on their merits.
- (e) the debtor must be experiencing demonstrated financial hardship.
- (f) the debtor must be able to demonstrate the requirement to pay the full amount outstanding would exacerbate existing financial hardship.
- (g) the debtor must show they are prepared to contribute towards the longer term payment of outstanding principal. To this end, a "Debt Finalisation Date" must be nominated by the debtor.
- (h) the debtor must demonstrate they are able to honour payment arrangements they have made.
- (i) Council expects that the debtor is making legitimate attempts to ensure money is available to make rates and charges payments.
- (j) Council requires the debtor to advise Council if they decide to sell the property before the Debt Finalisation Date. Interest on the outstanding balance may then be applied.
- (k) Council requires the debtor to provide a Statutory Declaration of all income and expenses, assets and liabilities and potential sources of income. This includes details of shares portfolios, business partnerships, joint ventures etc. Copies of documentary evidence (e.g.: Tax returns etc.) may be required to be presented at the CEO's discretion.
- (l) Council may arrange for the information provided in (k) above to be assessed by independent professionals if considered necessary.
- (m) Council may require the debtor to meet with professionals involved in the assessment of the application.

All information received by Council or professionals engaged in the assessment process will be treated as strictly confidential.

Implementation

Uncontrolled when printed

CM reference	Date of adoption



Applicants will be able to apply for assistance at any stage throughout the year.

Applications may be lodged directly with Council or with Colac Area Health (CAH) or Barwon Water (BW). Applications lodged with CAH or BW will be referred to Council by those organisations for assessment.

All applications will be assessed on their merits and a flexible approach will be taken to assessing applications as some ratepayers may not be able to provide all information (e.g. records destroyed in a natural disaster).

Similarly, if an applicant does not meet the above principles/criteria but can provide overwhelming evidence why they should receive assistance, applications may also be considered at the discretion of the Chief Executive.

If necessary and agreed by the applicant, the application may be referred to Colac Area Health's Financial Counselling Service or a similar service, for independent assessment.

Level of Assistance to be Provided

Unless varied by resolution of Council the following may apply:

(a) Non-Natural Disaster/Emergency events:

- Deferring the payment of rates and charges to a later date.
- Exempting the payment of interest charges. Interest may be exempted until the debt finalisation date while agreed arrangements are met.

Rates, Municipal Charge and Waste Management Charge and any other charges raised will be required to be paid.

(b) Natural Disaster/Emergency events:

In addition to the case of a Natural Disaster/Emergency event Council may provide additional assistance to any affected ratepayer by:

- Waiving up to a maximum amount of 50% of Council Rate, Municipal and Waste Management charges for the current financial year.
- Council may provide additional assistance to any affected ratepayer, in addition to that allowed in this policy, by resolution.

Fire Service Property Levy

Section 27 of the Fire Services Property Levy Act 2012 permits the levy to be deferred in the same way that rates are deferred under the Local Government Act 1989. A deferral of the levy (and levy interest) is permitted for levy purposes only if a deferral is granted to the same land for rates and charges purposes.

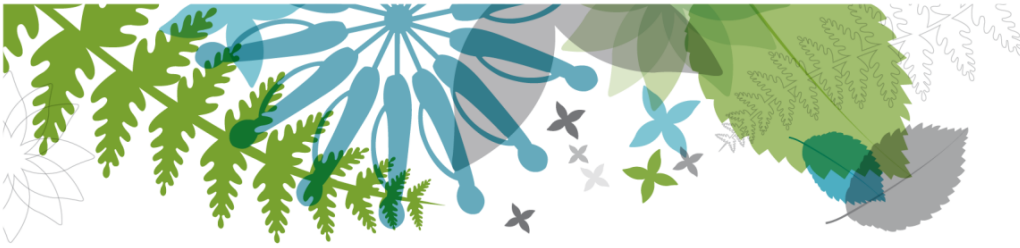
RELATED DOCUMENTS

Application for Assistance to Rates Debtor Due to Financial Hardship

Financial Inclusion Action Plan

Uncontrolled when printed

CM reference		Date of adoption	
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DOCUMENT CONTROL

Policy owner		Manager Financial Services	Division	Corporate Services
Adopted by council		28 March 2007	Policy Number	11.4
File Number			Review date	

FOR ADOPTION

Uncontrolled when printed

CM reference		Date of adoption	
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Council Policy

11.4 ASSISTANCE TO RATES DEBTORS IN HARDSHIP

PURPOSE

The purpose/objective of the policy is to:

- I. establish principles to apply when an application for assistance is received;
- II. identify the type of assistance that may be granted; and
- III. establish a procedure for assessment of applications received.

The policy is aimed to assist property owners that are experiencing medium to long term financial difficulty.

SCOPE

This policy applies to all ratepayers of the Colac Otway Shire.

DEFINITIONS

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.

REFERENCES

Local Government Act 1989

Financial Inclusion Action Plan

STATEMENT OF POLICY

Council recognises that from time to time ratepayers may have difficulty in meeting their rate payment obligations due to financial hardship. The Local Government Act allows Council to provide assistance to ratepayers and Council recognises it is important to provide assistance where the payment of rates would cause significant hardship.

Uncontrolled when printed

CM reference		Date of adoption	
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Council is also a participant in the Geelong region Financial Inclusion Action Plan (FIAP) which aims to alleviate financial hardship in the Geelong region. As part of this plan, Council has entered into an arrangement with Colac Area Health (CAH) and Barwon Water(BW) that allows these organisations to:

- identify shared clients that may be experiencing rates hardship;
- advise these clients of the possibility of rates hardship assistance under this policy; and
- accept applications for hardship assistance from these clients on behalf of Council.

This program provides for applications received by CAH and BW to then be referred to Council for assessment, saving the resident of undertaking the process for multiple organisations.

The following criteria and guidelines should be considered when assessing an application for rates assistance.

- (a) the rates payable must relate to the applicant's primary place of residence unless the application relates to a Natural Disaster/Emergency event.
- (b) applications for rates assistance for residential investment, commercial or industrial properties will NOT be granted unless the application relates to a Natural Disaster/Emergency event.
- (c) applications for rates assistance for farms or commercial properties that are also used for residential purposes will NOT be granted, unless the residential part of the property is separately assessed for rates and/or the application relates to a Natural Disaster/Emergency event. The relationship of the applicant to the adjoining business activity and gross income generated by that activity will be taken into consideration.
- (d) the amount outstanding must be more than the current year's rates and charges unless the application relates to a Natural Disaster/Emergency event in which case all applications will be considered on their merits.
- (e) the debtor must be experiencing demonstrated financial hardship.
- (f) the debtor must be able to demonstrate the requirement to pay the full amount outstanding would exacerbate existing financial hardship.
- (g) the debtor must show they are prepared to contribute towards the longer term payment of outstanding principal. To this end, a "Debt Finalisation Date" must be nominated by the debtor.
- (h) the debtor must demonstrate they are able to honour payment arrangements they have made.
- (i) Council expects that the debtor is making legitimate attempts to ensure money is available to make rates and charges payments.
- (j) Council requires the debtor to advise Council if they decide to sell the property before the Debt Finalisation Date. Interest on the outstanding balance may then be applied.
- (k) Council requires the debtor to provide a Statutory Declaration of all income and expenses, assets and liabilities and potential sources of income. This includes details of shares portfolios, business partnerships, joint ventures etc. Copies of documentary evidence (e.g.: Tax returns etc.) may be required to be presented at the CEO's discretion.
- (l) Council may arrange for the information provided in (k) above to be assessed by independent professionals if considered necessary.
- (m) Council may require the debtor to meet with professionals involved in the assessment of the application.

All information received by Council or professionals engaged in the assessment process will be treated as strictly confidential.

Implementation

Uncontrolled when printed

CM reference	Date of adoption



Applicants will be able to apply for assistance at any stage throughout the year.

Applications may be lodged directly with Council or with Colac Area Health (CAH) or Barwon Water (BW). Applications lodged with CAH or BW will be referred to Council by those organisations for assessment.

All applications will be assessed on their merits and a flexible approach will be taken to assessing applications as some ratepayers may not be able to provide all information (e.g. records destroyed in a natural disaster).

Similarly, if an applicant does not meet the above principles/criteria but can provide overwhelming evidence why they should receive assistance, applications may also be considered at the discretion of the Chief Executive.

If necessary and agreed by the applicant, the application may be referred to Colac Area Health's Financial Counselling Service or a similar service, for independent assessment.

Level of Assistance to be Provided

Unless varied by resolution of Council the following may apply:

(a) Non-Natural Disaster/Emergency events:

- Deferring the payment of rates and charges to a later date.
- Exempting the payment of interest charges. Interest may be exempted until the debt finalisation date while agreed arrangements are met.

Rates, Municipal Charge and Waste Management Charge and any other charges raised will be required to be paid.

(b) Natural Disaster/Emergency events:

In addition to the case of a Natural Disaster/Emergency event Council may provide additional assistance to any affected ratepayer by:

- Waiving up to a maximum amount of 50% of Council Rate, Municipal and Waste Management charges for the current financial year.
- Council may provide additional assistance to any affected ratepayer, in addition to that allowed in this policy, by resolution.

Comment [jclissold1]: Moved from later in the policy.

Fire Service Property Levy

Section 27 of the Fire Services Property Levy Act 2012 permits the levy to be deferred in the same way that rates are deferred under the Local Government Act 1989. A deferral of the levy (and levy interest) is permitted for levy purposes only if a deferral is granted to the same land for rates and charges purposes.

Natural Disaster/Emergency Events

A Natural Disaster/Emergency event is defined as any event for which an Incident Control Centre (ICC) has been formally established.

Comment [JC2]: Included in Definition section

In the case of a Natural Disaster/Emergency event Council may provide additional assistance to any affected ratepayer, in addition to that allowed in this policy, by resolution.

Comment [jclissold3]: This has been moved to 'Level of Assistance to be provided'

Delegation

Uncontrolled when printed

CM reference	Date of adoption



~~The Chief Executive shall have delegated authority to approve applications under this policy in accordance with Section 170, 171 & 172 of the Local Government Act 1989 subject to the quantum of the relief being offered having no material impact on Council's overall budget.~~

REPORTING

~~The amount of rates and charges waived under this policy are to be reported to Council on an annual basis in the June Quarter financial report each year.~~

REVIEW

~~This policy is to be implemented by Council and is the subject of periodic review.~~

Comment [JC4]: These clauses are operational/administrative in nature and are not considered a statement of policy.

RELATED DOCUMENTS

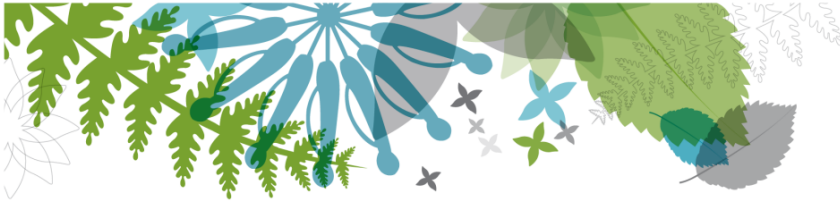
[Application for Assistance to Rates Debtor Due to Financial Hardship](#)

[Financial Inclusion Action Plan](#)

MARKUP

Uncontrolled when printed

CM reference		Date of adoption	
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DOCUMENT CONTROL

Policy owner		Manager Financial Services	Division	Corporate Services
Adopted by council		28 March 2007	Policy Number	11.4
File Number			Review date	

MARKUP

Uncontrolled when printed

CM reference		Date of adoption	
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Colac Otway

COUNCIL POLICY

Council Policy Title:	Assistance to Rates Debtors in Hardship
Council Policy ref. no:	
Responsible Department:	Corporate Services
Date of adoption/review:	20 January 2016

1. INTRODUCTION

Council recognises that from time to time ratepayers may have difficulty in meeting their rate payment obligations due to financial hardship. The Local Government Act allows Council to provide assistance to ratepayers and Council recognises it is important to provide assistance where the payment of rates would cause significant hardship.

[Council is also a participant in the Geelong region Financial Inclusion Action Plan \(FIAP\) which aims to alleviate financial hardship in the Geelong region. As part of this plan, Council have entered into an arrangement with Colac Area Health \(CAH\) and Barwon Water\(BW\) that allows these organisations to:](#)

- [identify shared clients that may be experiencing rates hardship,](#)
- [advise these clients of the possibility of rates hardship assistance under this policy](#)
- [accept applications for hardship assistance from these clients on behalf of Council.](#)

[Applications received by CAH and BW will then be referred to Council for assessment.](#)

2. OBJECTIVES

- (i) The objective of the policy is to:
- (ii) establish principles to apply when an application for assistance is
- (iii) received, identify the type of assistance that may be granted; and establish a procedure for assessment of applications received.

The policy is aimed to assist property owners that are experiencing medium to long term financial difficulty.

3. POLICY

3.1 Criteria and Guidelines

The following criteria and guidelines should be considered when assessing an application for rates assistance.

- (a) the rates payable must relate to the applicant's primary place of residence unless the application relates to a Natural Disaster/Emergency event.

- (b) applications for rates assistance for residential investment, commercial or industrial properties will NOT be granted unless the application relates to a Natural Disaster/Emergency event.
- (c) applications for rates assistance for farms or commercial properties that are also used for residential purposes will NOT be granted, unless the residential part of the property is separately assessed for rates and/or the application relates to a Natural Disaster/Emergency event. The relationship of the applicant to the adjoining business activity and gross income generated by that activity will be taken into consideration.
- (d) the amount outstanding must be more than the current years rates and charges unless the application relates to a Natural Disaster/Emergency event in which case all applications will be considered on their merits.
- (e) the debtor must be experiencing demonstrated financial hardship.
- (f) the debtor must be able to demonstrate the requirement to pay the full amount outstanding would exacerbate existing financial hardship.
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All information received by Council or professionals engaged in the assessment process will be treated as strictly confidential.

3.2 Implementation

Applicants will be able to apply for assistance at any stage throughout the year.

[Applications may be lodged directly with Council or with Colac Area Health \(CAH\) or Barwon Water \(BW\). Applications lodged with CAH or BW will be referred to Council by those organisations for assessment.](#)

All applications will be assessed on their merits and a flexible approach will be taken to assessing applications as some ratepayers may not be able to provide all information (eg records destroyed in a natural disaster).

Similarly, if an applicant does not meet the above principles/criteria but can provide overwhelming evidence why they should receive assistance, applications may also be considered at the discretion of the Chief Executive Officer.

If necessary and agreed by the applicant, the application may be referred to Colac Area Health's Financial Counselling Service or a similar service, for independent assessment.

3.3 Level of Assistance to be Provided

Unless varied by resolution of Council the following may apply:

Non-Natural Disaster/Emergency events:

- Deferring the payment of rates and charges to a later date.
- Exempting the payment of interest charges. Interest may be exempted until the debt finalisation date while agreed arrangements are met.

Rates, Municipal Charge and Waste Management Charge and any other charges raised will be required to be paid.

Natural Disaster/Emergency events:

In addition in the case of a Natural Disaster/Emergency event Council may provide additional assistance to any affected ratepayer by:-

- Waiving up to a maximum amount of 50% of Council Rate, Municipal and Waste Management charges for the current financial year.

3.4 Fire Service Property Levy

Section 27 of the Fire Services Property Levy Act 2012 permits the levy to be deferred in the same way that rates are deferred under the Local Government Act 1989. A deferral of the levy (and levy interest) is permitted for levy purposes only if a deferral is granted to the same land for rates and charges purposes.

3.5 Natural Disaster/Emergency Events

A Natural Disaster/Emergency event is defined as any event for which an Incident Control Centre (ICC) has been formally established.

In the case of a Natural Disaster/Emergency event Council may provide additional assistance to any affected ratepayer, in addition to that allowed in this policy, by resolution.

3.6 Delegation

The Chief Executive Officer shall have delegated authority to approve applications under this policy in accordance with Section 170, 171 & 172 of the Local Government

Act 1989 subject to the quantum of the relief being offered having no material impact on Council's overall budget.

4. REPORTING

The amount of rates and charges waived under this policy are to be reported to Council on an annual basis in the June Quarter financial report each year.

5. REVIEW

This policy is to be implemented by Council and is the subject of periodic review.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
28 March 2007	Adopted by Council
25 November 2009	Review
24 Jul 2013	Review
20 January 2016	Review



Taking Action to Make Geelong the Most Financially Inclusive and Resilient City

Australia's First Place-Based
Financial Inclusion Action Plan
(2020- 2021)



The Financial Inclusion Action Plan (FIAP) Program provides a platform for organisations across diverse sectors to combine forces to improve the lives of more than 2.1 million Australian adults who are financially vulnerable.¹

Since 2015, the FIAP Program has enabled 40 organisations to take collective action to realise greater financial inclusion, resilience and wellbeing within their own sphere of influence.

Evidence from the 650+ actions committed through the national FIAP program shows that¹¹

- > \$62m has been invested to support 121,000 people in times of financial need
- > 500,000+ people have participated in financial capability building workshops
- > 10,000+ employees have been trained to improve their ability to support financially vulnerable households

In early 2018, the Helen Macpherson Smith Trust extended an opportunity for Good Shepherd to leverage the learnings of the national FIAP Program and test it in a specific place of disadvantage in regional Victoria.

Geelong was selected as the first location to pilot the concept of a Place-Based FIAP.

The place-based FIAP Program works on the premise that organisations which are on the ground are best equipped to understand local challenges, identify the risks and triggers of financial exclusion, and can take practical actions to address these in collaboration with others.

2.1 million

adults are financially vulnerable in Australia¹

1 in 3

Victorian adults have low or very low level of financial knowledge¹

1 in 4

employees suffer from financial stress, costing Australia \$47 billion per year²

13%

Victorian adults are just managing to pay their debt and have no savings¹

68%

of Geelong's workforce is unskilled labour³

Rental stress in parts of Geelong is

61%

higher than Victoria³

1 in 4

households in Geelong live on a low income³

No one sector can address these wicked problems – businesses, not-for-profits, academic institutions and governments must work together to bring about a positive change.

² Taking Action to Make Geelong the Most Financially Inclusive and Resilient City



A message from Elaine Carbines

Financial exclusion is a global problem with local implications and challenges. Research from the Centre for Social Impact (CSI) at UNSW Sydney shows that more than three million adults are financially excluded in Australia, lacking access to safe, affordable and appropriate financial products and services when they need them. Many people also lack financial resilience, the ability to recover from adverse financial circumstances—2.1 million adults are financially vulnerable, and only 36 percent of the population consider themselves financially secure.

People on low incomes are at a higher risk of experiencing financial stress and hardship; poverty; vulnerability to predatory lending practices, and poorer social, emotional and health outcomes. Financial inclusion is therefore an important contributor to economic development as it enables people to have access to safe and affordable credit, savings and insurance.

Despite three decades of economic growth in Australia, many households in regional/rural communities experience significant poverty and socio-economic disadvantage, fueled by lower education, lower-paid/lower-skilled jobs and uncertain work as compared to urban areas.

The Geelong region aspires to be Australia's most desirable destination for living, visiting, working and investing; renowned for its vibrant inclusive community, and vigorous economy. Yet we acknowledge that the region is not without challenges, including the rising cost of living, as well as pockets of specific socio-economic disadvantage which experience entrenched poverty.

While the level of financial inclusion and resilience is directly associated with an individual, organisations have a critical role to play in strengthening people's ability to cope with financial adversity and support people to develop

the internal resources they need to respond to unexpected financial shocks. Historically, Geelong has benefited from successful cross-sectoral approaches such as those practiced by G21-Geelong Regional Alliance and the Give Where You Live Foundation with their GROW initiative which are leading the way in regional economic development in Australia. These initiatives are successfully working with local business, government and community organisations to improve people's lives in the Geelong region by taking actions to address disadvantage, respond to global competition and collaborating with others to develop region-wide community benefit.

The Geelong Financial Inclusion Action Plan (FIAP) Program complements initiatives underway in Geelong to address regional challenges. The FIAP enables local organisations from multiple sectors to take collective action to enhance financial inclusion, resilience and wellbeing of the community, particularly for vulnerable groups who are most likely to be 'at-risk' of low financial resilience. Actions such as better supporting job-seekers through a deeper understanding of their needs; developing responses including proactive hardship management; and financial capability-building for customers, employees and suppliers will contribute to community inclusion in Geelong.

Therefore, I would like to congratulate the local organisations (Geelong FIAP Pioneers) for their proactive leadership in developing Australia's first place-based Financial Inclusion Action Plan in Geelong and acknowledge the support from Good Shepherd to enable this cross sectoral effort to make Geelong the most financially inclusive and resilient city in Australia.

Elaine C. Carbines

Elaine Carbines

Chief Executive Officer
G21 – Geelong Region Alliance

Leading the way in Geelong

The Geelong Financial Inclusion Action Plan (FIAP) Program is proud to acknowledge the proactive leadership of the local organisations (Pioneers) in developing Australia's first place-based FIAP.

The FIAP Program has been conceived to enable organisations from all sectors to better understand their own role in supporting financial inclusion and resilience, and take practical actions to realise this.

Geelong FIAP Pioneers



The Financial Inclusion Action Plan (FIAP) Program

One fifth of the world's population (1.7 billion adults) lacks access to formal financial services from a bank or digital payments provider.⁴

This financial exclusion compromises their ability to break out of the cycle of poverty and participate in economic development, as they cannot save, invest in health or education, or take out a loan.

Significant segments of the population in emerging economies are impacted, in particular the rural poor, women, and displaced people. Yet high-income, developed countries are also likely to experience such exclusion — in Australia, almost 18% of adults lack access to safe and affordable credit, savings and insurance¹, relying instead on informal providers who can charge exploitative fees, and draw unwary users into debt spirals resulting in financial crisis.

Therefore, financial inclusion is a key pillar of economic development and in acknowledgment of this the G20 members committed to a Global Financial Inclusion Action Plan at the 2010 Seoul Summit.

Following this, at the 2014 G20 summit the Australian Government committed to develop a national financial inclusion action plan which would complement the UN Sustainable Development Goals.

Recognising that financial inclusion is best addressed by a cross-sectoral, action-led approach, Good Shepherd was commissioned in 2015 to develop and implement Australia's Financial Inclusion Action Plan in partnership with EY and the Centre for Social Impact (CSI) at the University of New South Wales⁵.



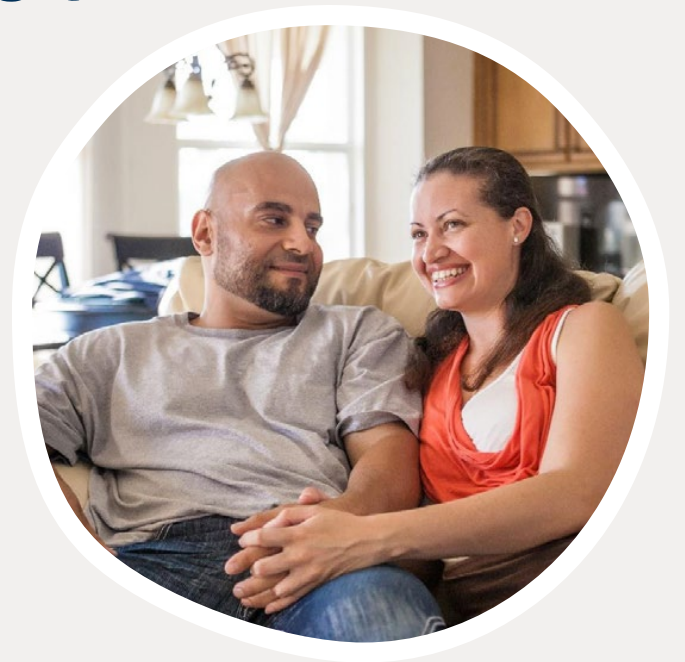
Financial hardship can impact us all, at any stage in our lives. Through the FIAP program, our hope is that every organisation will be able to respond in time and every time to ensure financial hardship can be identified early, managed and overcome. By building capability, awareness and greater access to appropriate products and services, organisations in Geelong will see social and economic benefits realised for their customers, employees and the wider community. I would like to congratulate the Geelong Pioneers for developing Australia's first place-based FIAP and for taking action to strengthen financial wellbeing in their local community.

Stella Avramopoulos
Chief Executive Officer
Good Shepherd Australia New Zealand

What is a

Financial Inclusion Action Plan?

A FIAP is a commitment made by an organisation to take practical actions to improve financial wellbeing for its customers, employees, supply chain and community partners.



How does the

Financial Inclusion Action Plan Program work?

The Program provides support to organisations to develop a FIAP using a consistent framework of tools and methodologies. Members have the opportunity to build partnerships, and learn from each other through online tools and regular Community of Practice events. It also provides member organisations with the opportunity to contribute to building resilient and supportive communities by:

Enabling participants to work collaboratively across sectors

Testing innovative approaches to improving financial wellbeing

Scaling-up what works via individual and collective action.

By committing to take practical actions, the FIAP members also contribute to 12 of the 17 Sustainable Development Goals which are associated with reducing inequalities and promoting inclusive growth.



Why Geelong?

Challenges and Influences

The Geelong region has a diverse economy, with growing industries and access to infrastructure, yet heavy manufacturing has historically been the biggest employer. More recently, the uncertain global economy and technological disruption has led to the downsizing and closure of many factories.

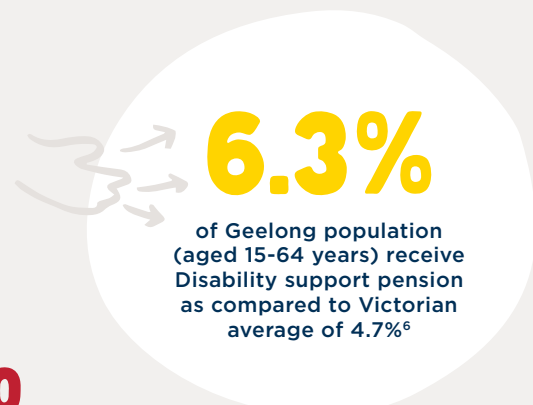
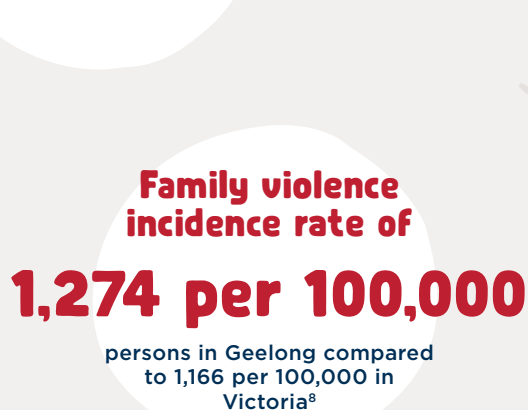
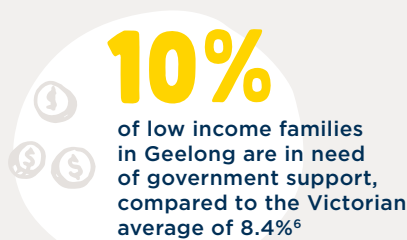
The local economy is transitioning towards more diversified employment in higher-skilled service industries including education, health, scientific research and tourism¹⁰ yet those with lower skills and education, particularly older workers, are likely to be left behind.

The top two industries providing employment in Geelong - health care and social assistance (15.3%) and retail trade (12%) - are associated with more casual/part-time contracts, lower pay and longer working hours.³ It is therefore not surprising that employed Greater Geelong residents are less likely to work full-time (57%) as compared to the Victorian average (64.5%).³

Some suburbs have significantly higher unemployment rates such as Corio-Norlane (21.6%), Portarlington (10.3%) and Newcomb — Moolap (12.6%) as compared to the City of Greater Geelong (6.9%).⁹

Research shows that people on low incomes living in regional/rural areas, in particular those who are unemployed/under-employed, are the most vulnerable to financial hardship, and the least able to manage financial risks such as rising cost of living.¹⁶

Further life events such as relationship breakdowns resulting in separation/divorce/family violence; ill health, death of family member or care giving responsibilities could lead to financial stress and hardship, contributing to inter-generational poverty, limited access to stable housing and social exclusion.





Developing Australia's

First Place-Based FIAP

A place-based approach reflects an understanding of the community and its people and empowers them to develop a holistic response to a set of problems that are specific to a location or community.

Place-based approaches are producing positive results in Australia and globally, including greater uptake of services within communities and improved use of local assets and infrastructure. This leads to better outcomes for families and economic benefits at the regional, state and national level.¹⁶

The Geelong FIAP showcases the collective efforts undertaken by the ten local organisations (Pioneers) who are driven by the desire to improve financial wellbeing outcomes in Geelong. The Pioneers put in enormous time and effort to understand the key challenges faced by their customers, employees and broader community and turned these challenges into opportunities for taking action while envisioning Geelong to be the most financially inclusive and resilient city in Australia.

Objectives of a place-based FIAP



Promote local leadership and identifying people within the community who have the capacity to drive change.



Create a framework for local organisations to take actions to realise financial inclusion, resilience and wellbeing within their sphere of influence.



Embed the identified actions into business as usual practice of participating organisations.



Enhance the financial wellbeing outcomes of current and future generations of residents in Geelong.



Over the longer term, implementation of the committed actions are expected to deliver:

Short term outcomes

- Improved support for financially vulnerable customers, employees, suppliers and wider community
- Increased understanding of barriers to financial inclusion, resilience and wellbeing

Medium term outcomes

- Organisational culture enables employees to better identify and support financially vulnerable groups
- More partnerships and collaboration to support vulnerable groups

Long term outcomes

- Improved financial capabilities
- Collective actions become industry norms

Geelong FIAP Journey to date



January 2018
First place-based FIAP project funded by the Helen Macpherson Smith Trust commenced in Geelong



June 2018

- > Vision for Geelong developed
- > Gap Analysis and Ecosystem mapping

September 2018

- > Six Financial Inclusion Principles for Geelong defined
- > Opportunities for actions identified
- > Four working groups formed





April – July 2019

- › Quarterly Geelong FIAP Community of Practice meetings convened to provide opportunities for networking and knowledge sharing
- › Geelong FIAP flyer developed to share the project overview



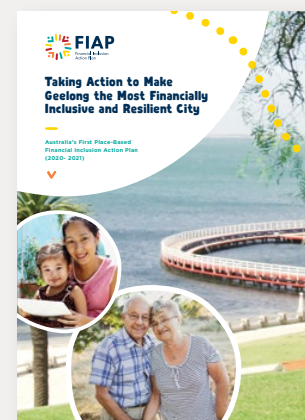
August – December 2019

- › 40 actions co-designed and committed by the FIAP Pioneers



20 February 2020

Launch of Australia's first place-based FIAP in Geelong



Collective Actions, Leading Change

Working together the Pioneers developed a future vision for Geelong and a common set of financial inclusion principles to guide the current and future actions. These principles were informed by undertaking an extensive review of financial inclusion principles from across the globe, as well as other relevant local principles articulated in various local council plans.



Understand

- > The social and economic determinants of financial exclusion and resilience
- > The impact of financial exclusion on overall wellbeing of individuals



Collaborate

- > Through partnerships between government, business, academia and community organisations to achieve financial wellbeing for local communities



Embrace

- > The needs, preferences and behaviours of people on the basis of gender, culture, age, ethnicity, disability, sexual orientation, life stages etc. while designing organisation strategies



Commit

- > To person centric and targeted actions for groups facing significant barriers to financial inclusion and resilience within the organisation's sphere of influence



Empower

- > Individuals and communities to take informed financial decisions by drawing on internal capabilities and appropriate external resources
- > Organisations and their employees to provide more holistic support



Measure

- > Progress through robust evaluation to inform better strategies and practices
- > To build on the evidence base

'Shifting the Dial' on Financial Inclusion, Resilience and Wellbeing in Geelong

Over the past 24 months, the Geelong Pioneers have worked together to understand the local challenges contributing to financial hardship and stress, and co-designed 40 actions to address these challenges. These actions focus on improving access to safe and affordable products and services, increased understanding of financial vulnerability, enhancing economic security, and financial capability.

Actions committed in the Geelong FIAP are expected to prevent people from falling back into distress and improve financial resilience which include implementing hardship and cross referral programs to better support vulnerable customers; improving the availability of targeted supports such as emergency relief, specific scholarships for students in financial hardship, delivery of financial capability development workshops; and identifying the challenges of employees experiencing financial hardship.

The Geelong FIAP recognises and acknowledges the potential synergies and collaboration opportunities with various community driven and multi-sectoral initiatives in Geelong.

40
actions to address
local challenges

10
Pioneer
Organisations

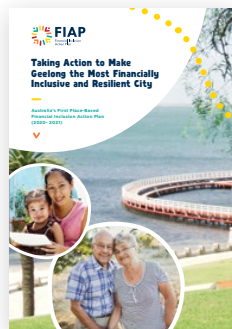
The Geelong FIAP complements local initiatives



G21 Region Health & Wellbeing Plan



Greater Geelong: A Clever and Creative Future



GROW Strategic Plan



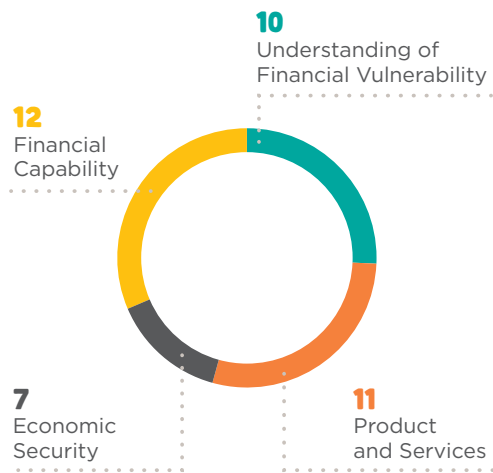
Colac Otway Health & Wellbeing Plan



Turning Good Intentions into Real Outcomes

The actions co-designed by the Pioneers respond to a wide range of triggers of financial exclusion and low resilience and address the needs of multiple stakeholders.

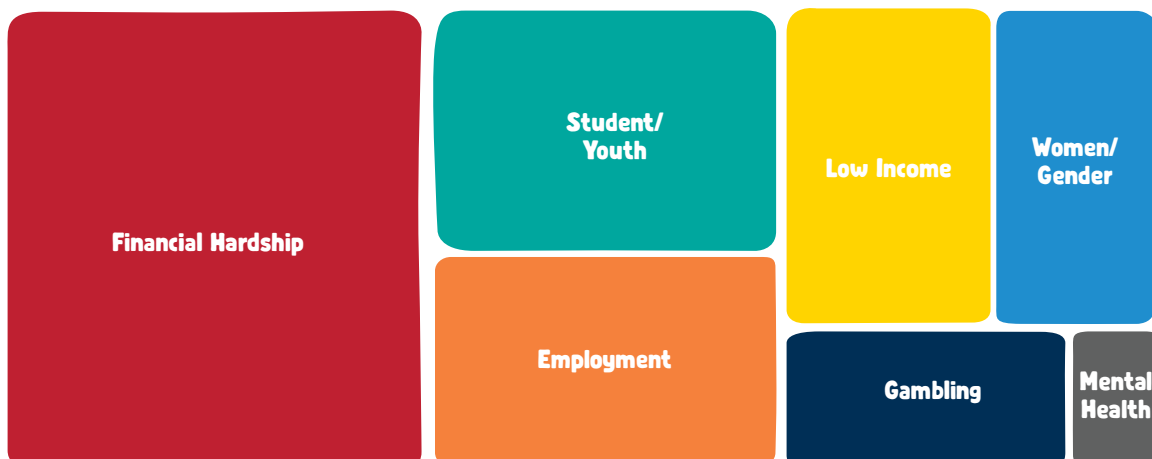
Number of actions by FIAP Action Areas



Number of actions by Stakeholder groups

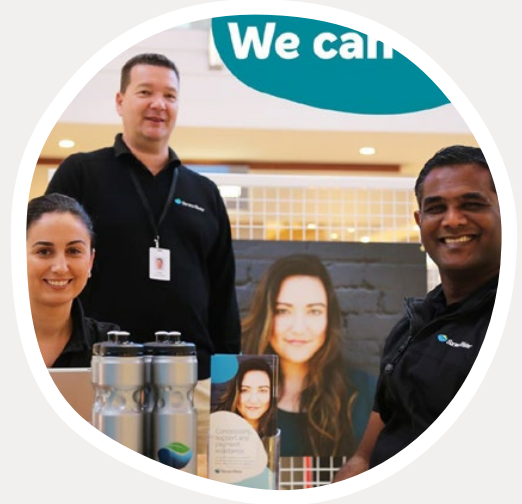


Number of Pioneer actions addressing key risks





Supporting Customers in Hardship



We are proud to be part of the first place-based FIAP program in Geelong, as Barwon Water has a long history of supporting regional prosperity and engaging with the community to make a difference to health and wellbeing. Our aim is to build financial inclusion and resilience of our customers and we are committed to supporting those who may be vulnerable and experiencing financial difficulties. The FIAP program has and will continue to provide us with an opportunity to enhance these outcomes as we challenge the way we think, test new ideas and work with others to create a greater impact within our local community and region as a whole.

Jo Murdoch

General Manager, Customer & Community
Barwon Water

Customer Assistance Pop-Ups with Barwon Water

Barwon Water recognises that some customers may from time to time experience hardship, which may vary in its extent and duration depending on individual circumstances. Just over 12 months ago Barwon Water undertook a series of workshops with support agencies who directly assist people experiencing hardship within the region. These sessions explored the group's definitions of hardship, areas of hardship in our region and priorities relating to this.

The feedback and learnings from these sessions led us into co-designing our Customer Support Strategy, which is centred around four strategic objectives:

1. Building capability of our staff
2. Improving and expanding on our suite of hardship programs
3. Raising awareness
4. Building trust through partnerships and engagement.

One of the ways we are raising more awareness of our program is through our new shopping centre pop-up stalls. These are providing our customers with an alternate way to access our services that form part of the customer support program. Since mid-2019 we have been to Corio, Newcomb, Colac and Ocean Grove shopping centres, helping over 200 customers.

This is how we met Mary. Without success, Barwon Water had attempted to make contact with Mary on a number of occasions, to see how we could provide a greater level of support. We did end up providing this support, following Mary's visit to our pop-up location in Corio.

What we were not aware of was that Mary had a hearing disability and was unable to answer our calls. When meeting her in person, we were able to place Mary on an Arrange & Save payment plan as well as assist her to complete a Utility Relief Grant application which has since been granted by the Department of Health and Human Services as well as being matched by Barwon Water.

FIAP Action Area One

Products and Services

We will provide safe, affordable and accessible products and services which meet the needs of our customers, employees and the broader community.

Products and Services

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Customers, Community	Design and deliver a customer cross referral program in partnership with local organisations to better support customers experiencing financial hardship.	<ul style="list-style-type: none"> Ensure relevant policies, procedures and agreements are established. The cross referral program has been tested and rolled out. 	<ul style="list-style-type: none"> Improved support for financially vulnerable customers, staff, suppliers and wider community More partnerships and collaboration to support vulnerable groups 	Barwon Water, Colac Otway Shire, Colac Area Health	June 2020
Community	Develop an innovative program, in collaboration with AWA Alliance Bank, to enable access to personal transport for employment purposes such as a no interest loan product with an insurance component for job seekers to buy a car or work tools.	<ul style="list-style-type: none"> Formalise partnerships with key stakeholders for roles and responsibilities. Pilot commenced. 	<ul style="list-style-type: none"> Increased pathways & tools for ongoing support for vulnerable groups Improved access to appropriate financial products and services 	Give Where You Live Foundation	December 2020
Customers	Raise awareness of Barwon Water Hardship Program to reach and service more communities.	<ul style="list-style-type: none"> Design and deliver communication via website, social media and printed media. Promote the hardship program at community events and local shopping centres. Targeted promotion of our customer support programs to eligible customers on a regular basis. 	<ul style="list-style-type: none"> Improved support for financially vulnerable customers, staff, suppliers and wider community More partnerships and collaboration to support vulnerable groups 	Barwon Water	December 2020
Customers	Explore options to implement water related services including water audits and plumbing assistance.	<ul style="list-style-type: none"> Relevant partnerships to be identified and established as needed and programs to be designed and implemented. 	<ul style="list-style-type: none"> Improved support for financially vulnerable customers, staff, suppliers and wider community 	Barwon Water	December 2022
Customers	Review credit and collections correspondence language as an ongoing process to ensure it is more inclusive and supportive to vulnerable customers.	<ul style="list-style-type: none"> Correspondence reviewed and updated to reflect a more inclusive language on an ongoing basis. 	<ul style="list-style-type: none"> Improved support for financially vulnerable customers, staff, suppliers and wider community 	Barwon Water	December 2020
Customers Community	Explore opportunities to work with local councils and other local organisations to address financial hardship in the Barwon water region.	<ul style="list-style-type: none"> Identify and establish relationships with local organisations such as Colac Otway Shire, City of Greater Geelong, Centrelink etc. 	<ul style="list-style-type: none"> Improved support for financially vulnerable customers, staff, suppliers and wider community More partnerships and collaboration to support vulnerable groups 	Barwon Water	December 2020

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Students	Review the consolidated financial support program for students facing significant challenges to remove systematic barriers to inclusion.	<ul style="list-style-type: none"> › Review policy and procedures to enhance inclusion. › Review communication channels and messages to prospective and current students. › Increased number of scholarships awarded on an equity and needs basis. 	<ul style="list-style-type: none"> › Increased pathways & tools for ongoing support for vulnerable groups 	Deakin University	December 2020
Students	Increase visibility and awareness of financial counselling services facilitated through Deakin University Student Association (DUSA) in Geelong.	<ul style="list-style-type: none"> › Increase in number of referrals and enquiries to financial counselling services. › Information dissemination through one to one interactions as well as digital channels on a regular basis. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities › Improved support for financially vulnerable customers, staff, suppliers and wider community 	Deakin University	December 2020
Students	Organise a pop-up tax help centre in Geelong campus prior to end of financial year	<ul style="list-style-type: none"> › A pop-up tax help service established in Geelong campus. 	<ul style="list-style-type: none"> › Increase in awareness and availability of appropriate financial services 	Deakin University, Deakin University Student Association	December 2020
Students	Increase visibility and awareness of Work and Development Permit program, an initiative designed to assist students with infringement debt to work off their fines through participating in designated activities, in Geelong.	<ul style="list-style-type: none"> › A range of communication platforms are designed and delivered for students/staff including internal publication, pop up information session, web pages, student network to inform students/staff about the initiative. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community › Increased pathways & tools for ongoing support for vulnerable groups 	Deakin University and Deakin University Student Association (in partnership with Barwon Community Legal Service and Department of Justice)	August 2020
Customers	Raise awareness of assistance available for ratepayers experiencing financial hardship to ensure greater uptake of that assistance by vulnerable community members.	<ul style="list-style-type: none"> › Information about the assistance the City can offer to rate-payers experiencing financial hardship is revised and communicated through appropriate channels and platforms. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community › Increased pathways & tools for ongoing support for vulnerable groups 	City of Greater Geelong	December 2020



Community opportunities for financial inclusion

Re-building Life after Family Violence through Financial Counselling Support with Bethany

Sally visited Bethany Community Support to seek assistance to re-establish herself after being separated from her husband due to family violence.

She was looking for a rental property for herself but was unable to pay the bond or rent in advance. She did not have any savings due to her partner's gambling habits and accumulated debts.

Bethany's financial counsellor sourced initial support from housing establishment funding to assist with bond and advance rent to secure a rental property for her.

Sally was also offered assistance with budgeting, debt management and financial goal setting. She had numerous personal loan debts and outstanding bills that had been put in her name, joint debts which she was now left to negotiate and pay the outstanding amount on her own.

The financial counsellor negotiated with various service providers to arrange more flexible payment options as well as transferring accounts to her ex-husband's name – accounts that were set up in her name initially as her ex-husband was unable to receive services due to non-payment of previous debts.

Currently, Sally is applying for family violence flexible support packages so she can concentrate on other debts in her name and move on from her past.

Sally keeps the financial counsellor updated when she is able to pay down and cancel a debt, moving payments to the next debt. She continues to save \$200 per fortnight. At times, Sally uses this money for unexpected expenses, but she is committed to keeping her savings going so she can reach her goals.



FIAP Action Area Two

Financial Capability

We will foster organisational culture to enhance the financial capability of employees, customers and the community.

Financial Capability

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Community	Explore ways of incorporating money management sessions as part of the existing service offerings to the jobseekers.	<ul style="list-style-type: none"> › Training conducted for employment consultants about financial hardship and/or money management. › A checklist is developed to help employment consultants to identify clients financial challenges or their needs for support. › One to one support offered. 	<ul style="list-style-type: none"> › Increased financial capability of individuals 	Give Where You Live Foundation	December 2020
Customers Community	Provide targeted financial capability workshops for MatchWorks clients (job seekers) in partnership with local providers with opportunity to refer to further support when required.	<ul style="list-style-type: none"> › Training materials and support are designed and developed specific to the needs of job seekers. › Financial capability information sessions and support are delivered. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community › Increased financial capability of individuals 	MatchWorks	December 2020
Customers Community	Provide education and support for individuals and community groups to improve financial literacy skills	<ul style="list-style-type: none"> › Workshops and forums are delivered as identified by the community. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community › Increased financial capability of individuals 	Bethany	Ongoing
Students	Facilitate and deliver money management workshops for students in residential colleges to build their financial capability.	<ul style="list-style-type: none"> › Workshops and information sessions are delivered. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities 	Deakin University	March / April 2020
Community	Deliver money management workshops for year 11 students targeted through Deakin University outreach program to build their financial capability.	<ul style="list-style-type: none"> › Workshops and information sessions are delivered in outreach program. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities › Improved support for financially vulnerable customers, staff, suppliers and wider community 	Deakin University	December 2020
Students	Raise awareness of financial support services including money management resources at the 'Wellbeing Week' and 'Open Day' Deakin University (Geelong Campus) in partnership with internal and external stakeholders.	<ul style="list-style-type: none"> › Pop-up information sessions are delivered. › Introduction of Webinars to promote financial literacy covering multiple topics, such as credit cards, budgeting etc. › Feedback and surveys on student needs and priorities are collated. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community 	Deakin University, Deakin University Student Association	Wellbeing Week December 2020; Open Days August 2020; Webinars June 2020

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Students	Explore financial management needs of students in transition to workplace with a focus on final year students in School of Nursing and Midwifery. Facilitate financial capability development sessions in partnership with a service provider.	<ul style="list-style-type: none"> › Executed agreement between the Faculty of Nursing and Midwifery and internal/external financial service provider. › Delivery of financial management sessions for final year students. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities 	Deakin University	August / September 2020
Students	Provide targeted financial capability workshops for Higher Degree Research students in School of Arts and Education with opportunity for referral to further support when required.	<ul style="list-style-type: none"> › Training materials are designed and developed in partnership with internal/ external service providers. › Financial capability workshops are facilitated and delivered. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community 	Deakin University, Deakin University Student Association	June 2020
Students	Deliver financial wellbeing and money management sessions for graduating students in Geelong tertiary institutes.	<ul style="list-style-type: none"> › Three training sessions are held annually. › Post training session queries are referred to First State Super for further assistance. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities 	First State Super	Ongoing
Customers	Deliver 'Super Women' module at local workplaces in Geelong.	<ul style="list-style-type: none"> › Training modules are developed and delivered. › Post session queries are referred to First State Super for further assistance. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities › Increase in strategies to address economic inequality (e.g. equitable pay, mentoring, superannuation, education, housing) 	First State Super	Ongoing
Customers	Incorporate personal finance related conversations as part of the professional development programs for management teams in workplaces to enhance financial literacy and capability of their team members.	<ul style="list-style-type: none"> › Information sessions delivered to mid/senior managers. › Post information session queries are referred to First State Super for further assistance. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities 	First State Super	Ongoing
Employees	Provide education and support to improve financial literacy and capabilities of our staff.	<ul style="list-style-type: none"> › Forums and information sessions are delivered. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities › Increased financial capability of individuals 	City of Greater Geelong	December 2020





Assisting Job Seekers



MatchWorks paid for car repairs so I could keep my job. They paid for my rego and petrol, medication, dental work, glasses and food vouchers — it gave me back my life!

Kerry
MatchWorks client

MatchWorks helped Kerry find employment with less financial stress

MatchWorks client Kerry knows all too well what it feels like to desperately need support.

The mature-age job seeker found herself in real financial trouble after her marriage ended. Then depression and agoraphobia set in.

“No-one wanted to employ me even though I had years of experience...I ended up homeless, surviving on one meal a day,” Kerry said.

The Torquay job seeker needed dedicated support to get life back on track. That’s where MatchWorks stepped in with employment services and financial assistance.

“We advised Kerry to retrain in aged care so she could boost her employability,” MatchWorks Employment Consultant, Leanne McPherson said.

“At first she resisted strongly... then homelessness loomed again and it was the motivation Kerrie needed to finish her course.”

Kerry said she got life-changing support from MatchWorks once she proved herself.

“Leanne stood by me the whole way and I got massive support from MatchWorks,” she said.

“MatchWorks paid for car repairs so I could keep my job. They paid for my rego and petrol, medication, dental work, glasses and food vouchers — it gave me back my life!”

MatchWorks General Manager jobactive, Nicole Mattsson said Kerry is one of a huge number of job seekers who need financial assistance.

“Providing financial assistance means we remove some of the burden so people can focus on finding the right job with less stress,” Nicole said. Kerry loves her new Social Support role at Simply Helping and describes them as an inclusive company who values mature-age employees.

“It’s the best job ever. These people [Simply Helping clients] are really doing it tough and I want to give back after all the support I received,” Kerry said. “They make my day and I know I am making their day too.”

FIAP Action Area Three

Understanding of Financial Vulnerability

We will investigate, advocate and collaborate for improved responses to financial vulnerability.

Understanding of Financial Vulnerability

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Community	Undertake research on the impact of gambling on overall wellbeing of Colac Otway residents including financial wellbeing.	<ul style="list-style-type: none"> › Research result, findings and recommendations are released to relevant stakeholders. › Analysis of research findings to inform the development of initiatives to address the risks and challenges of gambling. 	<ul style="list-style-type: none"> › Increased understanding of barriers to Financial Inclusion, Financial Resilience and Financial Wellbeing (including economic inequality) 	Colac Otway Shire	June 2021
Employees	Provide an employee training program to better assist MatchWorks clients experiencing financial hardship in collaboration with a specialised local organisation.	<ul style="list-style-type: none"> › Training sessions and information sessions are delivered to employees on regular basis. 	<ul style="list-style-type: none"> › Organisational culture enables staff to better identify and support financially vulnerable groups 	MatchWorks	December 2020
Employees	Design and deliver an employee training program to better assist customers in hardship	<ul style="list-style-type: none"> › Training sessions are designed to include guidelines for referrals to external support services. › Training provides family violence awareness. › Training is delivered on a regular basis. 	<ul style="list-style-type: none"> › Organisational culture and capability enables staff to better identify and support financially vulnerable customers 	Barwon Water	December 2020
Customers	Explore options to proactively identify vulnerable customers through predictive analysis	<ul style="list-style-type: none"> › Review data related to customers behavior and patterns to identify triggers and indicators and predict financial vulnerability for proactive provision of appropriate support. 	<ul style="list-style-type: none"> › Increased understanding of barriers to Financial Inclusion, Financial Resilience and Financial Wellbeing (including economic inequality) › Improved support for financially vulnerable customers, staff, suppliers and wider community 	Barwon Water	December 2022
Community	Work with communities to reduce the impact of gambling harm through the Gambler's Help Program.	<ul style="list-style-type: none"> › Provide counselling support and information sessions. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community 	Bethany	Ongoing
Community	Support businesses in implementation of the gambling harm workplace policy	<ul style="list-style-type: none"> › Gambling harm workplace policy is communicated across businesses through local channels. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community › Increased pathways & tools for ongoing support for vulnerable groups 	Bethany	Ongoing

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Students	Build an understanding of current student experiences around managing money, dealing with financial difficulty and seeking support for financial matters.	<ul style="list-style-type: none"> › Inform a deeper understanding of circumstances, needs and wants of students studying in Geelong › Development of potential opportunities to support students studying in Geelong 	<ul style="list-style-type: none"> › Increased understanding of barriers to Financial Inclusion, Financial Resilience and Financial Wellbeing (including economic inequality) 	Deakin University	December 2020
Community	Review the existing partnership with Smith Family to better identify the impact of 'Learning for Life' scholarships on alleviating entrenched disadvantage in Geelong.	<ul style="list-style-type: none"> › New endorsed and executed Memorandum of Understanding between Deakin University and Smith Family for 2020. › Collated data on 'Learning for Life' scholarships informs longitudinal study on positive contribution of impact investment on education in Geelong. 	<ul style="list-style-type: none"> › More partnerships and collaboration to support vulnerable groups 	Deakin University and The Smith Family Foundation	December 2020
Employees	Understand the extent of financial challenges experienced by WorkSafe employees and gain insights on the reality of financial preparedness for the future in order to be prevention led.	<ul style="list-style-type: none"> › Research results, findings and recommendation are released to WorkSafe, ASIC and the Victorian public sector. › Analysis of research findings to inform the development of an employer based financial wellbeing program. 	<ul style="list-style-type: none"> › Increased understanding of barriers to Financial Inclusion, Financial Resilience and Financial Wellbeing (including economic inequality) 	WorkSafe Victoria	February 2020
Community	Review and update the current Electronic Gaming Policy to strengthen the Council's role in addressing the negative impacts of problem gambling and promoting health and welfare of the community.	<ul style="list-style-type: none"> › A robust Council policy that documents the relationship between the number of electronic gaming machines and the health and welfare of our community. 	<ul style="list-style-type: none"> › Increased pathways & tools for ongoing support for vulnerable groups 	City of Greater Geelong	December 2020



Enhancing Financial Wellbeing of employees



Workplaces Have an Opportunity to Prevent Late Life Poverty

Australia has an emerging pattern of homelessness in older age and this is particularly evident for women. A key contributing factor is that savings of older working women remain low, often due to a lifetime of lower incomes and interrupted employment patterns resulting in first time homelessness later in life.¹⁴ Evidence suggest that employers have a role in reversing trends of financial vulnerability, by enhancing employees' financial capability throughout their employee life cycle.¹⁵

Employers can provide the opportunity by focusing on motivations for people to learn more and provide for their future, ultimately improving their financial wellbeing and sense of control over their lives.

Removing stigma and encouraging open conversation about finances in places of employment could be coupled with financial literacy program to boost people's confidence about money.

At WorkSafe Victoria we explored whether our people had similar financial wellbeing needs to what global research suggests. The outcome is that they do have financial wellbeing and literacy needs, despite being a skilled workforce.

The next steps will be important as we need to find a way to build financial capability into the employee life cycle at WorkSafe Victoria.



FIAP Action Area Four

Economic Security

We will remove barriers and provide opportunities for economic security, equality, and growth.

Economic Security

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Community	Development of self-assessment tool to test the capacity of businesses in enabling an inclusive employment environment. Co-design a suite of tools/resources accessible for business to increase their inclusive employment practices(including financial well-being).	<ul style="list-style-type: none"> › Pilot completed for organisations to self-assess their capacity in inclusive employment practices. › A list of resources are trialed and developed to support GROW compact signatories. 	<ul style="list-style-type: none"> › Increase in strategies to address economic inequality (e.g. equitable pay, mentoring, superannuation, education, housing) › Policies, processes & actions implemented to address economic inequality 	Give Where You Live Foundation	December 2020
Customers	Empower women in the workplace by engaging with multiple organisations to address the issue of the gender super gap.	<ul style="list-style-type: none"> › Local organisations are supported through materials including e-book, video series to initiate conversations around gender super gap. › Deliver tailored sessions as per request. 	<ul style="list-style-type: none"> › Increase in strategies to address economic inequality (e.g. equitable pay, mentoring, superannuation, education, housing) 	First State Super	Ongoing
Employees	Incorporate financial wellbeing as one of the key components in the existing employee wellbeing program of WorkSafe.	<ul style="list-style-type: none"> › Develop and implement an employee financial wellbeing program addressing many aspects of the employee life cycle including at employee orientation and pre-retirement stages. 	<ul style="list-style-type: none"> › Increase in targeted and scalable resources to build financial capabilities › Improved support for financially vulnerable customers, staff, suppliers and wider community › Increase in awareness and availability of appropriate financial services 	WorkSafe Victoria	December 2020
Employees Community	Actively promote the results of WorkSafe's research on employees' experiences of financial wellbeing and encourage consideration of financial wellbeing by employers across public and private sectors.	<ul style="list-style-type: none"> › Financial wellbeing component considered as part of employee health and wellbeing programs by employers across public and private sectors in Victoria. 	<ul style="list-style-type: none"> › Improved support for financially vulnerable customers, staff, suppliers and wider community › More partnerships and collaboration to support vulnerable groups 	WorkSafe Victoria	December 2021

Stakeholder	Committed Action Statement	Output	Outcome	Responsibility	Timeframe
Employees	Develop a gender pay gap strategy which includes conducting a gender pay gap analysis of the City of Greater Geelong as an employer.	<ul style="list-style-type: none"> Remuneration audit is conducted and gaps actioned by Executive Leadership Team. 	<ul style="list-style-type: none"> Increase in strategies to address economic inequality (e.g. equitable pay, mentoring, superannuation, education, housing) 	City of Greater Geelong	December 2021
Community	Develop an engagement and communication kit which will provide external stakeholders with consistent information on gender equity, equality, diversity and inclusion.	<ul style="list-style-type: none"> The new communication kit will be developed and published on different platforms (online pages, newsletters, social media). 	<ul style="list-style-type: none"> Increased pathways & tools for ongoing support for vulnerable groups Policies, processes & actions implemented to address economic inequality 	City of Greater Geelong	December 2021
Employees	Provide a suite of learning programs (with consistent information on gender equity, equality, diversity and inclusion) to build staff capacity and awareness in inclusive practices.	<ul style="list-style-type: none"> Learning program suite is designed and delivered in relevant workshops and forums. Staff are aware of available learning program and given opportunity to participate. 	<ul style="list-style-type: none"> Organisational culture enables staff to better identify and support financially vulnerable groups Increase in strategies to address economic inequality (e.g. equitable pay, mentoring, superannuation, education, housing) 	City of Greater Geelong	December 2020



Australia's first place-based FIAP in Geelong is an important milestone to enhance financial inclusion, resilience and wellbeing of regional communities across Australia.



This journey will continue with the efforts of the Pioneers to identify more opportunities for taking practical actions.

Addressing mental health issues and youth disadvantage emerged as the two major areas of opportunities for future actions at the recently held Geelong FIAP Community of Practice in December 2019.

Research shows that there is a strong relationship between an individual's mental health status and financial wellbeing outcomes. Also evidence suggests that improving financial literacy and capability of young adults are key to positive economic outcomes throughout their lives.^{12, 13}

Over the next 12 months, the Geelong FIAP Pioneers will implement the committed actions and share their experiences with local stakeholders. The successful implementation of the plan will be underpinned by Pioneers' shared vision for Geelong to be the most inclusive and resilient city in Australia and their commitment to promote financial wellbeing outcomes for Geelong residents.

Monitoring and evaluation will play an important role in measuring the outcomes and impact of FIAP actions and allow organisations to demonstrate change or lack thereof, and know where and for whom they are making a difference.



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For more information about the FIAP Program, please visit fiap.org.au

For inquiries please contact: fiap@gsmicrofinance.org.au

Supported by



Colac Otway Shire

Application for Assistance to Rates Debtor Due to Financial Hardship
(pursuant to Council Policy 11.4 – Assistance to Rates Debtors in Financial Hardship)

Statutory Declaration of Applicant

I,
(Print full name of applicant)

Of
(Address of applicant)

Phone: Home:..... Work:.....
Mobile:
E-mail:

hereby apply for assistance with payment of municipal rates for the following property, which is owned by me:

.....

on the grounds that I am experiencing financial hardship.

I acknowledge that any assistance granted is given on the basis that I will make an arrangement to repay the principal amount outstanding within the time frame agreed to in this Agreement.

I also acknowledge that failure to keep this arrangement may result in interest that has been waived being reinstated and/or the debt being referred to Council's debt collectors.

I also solemnly and sincerely declare:

- (a) that the above property is used by me as my primary place of residence
- (b) that the information provided by me in relation to personal details, income and expenditure is true and correct
- (c) that I will advise Council as soon as possible if I decide to sell the above property during the term of this agreement
- (d) that I acknowledge I may be required to provide personal financial information in support of this application
- (e) that I agree to have my application assessed by suitably qualified non Council staff if required
- (f) that I agree to meet with such independent assessors if required.

Declared at by

Onday of 20.....

Signed: Before me:
(signature of applicant) (Justice of the Peace)

PERSONAL PROFILE

Name:	
Address:	
Age:	
Number of Dependants	Ages of Dependants:
How many income earners in the house	Total Household Income p.a. \$
Number of School Age Children	
School/s Attended	

AMOUNT OF DEBT TO COUNCIL

Property Address	
Rates	
Interest	
Arrears	
Other Charges	
Special rate/charge	
TOTAL	

EMPLOYMENT STATUS

Current Status	Employed	Unemployed	On pension	Other
	<i>If employed complete the next section</i>			
Occupation:				
Employer				
Employer's Address				
Period Employed				
Nature of Employment	Full Time	Part time	Casual	Other
Source of Income If NOT employed				

WEEKLY INCOME

This section identifies your sources of weekly income

Source of weekly income	Amount	As evidenced by:	Sighted
Gross Wage		Pay advice	
Less tax		Pay advice	
Less deductions (list)			
- Superannuation		Pay advice	
- Medicare			
-			
-			
Average amount weekly overtime (\$) available			
NETT weekly wage	\$		
Other Income			
Shares income			
Interest on Investments			
Loan Repayments (to you)			
Business Dividends			
Other (please list)			
TOTAL WEEKLY INCOME			
WEEKLY EXPENSES			
Type of expense	Amount	As evidenced by:	Sighted
Mortgage (this property)		Statement from bank	
Mortgage (other properties)			
Car repayments		Payment records	
Insurance - car			
Petrol			
Credit card repayments		Account from supplier	
Gas		Account from supplier	
Electricity		Account from supplier	
Water rates		Account from supplier	
Insurance -house			
Food			
Groceries (excl food)			
Clothes/shoes			
Phone			
Internet			
Child care (nett cost)			
School Fees			
Medical Insurance			
Dental Insurance			
Pharmaceuticals			
Alcohol/cigarettes			
List other expenses			

ASSETS This section identifies all assets you own or have an interest in

Type of Asset	Description/Address/Model /Amount etc	Current value
House		
Car		
House furniture		
Other real estate (list)		
Share portfolio		
Term Deposits		
	Maturity Date:	
Bank Account	Pls provide balance	
Interest in businesses etc	List business and extent of your interest	

LIABILITIES This section identifies major debts you have

Type of Liability	Description/Creditor/etc	Balance owing
Mortgage - house		
Mortgage –other real estate interests		
Car Loan		
Credit cards		
Personal loans		
Family loans		
Other – (list)		

ANTICIPATED SOURCES OF INCOME -list any abnormal sources of income you expect in the next 12 months (eg: tax returns, inheritance , Family Law, TAC settlement etc)

Source of Income	When Due	Amount

Item: 10.8

Policy Review: 11.5 Residential Properties deemed to be Not Rateable as used for Charitable Purposes

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Council policy 11.5 - Residential Properties used for Charitable Purposes - For Adoption [10.8.1 - 3 pages] 2. Council policy 11.5 - Residential Properties used for Charitable Purposes - Mark Up [10.8.2 - 3 pages] 3. Policy 11.5 - Residential Properties used for Charitable Purposes - Previous Version [10.8.3 - 3 pages]
PURPOSE	To review and adopt the updated Council Policy 11.5 - Residential Properties deemed to be Not Rateable as used for Charitable Purposes.

1. EXECUTIVE SUMMARY

Council Policy 11.5 - Residential Properties deemed to be Not Rateable as used for Charitable Purposes was first adopted in March 2007 and last reviewed in July 2013.

This policy outlines Council's position in relation to Section 154 (2)(c) of the Local Government Act 1989, which states *'The following land is not rateable land - any part of land, if that part is used exclusively for charitable purposes'*.

The updated policy was presented and discussed at the Audit Committee on 13 May 2020. The policy included the following amendments:

- the title of the policy being amended to 'Residential Properties used for Charitable Purposes'. It is recommended that this title is more succinct and still enables the intent of the policy to be easily identified by rate payers; and
- some minor amendments in relation to presentation and titles.

The committee accepted that the content of the policy remains current and there were no recommended amendments that altered the intent of the policy.

Subsequent to the Audit Committee Meeting, in moving the policy to the current format for Council's consideration, several amendments have been made to the presentation and layout of the policy, none of which change the intent. These include:

- rewording the 'Purpose' of the policy for additional clarity;
- moving any reference to the scope of the policy from the body of the document to the 'Scope';
- Removing paragraphs that were duplicated; and
- Inserting the list of assessment criteria examples into the policy, eliminating the need for an operational attachment.

Please refer to attachment 2 (Mark Up) for details.

2. RECOMMENDATION

That Council adopts the updated Council Policy 11.5 - Residential Properties used for Charitable Purposes.

3. KEY INFORMATION

As part of the review cycle of policies, each policy is analysed to ensure that it sits in the correct place within our policy framework. Council policies are strategic statements of position and/or principle that address issues of significance across the whole of the Colac Otway Shire community and typically have a life measured in years. Policies can range from broad philosophies to specific objectives, but they should not contain procedural content. Policies provide a structured framework for consistent and transparent decision making.

Procedures, guidelines, standards and forms are administrative tools that sit under a policy to give it life and allow the policy to be implemented. These are supporting documents to the policy and as such should not be included as part of the policy. Effective procedures should be dynamic documents that are continuously reviewed and updated in response to changing context and opportunities for improvement.

Where Council policies contains a mixture of policy and procedure, they have been separated into a policy and procedure to allow them to stand apart. This in turn, enables the procedure to be responsive and improved through review on an as needs basis.

Council Policy 11.5 - Residential Properties deemed to be Not Rateable as used for Charitable Purposes was first adopted in March 2007 and last reviewed in July 2013.

This policy outlines Council's position in relation to Section 154 (2)(c) of the Local Government Act 1989, which states ***'The following land is not rateable land - any part of land, if that part is used exclusively for charitable purposes'***

In particular, the policy details Council's position in relation to applying an 'exclusive occupancy' test to the subject residence in determining whether the property is being used for 'Charitable Purposes', and in turn 'not rateable'. The policy states *'Properties used to provide residential accommodation for a fee or rental will be deemed not rateable provided the resident does not enjoy exclusive occupancy of the dwelling.'*

The updated policy was presented and discussed at the Audit Committee on 13 May 2020. The policy included the following amendments:

- the title of the policy being amended to 'Residential Properties used for Charitable Purposes'. It is recommended that this title is more succinct and still enables the intent of the policy to be easily identified by rate payers; and
- some minor amendments in relation to presentation and titles.

The committee accepted that the content of the policy remains current and there were no recommended amendments that altered the intent of the policy.

Subsequent to the Audit Committee Meeting, in moving the policy to the current format for Council's consideration, several amendments have been made to the presentation and layout of the policy, none of which change the intent. These include:

- rewording the 'Purpose' of the policy for additional clarity;
- moving any reference to the scope of the policy from the body of the document to the 'Scope';
- Removing paragraphs that were duplicated; and
- Inserting the list of assessment criteria examples into the policy, eliminating the need for an operational attachment.

Please refer to attachment 2 (Mark Up) for details.

4. COMMUNITY CONSULTATION & ENGAGEMENT

The purpose of this report and policy is to inform the community of Council's position in relation to Section 154 of the Local Government Act.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
2. Openness and accountability in decision making.
4. Provide value for money services for our community.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

There are no material environmental or economic considerations. There is an element of social support for the residents of the subject properties, as this policy provides a financial advantage to the 'not for profit' owners of the properties, which helps to keep accommodation costs to a minimum.

LEGAL & RISK

There are no foreseen legal or risk considerations in adopting the policy.

FINANCIAL & BUDGETARY

There are no financial or budgetary implications for Council in adopting this policy. As the properties are deemed 'not rateable' there is no loss of rate revenue. The properties in question are not included in the distribution of Rates.

7. IMPLEMENTATION STRATEGY

The policy is already in place, so no implementation is required.

COMMUNICATION

The updated policy will be included in an Ordinary Council Meeting agenda and once adopted, will be placed on Council's website.

TIMELINE

It is expected this Policy will be adopted at the June 2020 Council meeting.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



Council Policy

11.5 RESIDENTIAL PROPERTIES USED FOR CHARITABLE PURPOSES

PURPOSE

The purpose of this policy is to provide clarity regarding Council's position on which residential land is being used 'exclusively for charitable purposes' under Section 154(2)(c) of the Local Government Act. Under this provision of the Act such land is deemed not rateable.

SCOPE

The subject property must be used directly for the provision of residential accommodation and must be owned or operated by an organisation that is:

- registered with the Australian Tax Office as a 'charitable organisation'; or
- is a 'not for profit' organisation; and
- is an organisation that exists for the purpose of providing accommodation and other residential care services to clients.

A fee or rental for residential accommodation may be charged but all income derived must be used to defray the costs of providing the accommodation and/or ancillary services provided by the organisation.

DEFINITIONS

Nil

REFERENCES

Section 154 (2)(C) - Local Government Act 1989

STATEMENT OF POLICY

Section 154 (2)(C) of the Local Government Act 1989 states that 'any part of land, if that part is used exclusively for charitable purposes' is to be 'not rateable' land.

Council's position is that the provision of residential accommodation by a charitable organisation could, in itself, be a charitable purpose, provided the resident does not have exclusive occupancy of the dwelling.

Uncontrolled when printed

CM reference		Date of adoption	
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Exclusive occupancy is denoted by the resident enjoying a high level of autonomy from the accommodation provider. As such, a property used to provide residential accommodation to a resident would be rateable if the resident was deemed to be in exclusive occupation of the unit.

Properties used to provide residential accommodation for a fee or rental will be deemed not rateable provided the resident does not enjoy exclusive occupancy of the dwelling.

In assessing whether or not a resident has exclusive occupancy of a dwelling Council will consider all relevant information, including the following criteria. This is not intended to be an exhaustive list.

1. Are residents responsible for 'day to day' management of unit?
2. Do residents pay for services used (e.g. utilities)?
3. Do residents regard units as their private home?
4. Are units completely self contained?
5. Does each unit have an entrance/exit separate from other units?
6. Are residents free to invite visitors to stay in the unit?
7. Does the accommodation provider retain right of entry at their discretion?
8. Does accommodation provider retain a key to units?
9. Are residents free to furnish flats as they wish?
10. Are residents free to paint walls or make internal structural changes to unit etc.
11. Do residents select which unit they want to live in?
12. Is permission required for certain activities (e.g. keeping pets)?
13. Is resident required to notify accommodation provider of intended absences?
14. Are standards for cleanliness of units prescribed by accommodation provider?
15. Is building insurance provided by accommodation provider?
16. Is a 'Superintendent' available for repairs, assistance, etc.?
17. Is the tenancy covered by a standard (REIV) tenancy agreement?
18. Is resident able to be moved to other accommodation by accommodation provider?
19. Is tenancy part of a staged aged care program offered by the accommodation provider?
20. Are other institutional services provided by the accommodation provider?

Property owners may also apply for consideration of the rateable status of their property. These properties will also be assessed against the above criteria.

The policy will be implemented by the Revenue Co-ordinator. Decisions made by that officer will be overseen by the Manager Financial Services. Any contentious properties would be referred to Council for a decision.

RELATED DOCUMENTS

Colac Otway Shire Council - Assessment of Exclusive Occupation

Uncontrolled when printed

CM reference		Date of adoption	
--------------	--	------------------	--



DOCUMENT CONTROL

Policy owner		Manager Financial Services	Division	Corporate Services
Adopted by council		28 March 2007	Policy Number	11.5
File Number			Review date	TBA

FOR ADOPTION

Uncontrolled when printed

CM reference		Date of adoption	
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Council Policy

11.5 RESIDENTIAL PROPERTIES ~~DEEMED TO BE NOT RATEABLE AS~~ USED FOR CHARITABLE PURPOSES

PURPOSE

The purpose of this policy is to provide clarity regarding Council's position on which residential land is being used 'exclusively for charitable purposes' under Section 154(2)(c) of the Local Government Act. Under this provision of the Act such land is deemed not rateable.

Commented [JC1]: Reword purpose to improve clarity.

~~The purpose of this policy is to establish guidelines for the assessment of the rateability of properties that are used to provide residential accommodation for members of the community, where these properties are owned by charitable or community organisations.~~

SCOPE

The subject property must be used directly for the provision of residential accommodation and must be owned or operated by an organisation that is:

- registered with the Australian Tax Office as a 'charitable organisation'; or
- is a 'not for profit' organisation; and
- is an organisation that exists for the purpose of providing accommodation and other residential care services to clients.

Commented [JC2]: This statement has been moved from the body of the policy as it relates to the scope.

~~The policy applies to properties owned and/or operated by organisations that are registered with the Australian Tax Office as 'charitable organisations' or are 'not for profit' organisations.~~

~~The organisation must directly use the property for the provision of residential accommodation.~~

Commented [JC3]: This paragraph replicates the above statement, so is no longer required.

A fee or rental for residential accommodation may be charged but all income derived must be used to defray the costs of providing the accommodation and/or ancillary services provided by the organisation.

DEFINITIONS

Nil

REFERENCES

Section 154 (2)(C) - Local Government Act 1989

Uncontrolled when printed

CM reference		Date of adoption	
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STATEMENT OF POLICY

Section 154 (2)(C) of the Local Government Act 1989 states that 'any part of land, if that part is used exclusively for charitable purposes' is to be 'not rateable' land.

~~Legal opinion is Council's position is that~~ the provision of residential accommodation by a charitable organisation could, in itself, be a charitable purpose, provided the resident does not have exclusive occupancy of the dwelling.

Exclusive occupancy is denoted by the resident enjoying a high level of autonomy from the accommodation provider. As such, a property used to provide residential accommodation to a resident would be rateable if the resident was deemed to be in exclusive occupation of the unit.

Properties used to provide residential accommodation for a fee or rental will be deemed not rateable provided the resident does not enjoy exclusive occupancy of the dwelling.

~~In assessing whether or not a resident has exclusive occupancy of a dwelling Council will consider all relevant information, including the following criteria. This is not intended to be an exhaustive list.~~

- ~~1. Are residents responsible for 'day to day' management of unit?~~
- ~~2. Do residents pay for services used (e.g. utilities)?~~
- ~~3. Do residents regard units as their private home?~~
- ~~4. Are units completely self contained?~~
- ~~5. Does each unit have an entrance/exit separate from other units?~~
- ~~6. Are residents free to invite visitors to stay in the unit?~~
- ~~7. Does the accommodation provider retain right of entry at their discretion?~~
- ~~8. Does accommodation provider retain a key to units?~~
- ~~9. Are residents free to furnish flats as they wish?~~
- ~~10. Are residents free to paint walls or make internal structural changes to unit etc.~~
- ~~11. Do residents select which unit they want to live in?~~
- ~~12. Is permission required for certain activities (e.g. keeping pets)?~~
- ~~13. Is resident required to notify accommodation provider of intended absences?~~
- ~~14. Are standards for cleanliness of units prescribed by accommodation provider?~~
- ~~15. Is building insurance provided by accommodation provider?~~
- ~~16. Is a 'Superintendent' available for repairs, assistance, etc.?~~
- ~~17. Is the tenancy covered by a standard (REIV) tenancy agreement?~~
- ~~18. Is resident able to be moved to other accommodation by accommodation provider?~~
- ~~19. Is tenancy part of a staged aged care program offered by the accommodation provider?~~
- ~~20. Are other institutional services provided by the accommodation provider?~~

~~Whether or not the resident enjoys exclusive occupancy of the dwelling will be assessed using the attached criteria (Attachment 1).~~

~~The subject property must be used directly for the provision of residential accommodation and must be owned or operated by an organisation that is:~~

- ~~• registered with the Australian Tax Office as 'charitable organisation'~~
- ~~• is a 'not for profit' organisation~~

Commented [JC4]: Inserted to replace the need to attach the operational assessment criteria.

Commented [JC5]: This sentence has been deleted as it duplicates the paragraph immediately prior.

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CM reference		Date of adoption	
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~~is an organisation that exists for the purpose of providing accommodation and other residential care services to clients.~~

Commented [JC6]: This relates to the scope of the policy and has been moved

~~Properties considered likely to be eligible to be deemed not rateable under this policy will be assessed against the attached criteria to ascertain whether residents have exclusive occupation of the dwelling/s.~~

Commented [JC7]: This sentence replicated what has already been stated above.

Property owners may also apply for consideration of the rateable status of their property. These properties will also be assessed against the above attached criteria.

The policy will be implemented by the Revenue Co-ordinator. Decisions made by that officer will be overseen by the Manager Financial Services. Any contentious properties would be referred to Council for a decision. General Manager, Corporate Services

~~A list of criteria to be used in assessing whether or not a resident has exclusive occupancy of a dwelling is attached. The list of criteria is not an exhaustive list and other relevant criteria should be considered as they become apparent.~~

Commented [JC8]: This has already been addressed above.

RELATED DOCUMENTS

[Colac Otway Shire Council - Assessment of Exclusive Occupation](#)

_DOCUMENT CONTROL

<u>Policy owner</u>		<u>Division</u>	
<u>Adopted by council</u> <u>Policy owner</u>	<u>Manager Financial Services</u>	<u>Policy Number</u> <u>Division</u>	<u>Corporate Services</u>
<u>File Number</u> <u>Adopted by council</u>	<u>28 March 2007</u>	<u>Review date</u> <u>Policy Number</u>	<u>11.5</u>
<u>File Number</u>		<u>Review date</u>	<u>TBA</u>

Uncontrolled when printed

CM reference		Date of adoption	
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COUNCIL POLICY

Council Policy Title:	Residential Properties used for Charitable Purposes
Council Policy ref. no:	11.5
Responsible Department:	Corporate Services
Date of adoption/review:	24 July 2013

1. PURPOSE

The purpose of this policy is to establish guidelines for the assessment of the rateability of properties that are used to provide residential accommodation for members of the community, where these properties are owned by charitable or community organisations.

2. SCOPE OF THE POLICY

The policy applies to properties owned and/or operated by organisations that are registered with the Australian Tax Office as 'charitable organisations' or are 'not for profit' organisations.

The organisation must directly use the property for the provision of residential accommodation.

A fee or rental for residential accommodation may be charged but all income derived must be used to defray the costs of providing the accommodation and /or ancillary services provided by the organisation.

3. LEGISLATIVE FRAMEWORK

Section 154 (2)(C) of the *Local Government Act 1989* states that any part of land if that land is used exclusively for charitable purposes is to be 'not rateable' land.

Council's position is that the provision of residential accommodation by a charitable organisation could, in itself, be a charitable purpose, provided the resident does not have *exclusive occupancy* of the dwelling.

Exclusive occupancy is denoted by the resident enjoying a high level of autonomy from the accommodation provider. As such, a property used to provide residential accommodation to a resident would be rateable if the resident was deemed to be in *exclusive occupation* of the unit.

4. POLICY

Properties used to provide residential accommodation for a fee or rental will be deemed not rateable provided the resident does not enjoy *exclusive occupancy* of the dwelling.

Whether or not the resident enjoys exclusive occupancy of the dwelling will be assessed using the attached criteria (Attachment 1).

The subject property must be used directly for the provision of residential accommodation and must be owned or operated by an organisation that is:

- registered with the Australian Tax Office as 'charitable organisation'
- is a 'not for profit' organisation
- is an organisation that exists for the purpose of providing accommodation and other residential care services to clients.

5. IMPLEMENTATION

Properties considered likely to be eligible to be deemed not rateable under this policy will be assessed against the attached criteria to ascertain whether residents have exclusive occupation of the dwelling/s.

Property owners may also apply for consideration of the rateable status of their property. These properties will also be assessed against the attached criteria.

The policy will be implemented by the Revenue Co-ordinator. Decisions made by that officer will be overseen by the Manager Financial Services.

6. REVIEW

This policy is to be the subject of a periodic review.

7. CRITERIA FOR ASSESSING 'EXCLUSIVE OCCUPANCY'

A list of criteria to be used in assessing whether or not a resident has exclusive occupancy of a dwelling is attached. The list of criteria is not an exhaustive list and other relevant criteria should be considered as they become apparent.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
28 March 2007	Adopted by Council
25 November 2009	Review
24 July 2013	Review

Date Adopted: 24/7/13

2 | Page

Policy No: 11.5 Residential Properties used for Charitable Purposes

Attachment 1

Assessment of Exclusive Occupation

Property Address:

	Aspect of Tenancy	Applicant's Response	In Exclusive Occupation
1	Are residents responsible for 'day to day' management of unit?		Yes
2	Do residents pay for services used (e.g. utilities)?		Yes
3	Do residents regard units as their private home?		Yes
4	Are units completely self contained?		Yes
5	Does each unit have an entrance/exit separate from other units?		Yes
6	Are residents free to invite visitors to stay in the unit?		Yes
7	Does the accommodation provider retain right of entry at their discretion?		No
8	Does accommodation provider retain a key to units?		No
9	Are residents free to furnish flats as they wish?		Yes
10	Are residents free to paint walls or make internal structural changes to unit etc.		Yes
11	Do residents select which unit they want to live in?		Yes
12	Is permission required for certain activities (e.g. keeping pets)		No
13	Is resident required to notify accommodation provider of intended absences?		No
14	Are standards for cleanliness of units prescribed by accommodation provider?		No
15	Is building insurance provided by accommodation provider?		No
16	Is a 'Superintendent' available for repairs, assistance etc.		No
17	Is the tenancy covered by a standard (REIV) tenancy agreement?		Yes
18	Is resident able to be moved to other accommodation by accommodation provider?		No
19	Is tenancy part of a staged aged care program offered by the accommodation provider?		No
20	Are other institutional services provided by the accommodation provider?		No

OUTCOME:

From 20 listed criteria that denote a resident has 'exclusive occupation', these units match xxx of the criteria.

As this represents xxx% of the listed criteria, it is considered residents in these units do /do NOT enjoy exclusive occupancy.

Date Adopted: 24/7/13

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Item: 10.9

Contract 2029 - Supply of Electricity and Natural Gas

OFFICER	Ben McLaughlin
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	To recommend to council that Contract 2029 – Supply of Electricity and Natural Gas be awarded to the preferred supplier.

1. EXECUTIVE SUMMARY

Council's retail electricity and natural gas contracts with Origin Energy and AGL are due to expire on the 1 July 2020. Analysis was undertaken on products from Procurement Australia and the Victorian Government. The Municipal Association of Victoria was considered; however, it is currently out to market and the only way council could be part of the process is to commit its volume prior to receiving the outcome.

There is one distinct feature between the two products. The Procurement Australia product is a fixed price contract whereas the Victorian Government contracts are a mix of fixed (annually) and progressive (subject to movement in the wholesale price). Reports from peak bodies have forecasted decreases in energy costs over the next few years. It is therefore advisable to enter into short-term contracts.

The analysis determined that the Victorian Government contracts for electricity provided the best value to council. Under the Victorian Government contracts council has the option to purchase green power at an additional cost. The detail on these costs to Council for 25, 50 or 100 percent green power can be found in the confidential attachment to this document.

For the supply of natural gas, the analysis determined that the Procurement Australia contract provided best value to Council.

2. RECOMMENDATION

That Council:

- 1. awards the electricity portion of Contract 2029 – Supply of Electricity and Natural Gas to the Victorian Government through the state purchase contracts: State Purchase Contract – Retail supply of electricity more than 40MWh pa 100% Green Power and State Purchase Contract – Retail supply of electricity less than 40MWh pa 100% Green Power; for the term of 1 July 2020 to 30 June 2021 at the schedule of rates prices referred to in the confidentially distributed document pertaining to this contract.**
- 2. awards the natural gas portion of Contract 2029 – Supply of Electricity and Natural Gas to Procurement Australia through the Retail Energy – Electricity, Natural Gas & Associated Services; for the term of 1 July 2020 to 30 June 2021 at the schedule of rates prices referred to in the confidentially distributed document pertaining to this contract.**
- 3. authorises the Chief Executive to sign the roll in forms for each of the contracts listed in points one and two following award of Contract 2029 – Supply of electricity and Natural Gas.**

3. KEY INFORMATION

Background

Council's retail electricity and natural gas contracts with Origin Energy and AGL are due to expire on the 30 June 2020. The following products were used in the assessment for electricity and natural gas:

Victorian Government

- State Purchase Contract – Retail supply of electricity more than 40MWh pa (contract term 1 January 2020 to 1 July 2022);
- State Purchase Contract – Retail supply of electricity less than 40MWh pa (contract term 1 January 2019 to 31 December 2021); and
- State Purchase Contract – Natural gas for small sites less than 10,000GJ pa (contract term 1 January 2020 to 31 December 2021).

Procurement Australia

- Retail Energy – Electricity, Natural Gas & Associated Services (contract term 1 July 2020 to 30 June 2021).

Municipal Association of Victoria

- At the time of writing this report (14 May 2020), the Municipal Association of Victoria is currently out to tender and the only way council could participate is if it agreed to commit its volume upfront. It was therefore not considered in this analysis.

Supply of Electricity

There is one distinct difference between the Procurement Australia and the Victorian Government offerings. The Procurement Australia contract is fixed price (excluding green power) over the life of the contract whereas the Victorian Government's contract for usage less than 40 MWh pa is

negotiated each year and then fixed for that financial year (excluding green power) and the contract for usage over 40 MWh pa is progressive which is subject to the rise and fall in wholesale prices.

A consideration of whether to enter into a fixed type contract over a progressive one is to look at the forecasted commodity prices over the intended term of the contract. In a report by Australian Energy Market Commission (AEMC), power prices are forecast to fall 5 percent in Victoria over the next three years due to a significant injection of nearly 5,000 megawatts of renewable power supply across the country.¹ The Energy Security Board have backed up the AEMC findings with their own analysis which suggests a 7.1 percent decrease in prices by 2022 driven by wholesale costs reducing as new low-cost renewable capacity enters the system.² This is also reflected in the forecasted green power costs requested from both entities as outlined in the confidential attachment to this document.

An advantage of the Victorian Government contract is the ability to roll in and out of the contract without any penalty. This allows Council to continue to consider the Power Purchase Agreement ('PPA') through Barwon Water. The PPA will be a contract between two parties, one which generates electricity (the seller) and one which is looking to purchase electricity (Council). The PPA defines all of the commercial terms for the sale of electricity between the two parties, including when the project will begin commercial operation, schedule for delivery of electricity, penalties for under delivery, payment terms, and termination.

Supply of Natural Gas

Both the Procurement Australia and Victorian Government contracts for natural gas are fixed type contracts. In a report by Australian Competition and Consumer Commission (ACCC), natural gas supply for 2020 is expected to outstrip demand.³ In the last 12 months the global natural gas supply glut has driven down prices in Australia and with spot Asian prices continuing to drop it is likely that the domestic market should, in general, be competing for gas with a lower export value.⁴ With commodity prices expecting to drop further it is important that Council does not lock itself into a long-term contract.

Conclusion

Electricity and natural gas markets have, at various times, exhibited significant price volatility. This means that contracts relating to commodities need to be agile in responding to downswings or upswings in the market.

The peak energy bodies in Australia are forecasting decreases in electricity and natural gas prices over the next one to two years. Analysis suggest that the Victorian Government's progressive and fixed (annually) contract for electricity and the Procurement Australia's contract for natural gas is best positioned to provide value for money to Council. The additional flexibility to, at any point, roll in or roll out with the Victorian Government's electricity contract will allow Council to continue to explore the option of the PPA through Barwon Water.

¹ 'Residential Electricity Price Trends 2019', Australian Energy Market Commission, <<https://www.aemc.gov.au/sites/default/files/2019-12/2019%20Residential%20Electricity%20Price%20Trends%20final%20report%20FINAL.pdf>>

² 'The Health of the National Electricity Market', Energy Security Board, 2019, <<http://www.coagenergycouncil.gov.au/sites/prod.energycouncil/files/publications/documents/The%20Health%20of%20the%20National%20Electricity%20Market%20V01.pdf>>

³ 'Gas inquiry 2017-2025 Interim Report', Australian Competition & Consumer Commission, <<https://www.accc.gov.au/publications/serial-publications/gas-inquiry-2017-2025/gas-inquiry-january-2020-interim-report>>

⁴ Thomson Reuters – February 2020, <<https://www.reuters.com/article/us-australia-gas/australia-consumer-watchdog-forecasts-ample-2020-natural-gas-supply-idUSKBN20C0BR>>

4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
4. Provide value for money services for our community.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Council has the opportunity to purchase green power at an additional cost as outlined in the confidential attachment to this document.

LEGAL & RISK

Not applicable

FINANCIAL & BUDGETARY

The budget for utilities for 2020/21 does not take into consideration the potential savings from this new contract. If no green power is awarded under the contract the forecasted savings will go towards a budgeted saving.

7. IMPLEMENTATION STRATEGY

Following Council approval, the roll in letters will be executed by the Chief Executive Officer under delegation and provided to the Victorian Government and Procurement Australia.

TIMELINE

Confirmation has been provided by both the Victorian Government and Procurement Australia that Council can access the contracts prior to 30 June 2020.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Item: 10.10

Contract 1955-2 - Provision of Multifunction Print Devices

OFFICER	Ben McLaughlin
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	For Council to award Contract 1955-2 – Provision of Multifunction Devices.

1. EXECUTIVE SUMMARY

On the 29 January 2020, Council awarded Contract 1955 – Provision of Multifunction Devices to Barwon Copying Solutions Pty Ltd (*Contractor*). After issuing the letter of acceptance to the *Contractor*, the *Contractor* notified Council officers and advised that it would not be able to fulfil the contract.

Council officers attempted to negotiate a satisfactory outcome with the *Contractor* with no success.

2. RECOMMENDATION

That Council:

- 1. awards Contract 1955-2 – Provision of Multifunction Print Devices to Ricoh Australia Pty Ltd, through the Procurement Australia contract, for the term of five years with a one-year extension option, at the schedule of rates prices referred to in the confidentially distributed document pertaining to this contract.***
- 2. authorises the Chief Executive to sign the opt-in letter following award of Contract 1955-2 – Provision of Multifunction Print Devices.***

3. KEY INFORMATION

In accordance with the contract, the *Contractor* was to provide multifunction devices from Ricoh Australia Pty Ltd (*'Ricoh'*) and provide the installation and ongoing support through its own company resources. The contract was structured as an annual lump sum and schedule of rates contract with an initial term of five years with the option of a one-year extension.

After the unsuccessful attempts to negotiate with the *Contractor*, Council officers looked at the options available and concluded that the Procurement Australia contract - 2103-0839 – Multi-Functional Devices and Related Products & Services would provide best value to Council subject to negotiation. In 2014, the Minister for Local Government made arrangements for Councils to enter into contracts made available by Procurement Australia for the provision of goods, services or works.

The prices offered under the Procurement Australia contract for similar *Ricoh* products were more expensive than what had been obtained through the Colac Otway Shire Council request for tender contract 1955. In further negotiations with *Ricoh*, it was agreed that *Ricoh* would honour Council's price. In addition, they agreed to abide by the request for tender specifications and contract conditions. Further *Ricoh* agreed to meet Procurement Australia's fees.

4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

1. Effectively manage financial resources.
4. Provide value for money services for our community.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable.

LEGAL & RISK

No legal implications are observed. The equipment has been specified to comply with contemporary resilience to hacking and malware.

FINANCIAL & BUDGETARY

Operationally this is a continuation of similar equipment lease and service agreement that satisfies continuing business requirements. Operating costs will be slightly reduced noting economies in operating upgraded equipment.

7. IMPLEMENTATION STRATEGY

Following award of the contract, a process of internal business consultation will be undertaken to facilitate a smooth transition from the incumbent supplier to the new supplier. This will include communications to staff regarding the transition in of new equipment, training in the operation of the new machines and process for reporting faults.

COMMUNICATION

The above implementation strategy will be communicated to the Senior Leadership Team whereby consultative meetings will be scheduled.

TIMELINE

Should Council resolve to award the contract as per this report's recommendation, fleet replacement is expected to be completed by August 2020.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Item: 10.11

Library Service Review

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Colac Otway Shire Library Service Review - Final Report - May 2020 [10.11.1 - 54 pages]2. Atatch 1 - CRLC Submission to Colac Otway Shire re Library Service - May 2020 [10.11.2 - 9 pages]
PURPOSE	To present the findings of a review of Council's library service, including public consultation, and provide options for the future provision of library services.

1. EXECUTIVE SUMMARY

At the Ordinary Council meeting on 27 February 2019, a Notice of Motion was passed to commence a detailed investigation of the implications of the option of Colac Otway Shire withdrawing from the Corangamite Regional Library Corporation (CRLC) and joining the Geelong Regional Library Corporation (GRLC).

An independent consultant was engaged to undertake a detailed service review and provide a report outlining the future options for Library Service provision, with particular focus on the opportunity to join the GRLC. The report also highlights several other options available for the future provision of public library services within the municipality, including extending the current service offer with the CRLC.

The report identifies that the CRLC provides a good value service and customer satisfaction is high, however there is uncertainty around the future of the corporation now that Warrnambool City Council has determined to withdraw from the corporation by March 2022.

The report highlights that moving to the GRLC would:

- Provide a substantial increase in the quality of the service offer.
- Cost more per year (\$4.80 per person) than the current service plus once off transition costs. However, there is also likely to be an additional cost of staying with the CRLC due to the withdrawal of Warrnambool from the corporation, with regional costs borne by remaining member Councils likely to increase significantly.

- Provide greater net benefits to the Colac Otway community (\$147 per capita vs \$108).
- Provide strategic benefits – align library service delivery with membership of G21.
- Negatively impact local employment of 6.9 EFT CRLC staff.

Key considerations relating to the option to extend the CRLC service offer include:

- Limited capacity to improve the service standard to the level of the GRLC or meet the demands of changing library trends; and
- Uncertainty regarding the sustainability of the CRLC, particularly now that the Warrnambool City Council have determined to withdraw from the corporation from March 2022.

Draft Service Standards have been developed that reflect a level of service commensurate with a quality library service, such as the GRLC currently provides. These standards were tested through a community consultation process.

Council received 455 responses to an online survey along with some written feedback. Survey respondents indicated a preference for greater investment in library services to increase service standards. 65-70% said that they were in favour of an additional investment of \$5 per capita if it could deliver larger collections, a better website, longer borrowing times and better library programs. Only 20% of respondents said that these changes were not worth the investment (10-15% were undecided). When asked if they believed Colac Otway Shire should join GRLC the community feedback found 55% of respondents saying 'Yes', 30% 'Unsure' and 15% saying 'No'.

2. RECOMMENDATION

That Council:

- 1. notes the findings of the Colac Otway Shire Library Service Review including the results from the community consultation;***
- 2. resolves to withdraw its membership of the Corangamite Regional Library Corporation by 30 June 2021;***
- 3. instructs the Chief Executive to write to the Corangamite Regional Library Corporation prior to 30 June 2020 stating Council's intention to withdraw its membership of the corporation;***
- 4. instructs the Chief Executive to write to the Geelong Regional Library Corporation requesting that they accept Colac Otway Shire as a member Council from 1 July 2021;***
- 5. reviews the levels of service to be provided by the Geelong Regional Library Corporation, including the Outreach Service, to reduce the potential cost of the service to be provided by the Geelong Regional Library Corporation;***
- 6. requests a further briefing on the transition costs and operational costs of becoming a partner with the Geelong Regional Library Corporation following further investigation.***

3. KEY INFORMATION

BACKGROUND

At the Council meeting on 27 February 2019, a Notice of Motion was presented to Council seeking investigation into the implications of the Colac Otway Shire withdrawing from the Corangamite Regional Library Corporation (CRLC).

Council resolved:

That Council:

- 1. Notes that a review of the provision of library services is identified in Council Plan 2017-2021 and the Creative Colac Otway Arts and Culture strategy 2018-2022.***
- 2. Notes that initial enquiries have been made by Council about the possibility of Council changing its membership from CRLC to GRLC.***
- 3. Notes that GRLC has indicated that it is prepared to enter into a discussion as to whether Colac Otway Shire Council could become a member of GRLC.***
- 4. Endorse the commencement of a more detailed investigation of the financial, governance, human resource and legal and service implications of such an arrangement.***
- 5. Requests that the Chief Executive brief Council on the outcome of the investigation.***
- 6. Requests that the Chief Executive prepare a consultation plan giving consideration to the outcomes of 4 and 5.***
- 7. Requests that the Chief Executive brief Council on the outcome of all activities including negotiations with GRLC and consultation with the community, with recommendations for next steps.***

An independent consultant with extensive experience in the Library sector was engaged to undertake a review as outlined in points 4 and 6 of the Notice of Motion (Refer Attachment 1 – Library Services Review). The investigation involved industry research and analysis of CRLC and GRLC performance data, benchmarking, review of previous community feedback, and interviews with CRLC representatives, GRLC, Council staff and Cr. Hart (Councillor appointed on behalf of Colac Otway Shire to the CRLC Board).

SUMMARY OF REPORT FINDINGS

Overview of current service

COS has two library branches, fortnightly outreach services to eight townships and online services.

- Colac has a large modern library located at the Colac Secondary College. It is open 48.5 hours per week and operates under a joint use agreement with the College in a building owned by the Department of Education (DET).
- Apollo Bay Library is situated behind Marrar Woorn Neighbourhood House in Apollo Bay. Open 18 hours per week, the library building is owned by Great Ocean Road Health.
- The Library Outreach Van provides a mobile library service to eight rural locations throughout the shire on a fortnightly basis including Beeac, Beech Forest, Birregurra, Coragulac, Cressy, Forrest, Gellibrand and Lavers Hill. The van carries a collection of over 1200 items available for loan.

Service Context

1. **Libraries are a good investment:** Research shows that public libraries are one of the most productive investments in public services across all levels of government. For example, every \$1 invested in CRLC libraries by member Councils and other funding sources generates a return of \$3.80 to the community through efficient access to collections and educational, social, health and employment benefits.
2. **Demand is increasing:** Contemporary libraries retain a strong focus on reading, research and historical collections (including ebooks) for people of all ages and interests. Libraries are also experiencing increasing community demand for reading and social programs, efficient access to technology, and safe comfortable places and spaces to read, study, work, meet and relax.
3. **Library corporations are typically more cost-efficient** than stand-alone municipal library services due to economies of scale in administrative and strategic functions.

Options available to the Colac Otway Shire

Council has several options available to it in its future provision of public library services:

- Stay with CRLC at the current service level or at an amended service level.
- Move to GRLC at the current service level or at an amended service level.
- Leave CRLC and deliver own library services (e.g. Glenelg, Swan Hill, Latrobe).
- Leave CRLC and 'buy in' services from another library service (e.g. Ballarat network).

In accordance with the Council resolution (27 February 2019), the last two options were not considered further in the scope of this investigation.

Corangamite Regional Library Corporation background and key considerations

1. CRLC was formed in 1996 under section 196 of the *Local Government Act 1989*. It provides library services in four municipalities – Colac Otway, Corangamite, Moyne and Warrnambool.
2. Benchmarking data shows CRLC provides a good library service, broadly in line with industry standards. However, while service provision is commensurate with the size of the regional population, use of library services across the region is low in terms of per capita membership, visits, loans, program participation and computer use.
3. Customer satisfaction is high.
 - **Colac Otway Shire (COS) has higher levels of use than other CRLC libraries** (24% of population vs 32% of use).

4. Customer feedback from COS library users through the current 'Libraries Change Lives' campaign (SLV/PLV) has seen people share the impact libraries have on their lives and the lives of those around them. Hundreds of responses were received from young children, avid readers, parents, and people who use the computers and library spaces in their everyday life.
5. CRLC's total income for 2018-19 was \$3.20M, with \$2.31M of this provided by member Councils. Council contributions averaged \$25.80 per capita, 21% below the state average of \$32.56.
 - **COS has higher per capita contributions than other CRLC libraries** (\$32.98 per capita) to fund its service levels (including additional outreach services).
6. The CRLC Board is concerned that CRLC's capacity to continue to deliver the current level of service is not sustainable given funding uncertainties and the need to consider increased costs for service provision. An independent review of CRLC completed in August 2019 found that:
 - Council contributions show a trend of minimal or no growth every second year.
 - State Government contributions have not kept pace with inflation or rate capping.
 - Warrnambool City Council is partnering with South West TAFE in construction of a new joint-use library at the TAFE campus and may withdraw from CRLC (any withdrawal of a Council from the CRLC would severely impact the viability of the Corporation).

(Note: since the CRLC review, Warrnambool City Council has determined to withdraw from CRLC by March 2022.)

A comparison of GRLC and CRLC services

1. **GRLC is Victoria's leading library service.** For five years GRLC has outperformed the other 46 Victorian library corporations and municipal library services by having consistently high performance against state benchmarks on all aspects of library operations.
2. **GRLC outperforms CRLC across 20 key statistical indicators.**
 - CRLC leads GRLC on only one indicator – per capita funding contribution from the State Government (which is based on rurality/equity and is beyond a library service's control).
 - CRLC and GRLC are similar (+/- 20%) on another six indicators, including three related to service provision and customer satisfaction (both have high customer satisfaction ratings).
 - GRLC outperforms CRLC by at least 20% on the remaining 13 indicators
3. **There are two major statistical differences between GRLC and CRLC:**
 - GRLC has **higher levels of funding** from its member Councils.
 - GRLC has consistently **higher levels of use** of its library services – including per capita membership, visits, loans, program participation and computer use.
 - With additional funding GRLC puts more resources into community engagement and marketing of its library services (including having a modern website). It offers a wider and more diverse range of reading, literacy, cultural and social programs. As a result, more people use the services and derive greater individual and community benefits.

4. Research shows that CRLC and GRLC have the same benefit to cost ratio of 3.8. However, compared with CRLC, GRLC's member Councils commit greater recurrent funding per capita to their libraries, and therefore achieve greater net benefits for their communities. Refer Table 1 below.

Value of Public Libraries, SGS 2016-17	GRLC	CRLC
Recurrent expenditure	\$15.5 M	\$3.3 M
Net benefit	\$42.7 M	\$9.3 M
Benefit cost ratio	3.8	3.8
Recurrent funding per capita	\$46	\$36
Net benefits per capita	\$147	\$108

Table 1: Comparison of net benefits per capita (GRLC and CRLC) - source SGS Economics 'Dollars, Sense and Public Libraries' 2011.

GRLC offer – issues to consider

1. COS moving to GRLC would deliver a service that in part would appear unchanged to the library user. There would still be static libraries in Colac and Apollo Bay. Smaller communities could still access services through a mobile library. Familiar collections and programs would still exist, whilst the staffing arrangements would generally stay the same.
2. It is also noted that Colac Otway residents can already access GRLC's collections and services in GRLC branches by becoming a GRLC member at no cost.
3. In other ways, moving to GRLC represents an **improved service offer** including:
 - Access to a collection of 469,800 physical and digital items (vs 142,700 in CRLC).
 - Larger borrowing limits (40 items vs 30) and longer loan periods (28 days vs 21).
 - Access to a much larger and more diverse range of reading, learning, social and cultural programs (eg: author talks, reading festivals, lifestyle programs for people of all ages etc.).
 - Weekly outreach services (if COS wants this), vs fortnightly ones in CRLC.
 - A more user-friendly website with greater functionality to access online library services.
 - Online and print newsletters and material promoting library activities.
 - Regional networks with a range of community, educational, cultural and business groups that could contribute to increasing library membership and use of library services.
 - Opportunity (not costed) to integrate Council and historical society records, artefacts and resources into the Geelong Heritage Centre and access its regional collections/databases.
4. COS membership of GRLC in 2019-20 would have required an estimated Council contribution of \$831,000. This is \$104,000 (14.3%) more than the \$727,000 Council committed to CRLC for 2019-20.
 - On an annual per capita basis this would represent an increase from \$33.66 with CRLC to \$38.47 with GRLC – an increase of \$4.81 per person who lives in Colac Otway Shire.
 - The cost would be slightly lower if COS negotiated with GRLC a reduced level of outreach service (eg: fortnightly roster not weekly, fewer than 8 stops).
 - Now that Warrnambool has determined to withdraw from CRLC, the costs for remaining member Councils is likely to increase due to Warrnambool currently providing around

39% of the regional costs. As many of these costs are fixed and can't be significantly reduced, remaining member Councils will need to meet the shortfall. The CRLC estimates that an increase of around \$20,000 would be required however the consultant's report indicates that this would be more like \$50,000.

5. A range of other factors are relevant to any decision for Council to move from CRLC to GRLC:
 - **External:** With its new library arrangement Warrnambool has determined to withdraw from CRLC by March 2022. The viability of CRLC is uncertain due to this decision as Warrnambool contributes 39% of the regional costs of the CRLC. In addition, Warrnambool would be entitled to 39% of the book stock and other items, which would reduce the amount available to Colac Otway residents significantly.
 - **Strategic:** Joining GRLC would align library service delivery with membership of G21.
 - **Structural:** Recent changes to the *Local Government Act* mean COS joining GRLC would trigger dissolution of GRLC and require establishment of a new collaborative arrangement. If COS were to join, GRLC have stated their intention to immediately reform as a new entity. (Note: The same Local Government Act changes will trigger dissolution of CRLC by 2029.)
 - **Governance:** COS would go from having around 30% of CRLC's critical mass to being around 7% of GRLC. From equal representation on the CRLC Board, COS would have one position on an 8-9 member GRLC Board.
 - **Regional:** There is a 'pull' to Geelong as a centre for accessing specialist services/facilities.
 - **Local employment:** CRLC's administrative office is based in Colac and provides employment for ten people (6.9 FTE). These jobs would move from Colac if COS left CRLC. With Warrnambool leaving the corporation, it is not sustainable to continue with this level of regional staff resourcing, so the FTE would reduce anyway.
6. If COS initiated any move from CRLC to GRLC it would also, under existing agreements, be liable for all transition costs out of and into the new arrangement. The earliest a move could be made is 30 June 2021 (assuming notice to leave is given by 30 June 2020). It is estimated that the total one-off cost to COS of transition would be in the order of \$30-40,000. However, with Warrnambool indicating its intention to leave, it is not clear on which Council would be liable for the transition costs – Warrnambool which announced first, or Colac Otway which might leave first. The realistic outcome is that transition costs are likely to be shared.

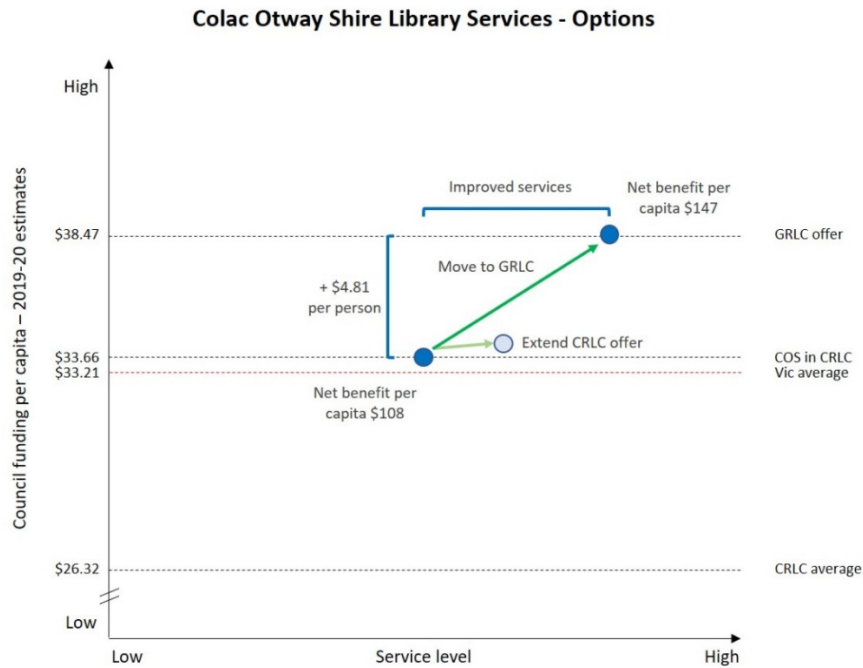


Figure 1: Comparison of CRLC and GRLC net benefits and service levels relevant to investment.

An extended CRLC service offer – key considerations

1. The current CRLC Service Level Agreement allows for negotiation of variable servicing levels. COS already does this (e.g. relatively longer opening hours at Colac Library, a relatively high number of outreach stops) and consequently makes higher per capita contributions to CRLC than the other three Councils. Additional funding from COS could, for example, increase the size of the collection, increase the frequency of programs offered in COS branches, and increase the number of computers and the speed of the wifi. This is identified in the submission from the CRLC to the review process.
2. Alternatively, CRLC could realise some small savings (with both CRLC and GRLC) by reducing the scope of its outreach service. Outreach is a very valuable service to people who live in remote areas or are unable to visit a library due to disability or ill health. However, use is low and expensive (average cost per stop per fortnight ~ \$200 for an average of 4 visitors and 30 loans).
3. Due to CRLC’s size, structure and overall funding (especially in comparison with GRLC) it will be difficult and uneconomic to realise some other improvements (e.g. new programs, website upgrade), especially where these would require agreement and additional investment from other member Councils to be viable.
4. Colac Otway’s current population profile explains its relatively greater demand for and use of library services. Forecast population growth in the next 20 years will only increase demand for public library services, in particular, larger general collections and reading, social, technology support and special interest programs. These are areas where the GRLC offer clearly exceeds anything that could be achieved through an extended CRLC offer.

Withdrawal of Warrnambool City Council from the CRLC

Warrnambool City Council recently provided notice to the CRLC of its intention to withdraw from the corporation from March 2022. Based on how the regional costs of the CRLC are attributed, Warrnambool provides 39% of the overall revenue to these regional costs. With Warrnambool leaving the CRLC, the regional costs to be borne by the remaining member Councils will increase. The

consultant's report indicates that this is likely to be in the order of \$50,000, without any improvement to the service.

The CRLC Board has already expressed concerns about the long-term sustainability of the corporation and to that extent undertook a sustainability review in 2019. The departure of Warrnambool will raise further questions about the long-term sustainability, as well as its ability to provide an adequate service (eg: access to collections).

In addition, Warrnambool is entitled to 39% of the collection when it leaves the CRLC. Currently the collection stands at around 145,000 items, excluding the Colac Secondary College collection, which is around 14,400 items. Of these items, there are around 32,000 items that are allocated to Colac Library, 5,400 items to Apollo Bay and also 2,300 items to the Outreach Van. On a regional breakup, collection is allocated according to the percentage of regional contribution made, so Warrnambool would be able to claim around 39% of the total collection or about 56,000 items.

Colac Otway's entitlement to the regional collection, using the same approximate formula of regional contribution is around 24%, which equates to around 34,800 items, including a share of the e-resources (3,450 items). This is less than what is currently located at Colac Otway Shire libraries, as the Colac library currently stocks some of Warrnambool's 'allocation' due to their library being a small space and not having capacity to house their full allocation.

Draft Service Standards

Draft Service Standards have been developed in order to determine if the community would support increased investment in an improved library service. The draft service standards are listed in Section 5 of the Review and were tested with the community through the consultation. The draft service standards cover aspects including:

- Service Management
- Service Offering
- Service Delivery

Library Services Review – consultant's recommendation

The Library Service Review has examined the question of whether Colac Otway Shire should leave CRLC and seek to become a member of GRLC. In a dynamic environment the Review has considered a wide range of information and community and stakeholder input.

In essence, Council has the option to move to GRLC for \$5 per capita or stay in CRLC for \$5 per capita (assuming an extra \$3 for local service enhancements that partially meet the GRLC offer and an extra \$2 for additional regional administration costs when Warrnambool leaves CRLC). As GRLC represents a more stable and higher quality offer, and CRLC's future is uncertain, the consultant's report recommends:

"It is recommended that Colac Otway Shire withdraw from Corangamite Regional Library Corporation and seek to join Geelong Regional Library Corporation."

The report states that for simplicity, Colac Otway's departure might be timed to coincide with that of Warrnambool City Council. However, it is the officer's recommendation that Council notify CRLC of its intention to withdraw by 30 June 2020, which would provide the 12 month notification required to leave by 30 June 2021. This would provide the options of commencing with GRLC by 1 July 2021 or negotiating with the CRLC to continue on until March 2022, to time the departure with Warrnambool.

4. COMMUNITY CONSULTATION & ENGAGEMENT

As per the National Public Library Guidelines, any decisions on provision of community-based library services should be informed by the views of the people who use, benefit from, value and pay for the provision of those services. Council's Community Engagement Policy (2013) also requires that public consultation is undertaken regarding service planning that affects the entire municipality, especially when a significant change in the level of service is expected.

Following the completion of the Library Services Review, a report was due to be presented to Council's March 2020 Ordinary Council Meeting. The intention of this report was to inform and update Council of the review's findings before seeking feedback from the community. Unfortunately, due to the outbreak of COVID-19 the March 2020 Ordinary Council Meeting was cancelled. Council officers determined to progress with the community consultation process because of the time imperatives of Council considering this matter.

Council undertook community consultation through April and May to gauge the community's views on the future provision of library services. Unfortunately, because of COVID-19, the method of consultation was restricted due to social distancing restrictions. The consultation was predominantly an online (or hard copy) survey, request for submissions and discussions with key stakeholders.

The key questions canvassed through the consultation were:

- Do the draft library service standards represent the needs and expectations of the COS community?
- Does the community support Council investing more public funds in the provision of library services to achieve the higher service standards accessible through GRLC?

A copy of the initial Library Services Review was made available on Council's website to provide contextual information and explain why the consultation was being undertaken.

The consultation took the following approach:

Target audience	<ul style="list-style-type: none">• All COS residents and ratepayers• Users of COS libraries
Key Stakeholders	<ul style="list-style-type: none">• CRLC• Colac Secondary College• Library staff
Form	<ul style="list-style-type: none">• Community survey available in both online (Survey Monkey) and print form
Access	<ul style="list-style-type: none">• Online survey link accessible via COS website• Hard copy survey available on request
Promotion	<ul style="list-style-type: none">• Council website, newsletter and social media• Email to CRLC membership list• Local newspaper/newsletters and radio

The primary method of consultation was through an online survey, which received 455 responses. In addition, Council received four written submissions in response to the draft library services review.

Representatives from CRLC were invited to meet (virtually) and discuss the findings of the review and proposed draft service standards and provide a response to Council regarding the corporation's capacity to meet some or all of the standards and any cost implications. The CRLC has provided a

written submission to the review. Library staff were also informed of the consultation process and the opportunity to have input.

Consultation results

Council determined to seek community input on the option to increase COS's investment in library services to realise an increased service standard (as could be provided by GRLC or, in theory, an extended CRLC offer).

Despite constraints in the consultation process related to the COVID-19 state of emergency, 455 people completed the online survey (see summary of consultation in the attached report).

Survey respondents indicated a preference for greater investment in library services to increase service standards.

- 65-70% said that they were in favour of an additional investment of \$5 per capita if it could deliver larger collections, a better website, longer borrowing times and better library programs.
- Only 20% of respondents said that these changes were not worth the investment.
- 10-15% were undecided.

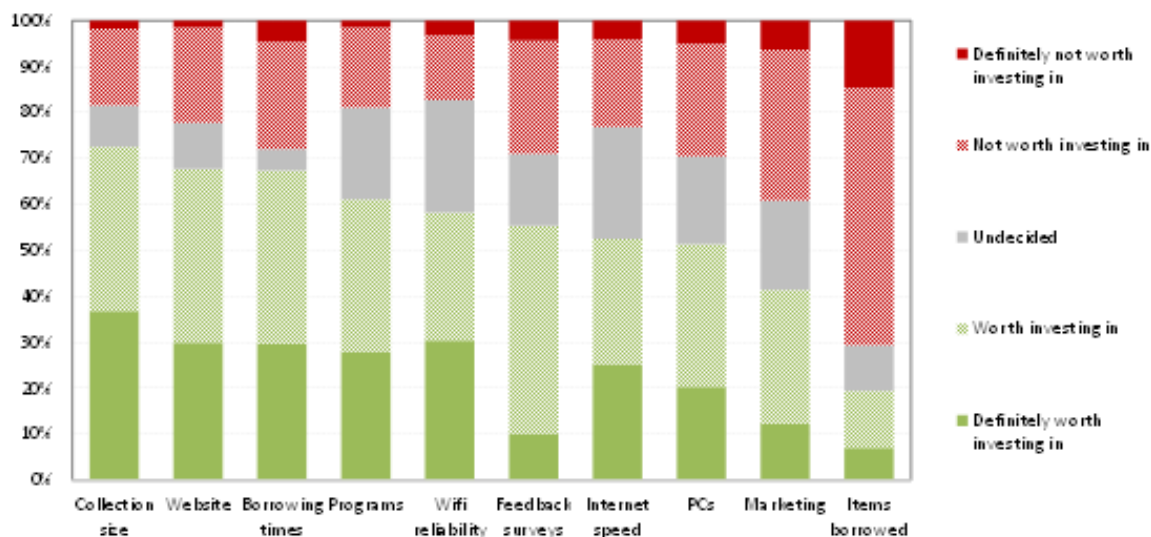
There was also more than 50% support for additional investment to increase library programs and internet speed and reliability. Respondents were not in favour of additional investment to improve marketing of library services or increase the number of items that could be borrowed at one time.

When asked if they believed Colac Otway Shire should join GRLC the community feedback found:

- 55% of respondents said 'Yes'
- 30% 'Unsure'
- 15% said 'No'

However, while the survey feedback clearly indicates that respondents are more inclined than not to invest the additional resources required to access the additional services offered through GRLC, this is not an overwhelming endorsement of the proposal. Comments from survey respondents acknowledge both the pros and cons of any switch to GRLC.

Council can increase library service levels for a total cost of approx. \$5 per person per year. Please indicate which service improvements, if any, you believe are worth investing in.



The consultant undertook a detailed analysis of the survey results, which included a breakdown of the numerical questions by age group and location of respondent. Overall, the responses were remarkably consistent (statistically), with the main point of note being the higher level of support for the move to Geelong among older people (70+, 60-69 years) and among those with primary school age children.

Submissions

Council received four written submissions or pieces of feedback regarding the review. Of these, one was a formal submission from the CRLC. In its submission, the CRLC believes that through negotiation it can deliver on the bulk of the tangible differences offered by GRLC. The submission states: “For less than \$3 per capita in 2020-21 dollars CRLC would be able to provide a significant increase in library programs and activities solely for the benefit of COS residents.” This approach is and has always been an option for Council and CRLC to explore. However, it is considered highly unlikely that the CRLC could deliver the same benefits as GRLC for that cost, particularly now that Warrnambool has determined to withdraw from the corporation.

A small number of other submissions and comments were received from interested parties. While not raising new issues, they encouraged Council to continue to provide library services through a collaborative model, rather than adopt a stand-alone approach.

An overview of the remaining submissions is in the following table:

Submitter	Details	Officer comment
1	Has just recently joined the library and hasn't used the service before. So unfortunately not in a place to be able to answer the survey questions as truly doesn't know. Will be happy with whatever the general consensus or outcome will be as can't compare it to anything. Doesn't believe being a stand-alone library will be of benefit though.	Noted.
2	Submitter provided an Inclusion Audit and an Inclusion Strategy for the Colac Library which was completed as part of a Masters qualification.	The audit and strategy had been provided to library staff previously. Whilst it is an excellent piece of work, it doesn't necessarily relate to this review. The future provider of library services should take the findings of this work into account, as should the building owners/mangers being the Colac Secondary School and Council.
3	Questioned the contents of the review and the design of the survey. Also questioned the value of the figures considering Warrnambool has determined to withdraw from the CRLC. Stated that 'surely the CRLC is no longer viable' with the withdrawal of Warrnambool. Concerned about being a 7% minority of the GRLC and what means for future budgets, and the needs of the Colac Otway network.	The review and survey were prepared by an independent, experienced consultant with no bias towards any outcome. The draft review which was available for public consumption was prepared prior to Warrnambool determining to withdraw from the CRLC. The cost for Council to remain with CRLC following Warrnambool's withdrawal is likely to increase significantly, which is addressed earlier in this report, and in the final consultant report.

Consultation with the GRLC

Officers are having ongoing consultation and engagement with the GRLC. The GRLC Board has discussed the possible opportunity for Colac Otway Shire to join their Corporation in the future. The GRLC Board has expressed its interest in Colac Otway Shire becoming a member Council and progressing the investigation further. At its most recent meeting, the GRLC Board resolved that:

- a. the CEO advise Colac Otway Shire to express interest in joining the GRLC in formal correspondence;
- b. that a detailed report regarding the implications of their joining the GRLC be presented at the 24 June Board meeting;
- c. that a Colac Otway Shire Officer and Councillor attend the 24 June 2020 Board meeting.

(Note: the above resolution is still considered unconfirmed until the next GRLC Board meeting.)

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 3 - Our Community

1. Increase social connection opportunities and community safety.
2. Connect people through events and activities.
3. Opportunities for the community to participate in lifelong learning.
5. Foster an inclusive community.

Alignment to Health and Wellbeing Plan 2017-2021:

Goal - Support families to provide the best start for their children.

- Focus on the importance of reading to young children

Goal – Healthy Aging

- Older people are empowered to participate in decision making that enhances their quality of life

Goal - Take action to build resilient and socially connected individuals and communities

- Increased social connection opportunities

Goal - Acknowledge and celebrate our community's culture, heritage and diversity

- Support diverse communities

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Research shows that public libraries are one of the most productive investments in public services across all levels of government. For example, every \$1 invested in CRLC libraries by member Councils and other funding sources generates a return of \$3.80 to the community through efficient access to collections and educational, social, health and employment benefits.

Contemporary libraries retain a strong focus on reading, research and historical collections (including ebooks) for people of all ages and interests. Libraries are also experiencing increasing community demand for reading and social programs, efficient access to technology, and safe comfortable places and spaces to read, study, work, meet and relax.

With over 300,000 visits, 38,000 members and more than 550,000 loans recorded by the Corangamite Regional Library Corporation in 2018-2019, libraries in the South West continue to provide the community with free and universal access to education, resources and programs that support the health and wellbeing, social connectedness and education of our communities.

LEGAL & RISK

Corangamite Regional Library Corporation's provision of library services to Colac Otway Shire is based on two agreements:

1. Agreement to form Corangamite Regional Library Corporation.
2. Library Service Level Agreement, 1 July 2019 to 30 June 2020, Colac Otway Shire Council and Corangamite Regional Library Corporation.

Regional Library Agreement

The agreement to form Corangamite Regional Library Corporation is an agreement between the four member Councils to form and operate a regional library to service the area comprising their respective municipal districts pursuant to section 196 of the *Local Government Act 1989*. The agreement provides for each member Council to enter into Service Level Agreements with the Corporation.

The agreement also defines the conditions governing the exit of any party from the agreement. In summary, COS would be liable to pay the following costs in association with a decision to exit from the CRLC service:

- Full costs directly incurred by the Regional Library such as redundancy costs and administrative costs;
- A portion of a Corporation's liabilities.

COS would also be entitled to a portion of the net assets of the Regional Library in the form of cash or property.

No less than 12 months' notice must be given in writing to the CEO of CRLC of Council's intention to withdraw and Council must withdraw effective from 30 June following the expiry of the period of notice. For example: if Council provides 12 months' notice on 30 June 2020 it must withdraw no earlier than 30 June 2021 and no later than 30 June 2022. If Council provides notice on 1 July 2020, the earliest Council can exit is 30 June 2022.

Service Level Agreement (SLA) 2019-2020

Council, along with the other member Councils, has an annual Service Level Agreement with the Corangamite Regional Library Corporation. The agreement is an extension to the Regional Library Agreement and constitutes a legally binding contract between the parties to the agreement. The agreement specifies the base (i.e. minimum or default) level services and standards to apply across the region, as well as Council specific arrangements for added and/or modified services.

The current service level agreement expires on 30 June 2020.

FINANCIAL & BUDGETARY

Current Financial Contribution

Colac Otway Shire, along with the three other member Councils of the Corangamite Regional Library Corporation, provide a significant financial contribution annually to support the provision of library services across the region. In 2019-20 Council contributed a total of \$727,000. The budgeted contribution for 2020-21 is \$742,000 which represents a 2% increase on funding made in previous years. Two percent annual growth in Council funding of library services over the past six years is broadly in line with rate capping limits (with approximate inflationary factors) but does not allow for any growth in the municipal population and associated increased demand for library services.

Geelong Regional Library Corporation – Service Costs

COS membership of GRLC in 2019-20 would have required an estimated contribution of \$831,000. This equates to \$104,000 (14.3%) more than the CRLC commitment. However, the cost estimate includes the provision of Outreach services on a weekly basis (as per other GRLC Outreach services), which is currently provided on a fortnightly by CRLC. This would reduce the overall cost by at least \$20,000 if continuing with a fortnightly service by GRLC.

In addition, Warrnambool City Council's advice to the CRLC Board that it intends to withdraw from the Corporation in 2022 will result in an increase to the regional costs for the remaining member Councils. The CRLC has estimated this might be in the vicinity of \$20,000 however the consultant's report states that it would be in the order of \$50,000. Warrnambool contributes approximate 39% of the regional costs of the CRLC and is entitled to this percentage of the collection. A 39% smaller collection will have significantly less variety. There will also be less book stock in COS libraries, as other libraries (eg: Colac) have been carrying stock that Warrnambool Library could not, due the physical size of their library.

It should be noted that whilst there would be a significant increase in the cost to remain with CRLC, it wouldn't come with an increase in the level of service. While some regional administration costs are scalable, others are not – at least in the short to medium term (e.g. leases, subscriptions for e-resources, accounting and legal fees, insurance, executive costs etc.). Quite simply, Council will incur additional costs for no increase in service, and possibly a decrease in service due to the reduction in book stock.

Transition costs

If Colac Otway Shire initiated a move from the CRLC to the GRLC it would, under existing agreements, be liable for all transition costs out of and into the new arrangement. As costs relate to legal costs and potential redundancies of administrative staff, it is difficult to accurately estimate the likely exit costs, which could be between \$30,000 and \$150,000.

Under the current agreement, COS is also entitled to a proportionate (approx. 24%) share of CRLC assets and liabilities. The last CRLC Financial Report put liabilities at \$603,000 (most of which is provisions for staff entitlements) and assets at \$2,225,000 (of which \$1,624,000 is non-current, that is, collection stock and equipment).

Other considerations

At any time, the CRLC can request additional funds from member Councils to undertake region-wide service enhancements. For example: the CRLC has recently requested approximately \$12,000 for Wifi improvements, \$5,300 for a staff network upgrade and \$3,615 for a web site redesign. This equates to a once-off cost to Colac Otway Shire of \$21,015 for 2020-21 in addition to next year's \$742,000 annual contribution. Some of these improvements are already provided as part of the GRLC service (not Wifi) and are therefore embedded in the annual financial contribution.

Outreach services

The CRLC Sustainability Review (2019) identified opportunity to review how outreach services are delivered with the potential to realise efficiencies and cost savings. The GRLC costs include a weekly outreach service (currently provided fortnightly by GRLC). There is opportunity to reduce the total cost of the GRLC membership by approximately \$20,000 by negotiating this aspect of the service.

7. IMPLEMENTATION STRATEGY

TIMELINE

The Regional Library Agreement makes clear the timelines for withdrawal from the Corangamite Regional Library Corporation.

A Council may withdraw from the Agreement having given not less than 12 months' notice in writing to the Chief Executive Officer. A Council that has given notice shall withdraw from the Agreement effective from 30 June following the expiry of the period of the 12 months' notice.

Therefore, should Council want to join the GRLC by 1 July 2021, a decision is required prior to 30 June 2020. Council may determine to defer this decision until after 30 June 2020. This would effectively mean that Council would remain with the CRLC until at least 30 June 2022.

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



Colac Otway Shire

Library Service Review

May 2020



I & J Management Services

Colac Otway Shire – Library Service Review

May 2020

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This library service review was conducted for Colac Otway Shire by:

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EXECUTIVE SUMMARY

The Colac Otway Shire Library Service Review was conducted between November 2019 and January 2020. The findings were presented to Colac Otway Shire in March 2020. This report updates the initial findings, taking into account two significant developments – i) feedback from community consultation during April 2020; and ii) a decision by Warrnambool City Council on its future library services.

Library service review and Notice of Motion

1. At the Council meeting of 27 February 2019, Councillor Stephen Hart presented a **Notice of Motion** seeking investigation of the implications of Colac Otway Shire (COS) withdrawing from Corangamite Regional Library Corporation (CRLC) and joining Geelong Regional Library Corporation (GRLC) for provision of public library services to the Colac Otway community. Cr Hart is one of two COS representatives on the CRLC Board.
2. The Notice of Motion required the COS CEO to commence an investigation, brief Council on its outcomes, and prepare a community consultation plan giving consideration to these outcomes.

Library trends and service models

3. Research shows that public libraries are one of the most productive investments in public services across all levels of government. For example, every \$1 invested in CRLC libraries by member Councils and other funding sources generates a return of \$3.80 to the community through efficient access to collections and educational, social, health and employment benefits.
4. Contemporary libraries retain a strong focus on reading (including ebooks), research and historical collections for people of all ages and interests. Libraries are also experiencing increasing community demand for reading and social programs, efficient access to technology, and safe comfortable places and spaces to read, study, work, meet and relax.
5. COS has 2 library branches, fortnightly outreach services to 8 townships and online services.
 - Colac has a large modern library at Colac Secondary College. It is open 48.5 hours a week and operates under a joint use agreement with the school in a building owned by DET.
 - Apollo Bay Library is situated behind Marrar Woon Neighbourhood House in Apollo Bay. Open 18 hours per week, the library building is owned by Great Ocean Road Health.
6. COS has several options available to it in its future provision of public library services.
 - Stay with CRLC at the current service level or at an amended service level
 - Move to GRLC
 - Leave CRLC and deliver own library services (e.g. Glenelg, Swan Hill, Latrobe)
 - Leave CRLC and 'buy in' services from another library service (e.g. Ballarat network).
7. In response to the Notice of Motion, this Library Service Review is focused on the GRLC option. It has involved industry research and consultation with managers from COS, CRLC and GRLC. Staying with CRLC in a current or amended form is assumed as the alternative. Library corporations are typically more cost-efficient than stand-alone municipal library services due to economies of scale in administrative and strategic functions.

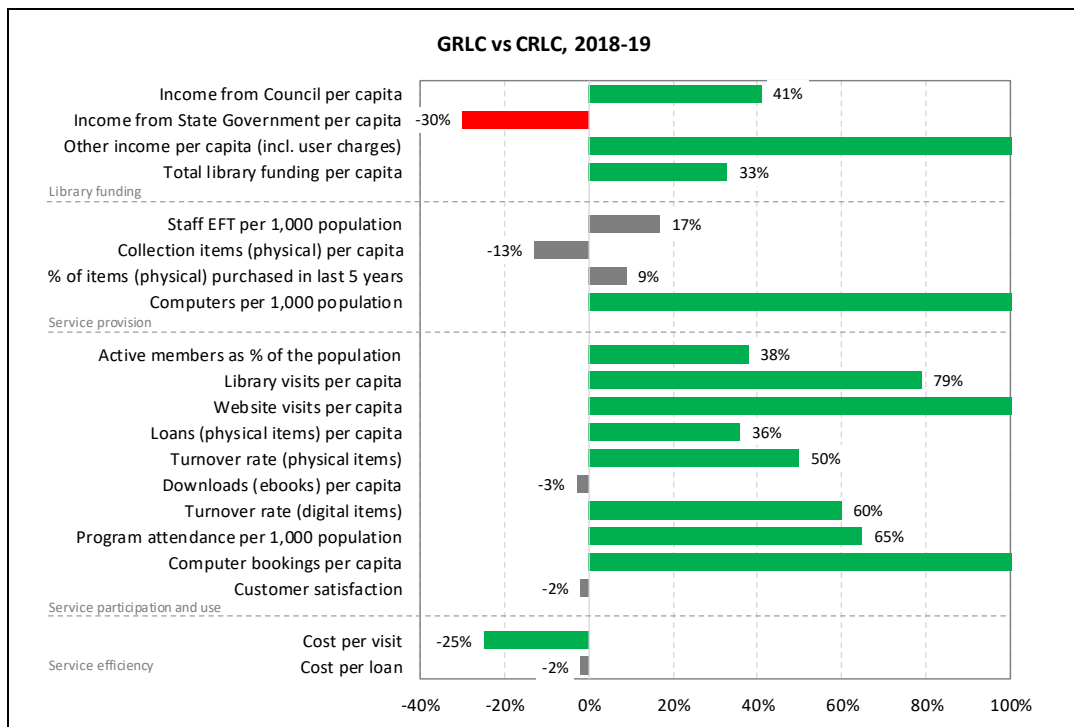
Corangamite Regional Library Corporation

8. CRLC was formed in 1996 under section 196 of the *Local Government Act 1989*. It provides library services in four municipalities – Colac Otway, Corangamite, Moyne and Warrnambool.
9. Benchmarking data shows that CRLC provides a good library service in line with industry standards. However, while service provision is commensurate with the size of the regional population, use of library services across the region is low in terms of per capita membership, visits, loans, program participation and computer use. Customer satisfaction is high.
 - **COS has higher levels of use than other CRLC libraries** (24% of population vs 32% of use).

10. Through the current statewide ‘Libraries Change Lives’ campaign (SLV/PLV) library users have shared the impact libraries have on their lives and the lives of those around them. Hundreds of responses were received from COS residents – young children, avid readers, parents, and people who use the library spaces and computers in their everyday life.
11. CRLC’s total income for 2018-19 was \$3.20M, with \$2.31M of this provided by member Councils. Council contributions averaged \$25.80 per capita, 21% below the state average of \$32.56.
 - **COS has higher per capita contributions than other CRLC libraries** (\$32.98 per capita) to fund its service levels (including additional outreach services). Therefore, the COS community derive greater net benefits than residents of the other member Councils.
12. The CRLC Board is concerned that CRLC’s capacity to continue to deliver the current level of service is not sustainable given funding uncertainties and the need to consider increased costs for service provision. An independent review of CRLC completed in August 2019 found that:
 - Council contributions show a trend of minimal or no growth every second year
 - State Government contributions have not kept pace with inflation or rate capping
 - City of Warrnambool is partnering with South West TAFE in construction of a new joint-use library at the TAFE campus and may withdraw from CRLC (with severe implications for the viability of the Corporation).

Geelong Regional Library Corporation

13. **GRLC is Victoria’s leading library service.** For five years GRLC has outperformed the other 46 Victorian library corporations and municipal library services by having consistently high to good performance against state benchmarks on all aspects of library operations.
14. GRLC outperforms CRLC across 20 key statistical indicators.
 - CRLC leads GRLC on only one indicator – per capita funding contribution from the State Government (which is based on rurality/equity and is beyond a library service’s control).
 - CRLC and GRLC are similar (+/- 20%) on another six indicators, including three related to service provision and customer satisfaction (both have high customer satisfaction ratings).
 - GRLC outperforms CRLC by at least 20% on the remaining 13 indicators.



15. There are two major statistical differences between GRLC and CRLC:
- GRLC has **higher levels of funding** from its member Councils.
 - GRLC has consistently **higher levels of use** of its library services – including per capita membership, visits, loans, program participation and computer use.
 - With additional funding GRLC puts more resources into community engagement and marketing of its library services (including having a modern website). It offers a wider and more diverse range of reading, literacy, cultural and social programs. As a result, more people use the services and derive **greater individual and community benefits**.
16. Research shows that CRLC and GRLC have the same benefit to cost ratio of 3.8. However, as GRLC's member Councils commit greater recurrent funding per capita to their libraries than CRLC, the same ROI results in greater net benefits per capita for GRLC communities.

Value of Public Libraries, SGS 2016-17	GRLC	CRLC
Recurrent expenditure	\$15.5 M	\$3.3 M
Net benefit	\$42.7 M	\$9.3 M
Benefit cost ratio	3.8	3.8
Recurrent funding per capita	\$46	\$36
Net benefits per capita	\$147	\$108

GRLC offer – issues to consider

17. COS moving to GRLC would deliver a service that in part would appear unchanged to the library user. There would still be a library at Colac and one at Apollo Bay. Smaller communities could still access services through a mobile library. Familiar collections and programs would still exist.
18. It is also noted that Colac Otway residents can (and some do) already access GRLC's collections and services in GRLC branches by becoming a GRLC member.
19. In other ways, moving to GRLC represents an **improved service offer**.
- Access to a collection of 469,800 physical and digital items (vs 142,700 in CRLC)
 - Larger borrowing limits (40 items vs 30) and longer loan periods (28 days vs 21)
 - Access to a much larger and more diverse range of reading, learning, social and cultural programs (e.g. author talks, reading festivals, lifestyle programs for people of all ages)
 - Weekly outreach services (if COS wants this, vs fortnightly ones in CRLC)
 - A more user-friendly website with greater functionality to access online library services
 - Online and print newsletters and material promoting library activities.
 - Regional networks with a range of community, educational, cultural and business groups that could contribute to increasing library membership and use of library services.
 - Opportunity (optional) to integrate Council and historical society records, artefacts and resources into the Geelong Heritage Centre and access its regional collections/databases. [This option was not tested or costed by the Review].
20. COS membership of GRLC in 2019-20 would have required a Council contribution of \$831,000. This is \$104,000 (14%) more than the \$727,000 Council committed to CRLC for 2019-20.
- On an annual per capita basis this would represent an increase from \$33.66 with CRLC to \$38.47 with GRLC – an increase of \$4.81 per person who lives in Colac Otway Shire.
 - The cost would be slightly lower if COS negotiated with GRLC a reduced level of outreach service (e.g. fortnightly roster not weekly, fewer than 8 stops).
21. A range of other factors are relevant to any decision for COS to move from CRLC to GRLC.
- **External:** Warrnambool City Council's decision on its future library services have significant implications for the viability of CRLC.
 - **Strategic:** Joining GRLC would align library service delivery with membership of G21.
 - **Structural:** Recent changes to the *Local Government Act* mean COS joining GRLC would trigger dissolution of GRLC and require establishment of a new collaborative

- arrangement. If COS were to join, GRLC have stated their intention to immediately reform as a new entity. The same legislative changes will force dissolution of CRLC by 2029.
- **Governance:** COS would go from having around 30% of CRLC's critical mass to being around 7% of GRLC. From equal representation on the CRLC Board, COS would have one position on an 8-9 member GRLC Board.
 - **Regional:** There is a 'pull' to Geelong as a centre for accessing specialist services/facilities.
 - **Local employment:** CRLC's administrative office is based in Colac and provides employment for ten people (6.9 FTE). These jobs would move if COS left CRLC and the other three Councils retained the corporate structure.
22. If COS initiated any move from CRLC to GRLC it would also, under existing agreements, be liable for some transition costs out of and into the new arrangement. The earliest a move could be made is 30 June 2021 (assuming notice to leave is given by 30 June 2020). Total one-off legal and administrative costs to COS of transition are estimated to be in the order of \$30-120,000.

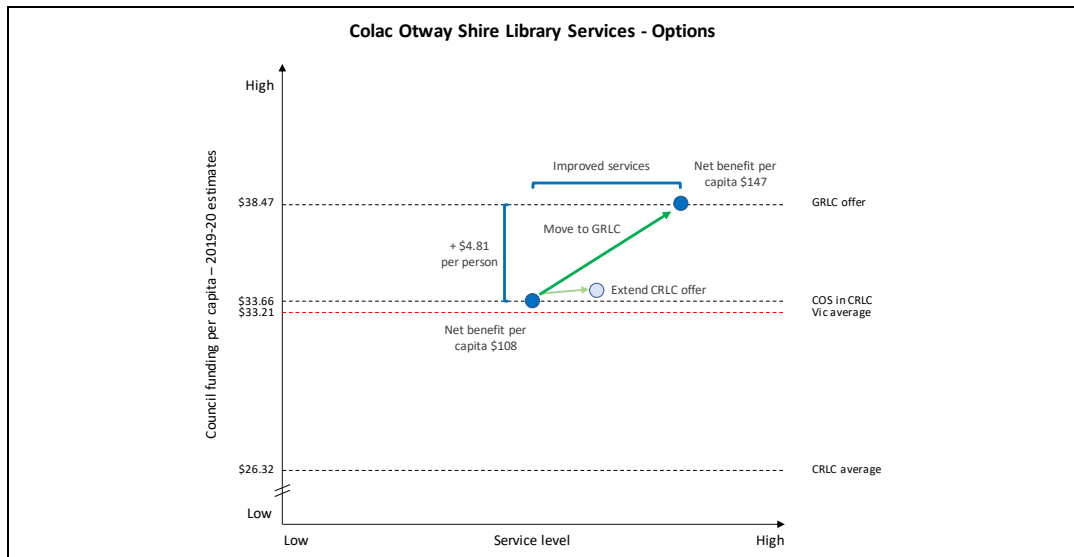
An extended CRLC service offer

23. The current CRLC Service Level Agreement allows for negotiation of variable servicing levels. COS already does this (e.g. relatively longer opening hours at Colac Library, a relatively high number of outreach stops) and consequently makes higher per capita contributions to CRLC than the other three Councils.
- Additional funding from COS could, for example, increase the size of the collection, increase the frequency of programs offered in COS branches, and increase the number of computers and the speed of the wifi.
24. Alternatively, CRLC could realise some small savings (with both CRLC and GRLC) by reducing the scope of its outreach service. Outreach is a very valuable service to people who live in remote areas or are unable to visit a library due to disability or ill health. However, use is low and expensive (average cost per stop per fortnight ~ \$200 for an average of 4 visitors and 30 loans).
25. However, due to CRLC's size, structure and overall funding (especially in comparison with GRLC) it will be difficult and uneconomic to realise some other improvements, especially where these require agreement and additional investment from other member Councils.
26. Colac Otway's current population profile explains its relatively greater demand for and use of library services. Forecast population growth in the next 20 years will only increase demand for public library services, in particular, larger general collections and reading, social, technology support and special interest programs. These are areas where the GRLC offer exceeds anything that could be achieved through an extended CRLC offer.

Colac Otway Shire	→	Impact on demand for services	GRLC	CRLC+
Increasing total population		Larger collections (physical/digital)	✓	●
		More general library programs	✓	~
		More reading/study/meeting space	X	X
Ageing population with high proportion of older people		Larger collections (incl. large print)	✓	●
		More social/special programs	✓	~
More single person households		More demand for program to support social connectivity	✓	~
More people (especially older people) needing access to assistance due to a disability		Home library services and outreach programs	✓	~
More low income households		More demand for access to free library collections and programs	✓	●
More people with no home access to the internet		More access to computers and wifi	X	X
		More technology support programs	✓	~

Interim conclusion – March 2020

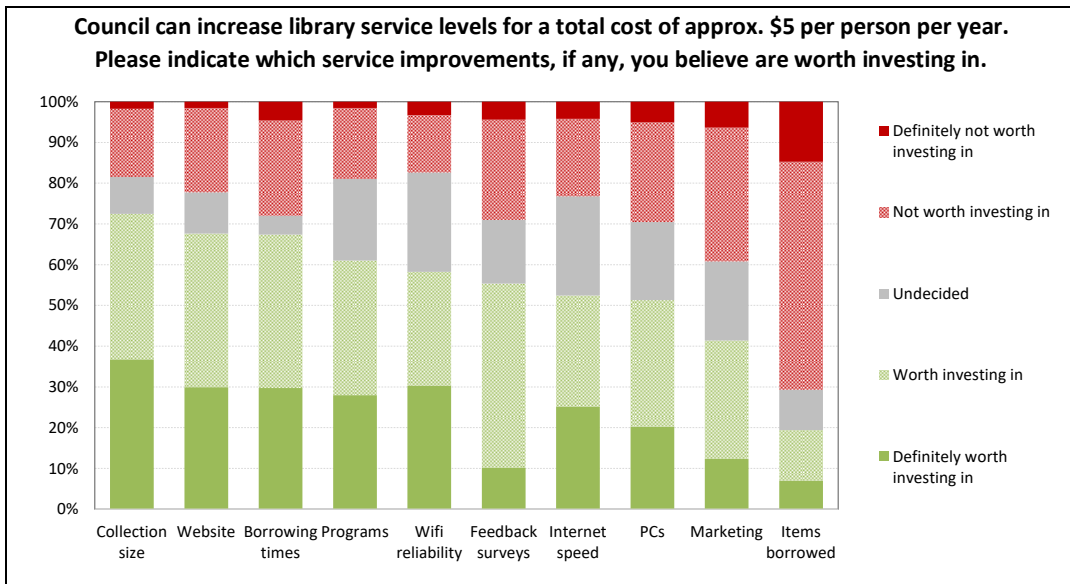
27. The questions for Colac Otway Shire in delivering library services that are more in line with (or above) community standards, industry benchmarks and desirable usage levels are therefore:
- Is it willing to annually pay **an extra \$104,000** (in 2019-20, at **\$4.81 per person**) to access GRLC's more extensive and superior library services and the benefits they bring to library users and the community? (See benefits and risks in Paragraphs 19 and 21)
 - Is it willing to incur **transition costs of \$30-120,000** to realise these changes?

**Update – Warrnambool to leave CRLC**

28. In March 2020, Warrnambool City Council advised the CRLC Board that it intends to **leave the cooperative arrangement from 2022**. Given the findings of the 2019 Sustainability Review, the long-term financial viability of CRLC is now in question.
29. Warrnambool represents 39% of the population served by CRLC, and Warrnambool contributes 37% of CRLC's annual funding from Councils. Its withdrawal from CRLC raises several issues.
- A 39% smaller **collection will have less variety**. There will also be **less book stock in COS libraries**, as other libraries have been carrying stock that Warrnambool Library could not.
 - Most library costs are scalable (e.g. branch staffing, collections), so there are no financial implications for COS in these areas. While some regional administration costs are scalable, others are not – at least in the short to medium term (e.g. leases, subscriptions for resources, accounting and legal fees, insurance, executive costs). **COS will incur additional costs for no increase in service**. CRLC estimates the extra costs per continuing CRLC member will be less than \$20,000 per annum. The Review's analysis of CRLC's current budget suggests that this figure could be closer to \$50,000, at least until new regional arrangements and supplier contracts are established (i.e. approx. \$2 per capita).
 - A reduction in regional administration requirements will lead to a partial reduction in staff employed at CRLC headquarters in Colac (approx. 1.5 to 2 FTE).
 - If CRLC were to continue with three member Councils, COS would be the largest member, contributing (on current figures) more than 40% of CRLC's revenue from Councils. CRLC presents this scenario as an opportunity for COS to show regional leadership.
30. Under the terms of the Regional Library Agreement, any member that leaves is liable for any transition costs incurred by CRLC, including redundancies of staff. However, if COS were to decide to leave CRLC by June 2021, the Agreement is **not clear on which Council would be liable for the transition costs** – Warrnambool which announced first, or Colac Otway which left first.

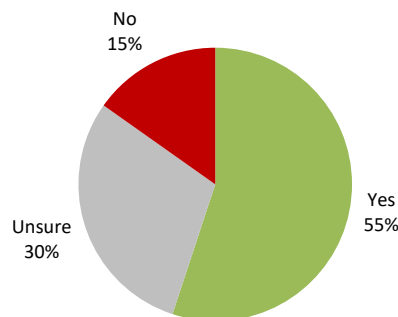
Update – Community consultation

31. Following consideration of the Review’s initial findings in March 2020, Council agreed to seek community input on the option to increase COS’s investment in library services to realise an increased service standard (as could be provided by GRLC or, in theory, an extended CRLC offer).
32. Despite constraints in the consultation process related to the COVID-19 state of emergency, the Colac Otway community were invited to participate in a short online survey over four weeks in April/May 2020. **455 people completed the online survey** (see summary in Section 6).
33. Survey respondents indicated a preference for greater investment in library services to increase service standards. 65-70% said that that they were in favour of an additional investment of \$5 per capita if it could deliver larger collections, a better website, longer borrowing times and better library programs. Only 20% of respondents said that these changes were not worth the investment (10-15% were undecided).
 - There was also more than 50% support for additional investment to increase library programs and internet speed and reliability.
 - Respondents were not in favour of additional investment to improve marketing of library services or increase the number of items that could be borrowed at one time.



34. When asked if they believed Colac Otway Shire should join GRLC the community feedback found 55% of respondents saying ‘Yes’, 30% ‘Unsure’ and 15% saying ‘No’.
35. However, while the survey feedback clearly indicates that respondents are more inclined than not to invest the additional resources required to access the additional services offered through GRLC, this is not an overwhelming endorsement of the proposal. Comments from survey respondents acknowledge both the pros and cons of any switch to GRLC.

Do you believe Colac Otway Shire should join the Geelong Regional Library Corporation?



36. In its submission to the review CRLC believes that through negotiation it can deliver on the bulk of the tangible differences offered by GRLC. *“For less than \$3 per capita in 2020-21 dollars CRLC would be able to provide a significant increase in library programs and activities solely for the benefit of COS residents.”* This approach is and has always been an option for COS and CRLC to explore.
37. A small number of other submissions and comments were received from interested parties. While not raising new issues, they encouraged Council to continue to provide library services through a collaborative model, rather than adopt a stand-alone approach.

Recommendation

38. The Library Service Review has examined the question of whether Colac Otway Shire should leave CRLC and seek to become a member of GRLC. In a dynamic environment the Review has considered a wide range of information and community and stakeholder input. In framing a recommendation, **key considerations** have been:
- COS’s long-standing membership of CRLC and the good quality library services that CRLC has delivered to the Colac Otway community over a long period of time
 - GRLC’s standing as Victoria’s leading library service
 - the opportunity for COS residents to access much larger library collections and a more diverse and extensive range of reading, learning, social and personal development programs at GRLC
 - the fact that COS residents can already become GRLC library members at no cost to COS
 - community feedback that is positively disposed toward membership of GRLC at a higher cost to Council, although this was not an overwhelming endorsement of the option and different opinions did exist
 - the estimated additional cost to the Shire of approximately \$5 per capita (in 2019-20 dollars) to join GRLC and the potential one-off transition costs
 - CRLC’s claim that it could deliver some of the benefits offered by GRLC for less than \$3 per capita
 - Warrnambool City Council’s advice to the CRLC Board that it intends to withdraw from the Corporation in 2022, the subsequent uncertainty about the viability of CRLC in its altered form, and the additional costs that each of the three remaining member Councils will have to bear to cover regional administration with no related increase in service standards (estimated at up to \$50,000 per annum, or more than \$2 per COS resident).
39. With recent development there are **new issues** that remain untested. For example:
- the exact \$ cost of joining GRLC (for the services COS now understands that the community sees as important)
 - what exactly CRLC could actually deliver for an extra \$3 per person
 - what the Shires of Moyne and Corangamite Moyne intend to do in response to Warrnambool Coty Council’s announcement
 - which Council would be liable for what transition/exit costs if COS were to also leave CRLC.
40. In essence, however, COS has the option to move to GRLC for \$5 per capita or stay in CRLC for \$5 per capita (assuming an extra \$3 for local service enhancements that partially meet the GRLC offer and an extra \$2 for additional regional administration costs when Warrnambool leaves CRLC). As GRLC represents a more stable and higher quality offer, and CRLC’s future is uncertain:
- It is recommended that Colac Otway Shire withdraw from Corangamite Regional Library Corporation and seek to join Geelong Regional Library Corporation.**
41. For simplicity, COS’s departure might be timed to coincide with that of Warrnambool City Council.

1. BACKGROUND REVIEW

Statement of the rationale for the review, taking into account the current status, operations and performance of the Corangamite Regional Library Corporation (CRLC) and the interests of the Colac Otway Shire (COS).

1.1. COS Council resolution 27 February 2019

At Colac Otway Shire's Ordinary Council meeting of 27 February 2019, Councillor Stephen Hart (a Council representative on the Board of the Corangamite Regional Library Corporation) presented a Notice of Motion.

"The Corangamite Regional Library Service was initially formed in 1967 and grew to serve 13 local government areas. Following Council amalgamations in 1994, the Service became the Corangamite Regional Library Corporation (CRLC). Since 1996 CRLC has provided library services for four municipalities – Colac Otway, Corangamite, Moyne and Warrnambool. ...

Warrnambool Council has been pursuing a joint use library arrangement with TAFE since around 2010. That issue prompted Council to consider the ongoing viability of CRLC and led to discussion as to whether Council might become a member of Geelong Regional Library Corporation (GRLC). Council now needs to consider whether there are advantages to move to GRLC regardless of what Warrnambool Council does with the management of their library service. ...

Initial enquiries have resulted in GRLC saying, in effect, that they are open to the discussion of Colac Otway Shire becoming a member so that library services are managed by GRLC rather than CRLC. Council has made some initial cost estimates and they indicate that there will be extra costs in moving from CRLC to GRLC. However, until there is more of a clear proposal it is difficult to assess precise costs. ...

Under the current Agreement, Colac Otway Shire Council has to give CRLC 12 months' notice that it is leaving the Corporation. If, after public consultation, Council does decide to leave and join GRLC, the commencement date is likely to be more than a year away."

The Notice of Motion was passed, stating that Council:

1. Notes that a review of the provision of library services is identified in Council Plan 2017-2021 and the Creative Colac Otway Arts and Culture strategy 2018-2022.
2. Notes that initial enquiries have been made by Council about the possibility of Council changing its membership from CRLC to GRLC.
3. Notes that GRLC has indicated that it is prepared to enter into a discussion as to whether Colac Otway Shire Council could become a member of GRLC.
4. Endorse the commencement of a more detailed investigation of the financial, governance, human resource and legal and service implications of such an arrangement.
5. Requests that the Chief Executive brief Council on the outcome of the investigation.
6. Requests that the Chief Executive prepare a consultation plan giving consideration to the outcomes of 4 and 5.
7. Requests that the Chief Executive brief Council on the outcome of all activities including negotiations with GRLC and consultation with the community, with recommendations for next steps.

1.2. Library services in Colac Otway Shire

CRLC currently operates library services in Colac Otway Shire, Corangamite Shire, Moyne Shire and Warrnambool City Council. CRLC has 11 library branches and a mobile outreach van that visits 12 small towns on a fortnightly schedule. In 2018-19 CRLC had 38,000 members, 307,000 library visits and more than 550,000 loans. It has an annual budget of around \$3.2M and employs 60 staff (26.6 FTE).

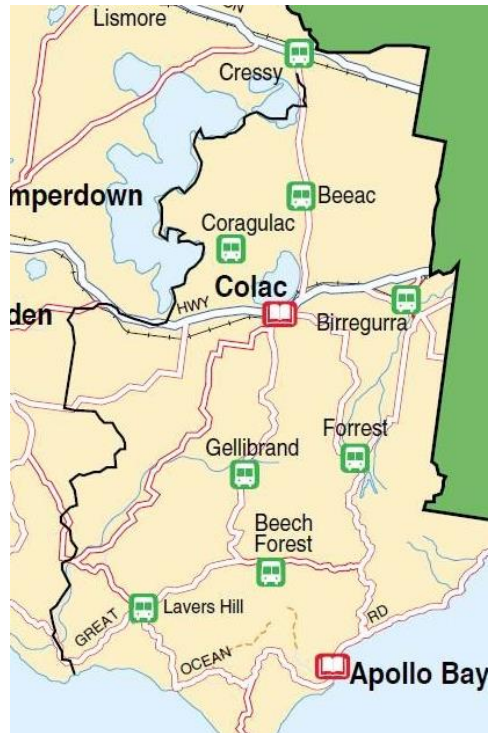
Colac Otway Shire libraries

Colac Otway Shire has two library branches at Colac and Apollo Bay, and eight outreach stops.

The Colac Community Library and Learning Centre was built in 2010. The centre accommodates the general community, Colac Secondary College students and other learning groups including TAFE and U3A students. The library offers a full range of library services – physical and digital collections, reference and information services, children’s and adult programs, access to computers and wifi, and spaces for people to read, study, work, meet and relax.

The small Apollo Bay Library has one public computer with internet access, access to online resources, talking books for children, ebooks and a host of books to loan. The library runs a weekly Rhyme Time program for pre-school children during school term.

The library outreach van provides a mobile library service to people in small rural communities where there is no physical branch, or to people unable to visit a library due to frailty, disability or ill health. The van services Colac and eight rural locations in the Shire, including Beeac, Beech Forest, Birregurra, Coragulac, Cressy, Forrest, Gellibrand and Lavers Hill. The van visits these towns fortnightly and carries a collection of more than 1,200 items for loan, including fiction and non-fiction books, talking books, videos and DVDs, large print books and magazines.



A challenging environment

CRLC’s 2018-19 annual report notes the challenging environment in which the library is operating.

“Our libraries continue to be well used, although there was an overall decrease in loans and visits when compared to last year. There were however pleasing increases in the number of people who came to our programs and activities. Loans of our electronic resources, especially ebooks and e-audiobooks, continue to grow at a healthy rate.

The finances of the Corporation continue to be a concern with our first deficit budget for some years. The review of services to ensure they are financially viable, effective and sustainable has been undertaken over the past year, with some important decisions from member Councils about how their library services can best be delivered. The Board continues to advocate with our major funding bodies to ensure the needs of the service can be adequately accommodated in a Rate Cap environment.”¹

¹ CRLC 2018-19 Annual Report, message From the Chair, Cr Ruth Gstrein.

1.3. CRLC Sustainability Review

In recognition of the challenging environment in which it operates, during 2019 CRLC engaged an independent consultant (Graham Shiell Consulting) to conduct a Performance and Sustainability Review of the Corporation. The Board was concerned that CRLC's capacity to continue to deliver the current level of service is not sustainable given the funding uncertainties and the need to consider increased costs for service provision. The review was completed in August 2019, with key findings noted below.²

- Services
 - CRLC is delivering a service comparable to similar sized Library Corporations.
 - CRLC is experiencing negative trends in some of its usage metrics – partly reflective of industry-wide patterns and partly symptomatic of difficulties it faces in attracting resources to respond to industry trends and build collections and programs.
 - Visits, loans and computer usage in 2017/18 were the lowest in the past four years.
 - There has been a gradual ageing of the library collection in the past few years.
 - Customer feedback shows that parking, opening hours and ease of using the library website are all considered weaknesses.³
 - CRLC compares favourably with other library services in the size of its regional administration functions (i.e. relatively efficient).
- Financials
 - The dependence on Council and State funding support is significant (approx. 72% of revenue comes from Council contributions, 26% from State Government grants and 3% from other sources, such as fees and charges).
 - Council contributions show a worrying trend of minimal or no growth ever second year.
 - State Government contributions have not kept pace with inflation or rate capping.
 - Working capital ratio is below target and the trendline shows it declining further.
- Corporate model
 - Colac Otway is considering the possibility of becoming part of GRLC.
 - Warrnambool is partnering with SWTAFE in the construction of a new joint-use library at the TAFE campus and is undertaking a thorough review of governance models.
 - Withdrawal of a Council from CRLC would severely impact the viability of the Corporation.

Opportunities for cost savings were identified. Opportunities to enhance the service offer to the community (for extra cost) included digital literacy education, increased programs and activities, marketing and promotion campaigns, improved online experiences and improved computer and wifi access.

1.4. Benchmarking CRLC's performance

CRLC's service levels and performance can be benchmarked in a number of ways, including:

- comparison with the national standards for public libraries
- comparison with other Victorian library services
- internal comparison of library branches within CRLC.

Benchmarking of CRLC's service provision, usage and efficiency (see Appendix 2) shows that:

- provision of library services by CRLC to the regional population is broadly in line with national standards and state averages

² Graham Shiell Consulting, *CRLC Performance and Sustainability Review*, August 2019.

³ A move from CRLC to GRLC would have no effect on user access to parking, which is an issue for Council. Opening are negotiable with CRLC and would be with GRLC. GRLC has a superior website.

- use of library services by the regional population is below relevant benchmarks
- average use of library services by COS residents is higher than in the other member Councils (Warrnambool is also above average, Corangamite below average, Moyne well below average).

1.5. Libraries' contribution to community outcomes

Public libraries are known to contribute to a range of different outcomes for library users and their communities (as identified in the national Guidelines for public libraries).⁴

- | | |
|--------------------------------------|--|
| ▪ Literacy and lifelong learning | ▪ Personal development and wellbeing |
| ▪ Informed and connected citizenship | ▪ Stronger and more creative communities |
| ▪ Digital inclusion | ▪ Economic and workforce development. |

Contribution to Council goals

The COS libraries contribute directly to achievement of four of the six goals related to the 'Our Community' theme in the *Council Plan 2017-2021*, as well as contributing to the goals and objectives articulated in Council's *Public Health and Wellbeing Plan 2017-2021*.

COUNCIL PLAN – THEME 3: OUR COMMUNITY⁵

We work to know our community and to understand their needs and aspirations. We plan our assets and services to meet community need and to foster a culture of good service and partnership with others.

Goal 1 – Increase social connection opportunities and community safety.

Goal 2 – Connect people through events and activities.

Goal 3 – Opportunities for the community to participate in lifelong learning.

Goal 5 – Foster an inclusive community.

HEALTH AND WELLBEING PLAN⁶ (Goal : Objective)

Support families to provide the best start for their children : Focus on the importance of reading to young children.

Healthy ageing : Older people are empowered to participate in decision making that enhances their quality of life.

Take action to build resilient and socially connected individuals and communities : Increased social connection opportunities.

Acknowledge and celebrate our community's culture, heritage and diversity : Support diverse communities.

The importance of these goals is highlighted in an ageing Colac Otway community with a high proportion of people living alone (see Appendix 3).

Return on investment

Research recently undertaken by SGS Economics and Planning in Victoria⁷ corroborates national and global research that identifies public libraries as one of the most productive forms of investment in public services. The 2017 data shows that CRLC has a benefit to cost ratio of 3.8, meaning that every \$1

⁴ APLA/ALIA, *Guidelines, Standards and Outcome Measures for Australian Public Libraries*, 2016.

⁵ Colac Otway Shire Council Plan 2017-2021.

⁶ Colac Otway Shire Municipal Public Health and Wellbeing Plan 2017-2021.

⁷ *Dollars, Sense and Public Libraries*, SGS Economics for State Library of Victoria and Public Libraries Victoria Network, 2011 (plus update in 2017).

invested in the libraries by member Councils and other funding sources generates a return of \$3.80 to the community. This equates to a net benefit of \$108 per resident per year. The library service supports regional employment with estimated creation of 32 FTE jobs and local value added of \$4.0M.⁸

Libraries Change Lives

Through the 'Libraries Change Lives' campaign run by the State Library of Victoria (SLV) and Public Libraries Victoria (PLV), library users have been encouraged to share their experiences of their local library service and the impact it has on their life and the lives of those around them. Among the hundreds of responses received across the region, the postcards from COS residents (names removed) demonstrate the importance of local libraries. Apart from the literacy benefits for young children and avid readers, people commented on the social benefits for people of all ages, digital inclusion and the way in which libraries are an important part of many people's day to day life.

WE LOVE THE LIBRARY!
WE COME EVERY WEEK
Library funding matters because...
Libraries are a central hub of our community. We use our books to access printing, newspapers, magazines, internet for homework, tutoring & meeting space. Education services over school holidays and most importantly books. Nothing beats a book for learning, escapism and bringing joy!

I would be lost without my local library. I take out about 15-20 books a week. Some great, some 'meh' but it's the choice that's important. I have been a 'mad' reader since I was 4 yrs old & libraries have always featured heavily in my life. CHOICE + VARIETY + Education matters.

As an aged pensioner the library is a friendly place to visit and I enjoy the variety of books. I would otherwise have no access to. I live on my own so the local library meets a need in my life. The staff are so helpful if I need to use the computer & I'm happy that we can access books both online

⁸ <https://www.sgsep.com.au/maps/2018/victoria-value-of-public-libraries/#>.

Why are they so important to the Corangamite Region? Here are five good reasons why.

1. The children aged 18mths to 5 years congregate to hear stories, learn to speak and read: learn and to care for other people's property (books).
2. People who can't afford a computer can access the internet at the library.
3. The older generation can come to read the daily newspapers and discuss topics therein with their peers.
4. Reading is often the only form of entertainment for many older people who are housebound or infirm.
The weekly visit to the library is often their only social contact.
5. Everyone can have access to all sorts of books e.g. D.I.Y, gardening, History, biographies etc.

2. CURRENT CRLC SERVICE OFFER

Statement of the current library services offered to member Councils and the community by CRLC, and the conditions under which those services are offered (e.g. financial, legal, operational).

CRLC's provision of library services to COS is based on two agreements:

- i) Agreement to form Corangamite Regional Library Corporation (consolidated to incorporate the Deed of Amendment approved by the Minister in 26 September 2011)
- ii) Library Service Level Agreement, 1 July 2019 to 30 June 2020, Colac Otway Shire Council and Corangamite Regional Library Corporation.

2.1. Regional Library Agreement

The Agreement to form Corangamite Regional Library Corporation is an agreement between the four member Councils to form and operate a regional library to service the area comprising their respective municipal districts pursuant to section 196 of the *Local Government Act 1989*. The agreement (section 7A) provides for each member Council to enter into Service Level Agreements with the Corporation.

"Service Level Agreement

1 Each Council will enter into a Service Level Agreement with the Regional Library.

2 The Service Level Agreement will specify the base level services and standards to apply across the region, as well as the Council specified arrangements for added and/or modified services.

3 The Service Level Agreement operates in conjunction with and supports the underlying principles and objectives of this Agreement."

The agreement also defines the conditions governing the exit of any party from the agreement (see Appendix 4).

2.2. Colac Otway Shire – CRLC Service Level Agreement 2019-2020

COS (as do all other member Councils) has an annual Service Level Agreement (SLA) with CRLC. The agreement is an extension to the Regional Library Agreement and constitutes a legally binding contract between the parties to the agreement. The SLA specifies the base (i.e. minimum or default) level services and standards to apply across the region, as well as Council specific arrangements for added and/or modified services.

The key sections of the SLA in considering the current CRLC service offer are:

- Part B: Funding Arrangements
- Part C: Core Public Library Services
- Part D: Base Level Services & Standards
- Part E: Service Point Obligations (including Appendix A: Building Maintenance Responsibilities)
- Part F: Specific Municipal Services (including Appendix B: Council Specific Services)
- Appendix C: Physical Assets at Colac Library, Apollo Bay Library and CRLC Regional Office (for insurance purposes).

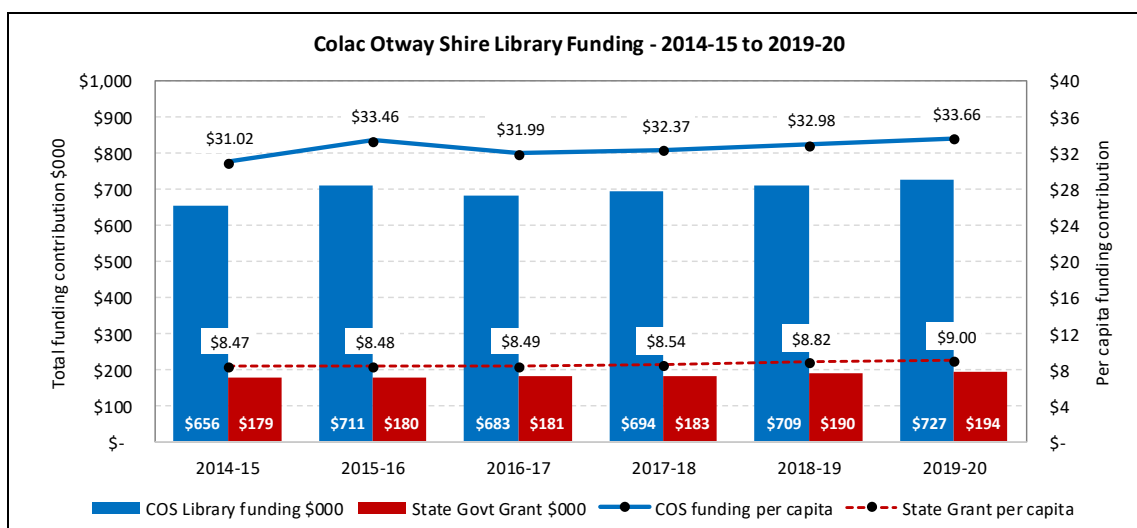
The provisions contained in these sections of the SLA are presented in Appendix 5. The key features of the service offer are summarized in the following table.

Library service		CRLC SLA 2019-2020
Service MANAGEMENT		
Governance		<ul style="list-style-type: none"> ▪ Equal representation on the Library Board (2 members – one Councillor and one Council Officer – on the 8 member Board)
Management		<ul style="list-style-type: none"> ▪ Management of all aspects of the Regional Library Corporation and local library services on behalf of COS
Service OFFERING		
Collections		<ul style="list-style-type: none"> ▪ 133,800 physical items and 8,900 digital items (total 142,700) ▪ 1.5 physical collection items per capita ▪ 67% of physical items purchased in last 5 years ▪ Online catalogue accessible in library branches, on the outreach vehicle and via the library website ▪ Loans of up to 30 items for a general loan period of 21 days (outreach loans 28 days, periodicals and DVDs 7 days, high demand items 14 days) ▪ Overdue fines \$2.50 after 7 days ▪ 2 renewals per item (excluding overdue materials and DVDs) ▪ Access to interlibrary loans (\$2.50 per item)
Information and reference services		<ul style="list-style-type: none"> ▪ Free assistance with access to and use of the collection and with reference and information enquiries
Programs		<ul style="list-style-type: none"> ▪ Reading, literacy, cultural and social programs as agreed with COS ▪ Story Time at Colac Library (weekly during school terms) ▪ Rhyme Time at Colac Library (twice weekly during school terms) ▪ Baby Bounce at Colac Library (weekly during school terms) ▪ Rhyme/Story Time at Apollo Bay Library (weekly during school terms) ▪ Outreach Story Time (occasional) ▪ National Simultaneous Story Time ▪ School holiday activities at Colac and Apollo Bay ▪ Book Club at Colac Library ▪ Author events (book launches, readings), approx. 6-8 per year
Technology access		<ul style="list-style-type: none"> ▪ 7 desktop computers at Colac and 1 at Apollo Bay (total 8) ▪ CRLC average 0.38 computers per 1,000 pop. ▪ Access to public use software ▪ Online public access catalogue at each branch ▪ Free wifi services at library branches and outreach stops ▪ Printing and photocopying charged at 20c per A4 B&W page and \$1 for A4 colour
Places		<ul style="list-style-type: none"> ▪ Free access to spaces in library branches for reading, study, meeting and creating ▪ Meeting room for hire at Colac Library ▪ Library website provides access to online collections and services
Service DELIVERY		
Service points		<ul style="list-style-type: none"> ▪ Delivery of agreed library services within Council nominated facilities ▪ Colac Library open 48.5 hours per week (43.5 hours during school holidays) ▪ Apollo Bay Library open 18 hours per week ▪ Fortnightly outreach stops at 8 locations across the Shire as agreed with COS ▪ Home Library Service in Colac (housebound service) ▪ Library website ▪ Online access to the library catalogue and other services (e.g. event booking)

Library service	CRLC SLA 2019-2020
Staffing	<ul style="list-style-type: none"> 5.95 FTE staff delivering services in COS branches and outreach stops, equal to 0.30 FTE per 1,000 pop. Staff with library qualifications
Funding	<ul style="list-style-type: none"> \$727,000 funding from COS for 2019-20, equal to \$33.66 per capita State Government Public Libraries Grant paid to CRLC
Partnerships	<ul style="list-style-type: none"> Joint use agreement with Colac Secondary College Joint use agreement with Great Ocean Road Health
Customer service	<ul style="list-style-type: none"> 95% customer satisfaction Some marketing and promotion of library services

Funding trends

Colac Otway Shire's 2019-20 funding of \$727,000 for provision of community-based public library services is a 2% increase on funding made in previous years. Two percent annual growth in Council funding of library services over the past six years is broadly in line with rate capping limits (which approximate inflationary factors), but does not allow for any growth in the municipal population and associated increased demand for library services. The State Government Public Libraries Grant has increased in absolute terms over the past six years, but has not kept pace with inflation or population growth. The figures in the following chart have not been adjusted for inflation.



2.3. Joint use agreements

Two other joint use agreements are instrumental in the provision of library services to COS residents at Colac and Apollo Bay.

Colac Library

The Colac Library is located on the grounds of Colac Secondary College. The library building and the land on which it sits are owned by the Victorian Government through the Department of Education and Training.

Colac Otway Shire has access to the building for the provision of community-focused public library services through a Development and Joint Use Agreement (October 2008) between the Minister for Education, the Colac Secondary College School Council and the Colac Otway Shire Council. Under the terms of the agreement, COS contributed approximately \$2.9M toward construction of the library

(which included State and Federal Government grants totalling \$1.8M). The Minister and College Council have granted COS a licence to use the facility for an initial term of 30 years for an annual fee of \$1 (payable on demand).

The agreement states that the College Council and the Shire Council are entitled to shared use of the library area during the specified hours of use. Of particular relevance to this review is Clause 11.4.

“11.4 Appointment of Library Operator

(a) The Shire Council may appoint a Library Operator to operate the Library/Resource Area, subject to prior consultation with the parties, and will be responsible for paying any fees and costs charged by the Library Operator, pursuant to a separate agreement developed between the Shire Council and the College Council.

(b) If appointed, the Library Operator will manage and pay for the operating costs in respect of the library systems. The College Council will reimburse the Library Operator for a share of these costs.”

That is, COS has the right to appoint a Library Operator of its choosing. This is currently CRLC. Should COS decide to join GRLC it could appoint GRLC as the Library Operator.

The operation of the Agreement is overseen by a Joint Committee comprising 2 members appointed by the College Council, 2 members appointed by the Shire Council, 1 member of the Library Operator (if one is appointed) and 2 independent community representatives.

Apollo Bay Library

The Apollo Bay Library is situated behind Marrar Woon Neighbourhood House in Apollo Bay. The library building and the land on which it sits are owned by Great Ocean Road Health, an amalgamation of Otway Health and the Lorne Community Hospital.

Use of the site for a library is authorised through a 2013 Lease and Licence Agreement between (then) Otway Health and Community Services and Colac Otway Shire Council. The Agreement allows Council to use the Library Extension and Multipurpose Rooms for a period of 15 years at an annual fee of \$1. The facilities are to be used to provide library services to the Apollo Bay community. Clause 1.2 states that:

“The Tenant (COS) consents to the corporation listed in item 5 in schedule 1 (that is, Corangamite Regional Library Corporation) operating the library on behalf of the Tenant as its agent or manager and agrees that this arrangement does not constitute an assignment or sub-lease or a vacation or parting with possession of the Premises.”

That is, CRLC is listed in a schedule to the Agreement as the operator of the library service on behalf of COS. This is the only reference to CRLC in the Agreement. Therefore, should COS decide to join GRLC it could appoint GRLC as the ‘Corporation’ listed under item 5 of schedule 1.

2.4. Outreach services

CRLC provides a fortnightly outreach service to people in small rural communities. The library van services Colac and eight rural locations in the Shire, including Beeac, Beech Forest, Birregurra, Coragulac, Cressy, Forrest, Gellibrand and Lavers Hill (as well as four other stops in Moyne and Corangamite Shires).

2018-19 data indicates that on average, around four people visit the van at each stop and they borrow eight items each. The cost of running the outreach service to each location is around \$200 to \$250 per stop per fortnight. With either CRLC or GRLC as the library service provider, COS should consider the viability of this service and potential alternatives (e.g. delivery via meals on wheels).

3. POTENTIAL GRLC OFFER

Outline of a potential service offer from Geelong Regional Library Corporation (GRLC) to enable comparison with the current CRLC service (e.g. data, cost, service level), including identification of the benefits and disadvantages of the GRLC service.

3.1. Geelong Regional Library Corporation

Geelong Regional Library Corporation – with 17 branches serving a regional population of 310,600⁹ – is Victoria's leading library. Based on service provision and usage data across a range of library indicators, GRLC has consistently outperformed all other library corporations and municipal library services over the past five years.

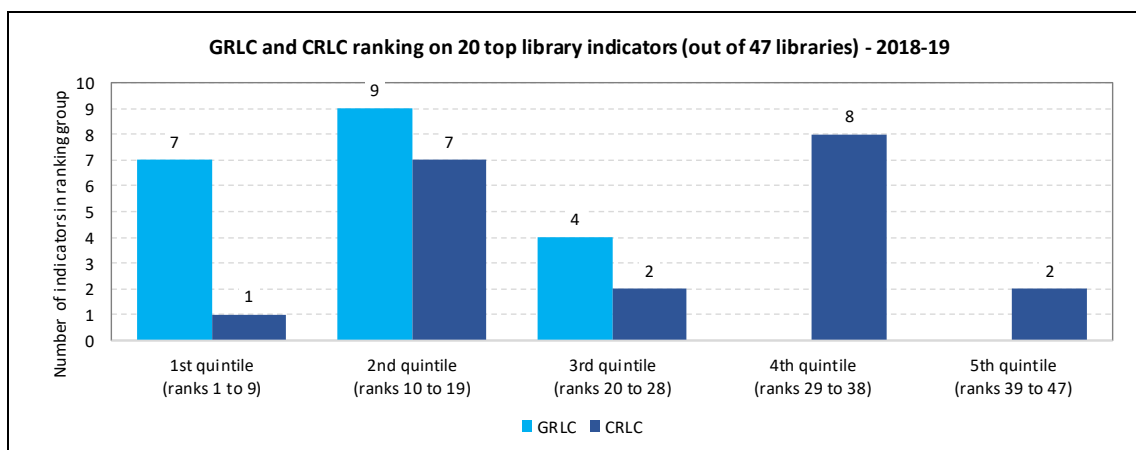
Indicator	2018-19			Average rank (out of 47) 2016-17 to 2018-19	
	GRLC	CRLC	% difference	GRLC	CRLC
Library funding					
Income from Council per capita	\$36.32	\$25.80	+41% ●	22	36
Income from State Govt per capita	\$6.33	\$8.98	-30% ●	24	9
Other income per capita	\$4.74	\$0.81	+485% ●	3	30
Library funding per capita*	\$47.39	\$35.76	+33% ●	27	14
Collections and service provision					
Staff EFT per 1,000 pop.	0.35	0.30	+17% ●	18	24
Physical items per capita	1.3	1.5	-13% ●	26	18
Physical items purchased in last 5 years	73%	67%	+9% ●	12	16
Computers per 1,000 pop.	1.48	0.38	+289% ●	3	36
Service participation and use					
Active members as % of pop.	18%	13%	+38% ●	13	31
Library visits per capita	6.1	3.4	+79% ●	11	39
Website visits per capita	4.8	0.25	+1820% ●	2	39
Loans (physical items) per capita	7.5	5.5	+36% ●	5	25
Turnover rate (physical items)	5.7	3.8	+50% ●	10	29
Downloads (ebooks) per capita	0.65	0.67	-3% ●	18	15
Turnover rate (digital items)	10.9	6.8	+60% ●	6	11
Program attendance per 1,000 pop.	508	307	+65% ●	4	30
Computer bookings per capita	0.59	0.29	+103% ●	12	38
Customer satisfaction	9.3	9.5	-2% ●	5	10
Service efficiency					
Cost per visit*	\$7.80	\$10.39	-25% ●	10	34
Cost per loan*	\$6.32	\$6.44	-2% ●	12	13

* All indicators are ranked from the highest value to the lowest value, except for some cost indicators where the lowest value is ranked No. 1 (marked *).

PLV data for the past three years highlights GRLC's leading industry performance. For example, in the 20 indicators in the table above – covering library funding, collections and service provision, service use

⁹ ABS, *Regional Population Growth, Australia, 2018*, Cat. No. 3128.0, published 27 March 2019.

and efficiency – GRLC ranks among the top fifth of the 47 Victorian library services (ranks 1 to 9) for 7 of these indicators. It also ranks in the second fifth (ranks 10 to 19) for 9 indicators, and in the middle fifth (20 to 28) for the remaining 4 indicators – three of which are related to library funding, where it might be argued that GRLC’s median level of funding from member Councils and the State Government is more desirable than having very low levels of funding (potential underservicing) or very high levels of funding (potential overservicing and inefficiency). Across all 20 indicators, GRLC ranks no lower than 27th out of 47 library services. It is this consistently high to good performance across all aspects of library operations that positions GRLC as the leading library.



3.2. Potential GRLC service offer

Discussions with GRLC have established that if COS were to be a member of GRLC the components of the service offer would be as outlined in the following table. This does not represent a binding agreement or commitment, but is indicative of the services currently offered to GRLC’s four member Councils and therefore the services that would be offered to COS and the Colac Otway community.

Library service	GRLC Service Offer 2019-2020
Service MANAGEMENT	
Governance	<ul style="list-style-type: none"> ▪ One member (COS Councillor) on an 8-9 member Library Board ▪ City of Greater Geelong would have 4-5 members with Golden Plains, Surf Coast, Colac Otway and Queenscliffe having one member each
Management	<ul style="list-style-type: none"> ▪ Management of all aspects of the Regional Library Corporation and local library services on behalf of COS ▪ Greater levels of access to contemporary library industry knowledge, research and networks
Service OFFERING	
Collections	<ul style="list-style-type: none"> ▪ 445,400 physical items and 24,400 digital items (total 469,800, including COS collections) ▪ 1.3 physical collection items per capita ▪ 73% of physical items purchased in last 5 years ▪ Online catalogue accessible in library branches, on the mobile libraries and via the library website ▪ Loans of up to 40 items for a general loan period of 28 days (magazines, music CDs, DVDs, ebooks 14 days) ▪ Overdue fines \$0.40 per day ▪ 2 renewals per item (excluding requested items) ▪ Access to interlibrary loans (\$5.50 per item)

Library service	GRLC Service Offer 2019-2020
	<ul style="list-style-type: none"> ▪ Optional: Incorporate local Council and historical society collections and archives into the Geelong Heritage Centre, Victoria's largest regional archive and resource centre. [Note: This opportunity has not been costed in the current offer.]
Information and reference services	<ul style="list-style-type: none"> ▪ Free assistance with access to and use of the collection and with reference and information enquiries
Programs	<ul style="list-style-type: none"> ▪ Reading, literacy, cultural and social programs as agreed with COS ▪ Weekly Baby Time, Toddler Time and Preschool Story Time sessions ▪ Wide range of children's programs during school terms and school holidays (e.g. Lego Club, Coding Club, craft, puzzles/games, exercise) ▪ Wide range of youth programs (e.g. STEAM, Manga, movie nights, art, music, trivia, craft) ▪ Wide range of literary activities for adults (e.g. book clubs, author encounters – 2-3 per week, literary festival) ▪ Digital literacy programs, Open Mind lectures, Creative and Connected programs (2-3 per week) ▪ Quarterly online and Print What's On brochures
Technology access	<ul style="list-style-type: none"> ▪ Desktop computers at library branches as agreed with COS ▪ GRLC average 1.48 computers per 1,000 pop. ▪ Access to public use software ▪ Online public access catalogue at each branch ▪ Free wifi services at library branches and outreach stops ▪ Printing and photocopying charged at 30c per A4 B&W page and \$1 for A4 colour
Places	<ul style="list-style-type: none"> ▪ Free access to spaces in library branches for reading, study, meeting and creating ▪ Physical library facilities provided by COS and presented to GRLC standard ▪ Contemporary website and online platform providing easy user access to ebooks and online services
Service DELIVERY	
Service points	<ul style="list-style-type: none"> ▪ Delivery of agreed library services within Council nominated facilities ▪ Colac Library open 48.5 hours per week (43 hours during school holidays) ▪ Apollo Bay Library open 18 hours per week ▪ Weekly outreach stops at 8 COS locations incorporated into the GRLC mobile library (or as agreed with COS) ▪ Home Library Service in Colac (housebound service) ▪ Library website ▪ Online access to the library catalogue and other services (e.g. event booking)
Staffing	<ul style="list-style-type: none"> ▪ Staffing levels as agreed by COS/GRLC ▪ GRLC average 0.35 FTE per 1,000 pop. ▪ Staff have full access to GRLC's professional learning activities and networks
Funding	<ul style="list-style-type: none"> ▪ \$831,000 funding (estimated) from COS for 2019-20 ▪ \$38.47 (estimated) per capita ▪ State Government Public Libraries Grant paid to GRLC

Library service	GRLC Service Offer 2019-2020
Partnerships	<ul style="list-style-type: none"> ▪ Joint use agreement with Colac Secondary College ▪ Joint use agreement with Great Ocean Road Health ▪ GRLC has extensive networks across the G21 region (e.g. community organisations, education providers, business groups, cultural organisations)
Customer service	<ul style="list-style-type: none"> ▪ Customer satisfaction rating 9.3 out of 10 ▪ Survey library users every two years to gather feedback and suggestions for improvement ▪ Multiple avenues for customers to engage with the library onsite, online and via social media

GRLC's modelling of indicative funding estimates incorporates the following assumptions.

- No change in funding for existing GRLC members.
- State Government Public Libraries Grant of \$190K paid directly to GRLC (as per existing member Councils).
- Branch salaries costed at GRLC rates for 2019-20.
- Branch communications and computer support costed per comparable branches
 - Colac = Waurn Ponds
 - Apollo Bay = Chilwell
 - Outreach = Golden Plains Mobile.
- Colac Otway represents a 6.1% increase in GRLC loans and visits based on CRLC's 2017-18 Annual Report. Assumed 6.1% increase in related costs for Technical Services and Regional Library Support Centre.
- No income recorded for Colac Otway branches.
- No income recorded for COS Premiers Reading Challenge.
- Colac Otway collections valued at \$1.15M as per documentation provided by COS in 2018 for initial review. Assumed no material change in collection value since 2018. Depreciation assumed at 19% as per GRLC 2018-19 Annual Report.

The overall estimate of COS funding required to be part of GRLC is \$831,000 for 2019-20.

▪ Colac Library	\$392,500
▪ Apollo Bay Library	\$ 60,500
▪ Outreach Services	\$ 72,000
▪ <u>Regional costs</u>	<u>\$306,000</u>
▪ Total	\$831,000.

The \$306,000 contribution to GRLC's regional co-ordination represents 37% of the total funding required. This includes functions such as program design and development, technical services, information technology, provision of online services and the library website, and administration of all aspects of the organisation (e.g. HR, finance, systems, governance).

The \$72,000 funding for outreach services assumes a weekly service to all 8 current COS locations, compared with CRLC's fortnightly service. As noted in Section 2.4, independent of any decision to move to GRLC or stay with CRLC, it is appropriate for COS to consider the financial viability of this service relative to usage levels and potential alternatives.

4. COMPARISON OF SERVICE OFFER

Comparison of the current CRLC service offer with a potential GRLC service offer against standard library metrics, including commentary on CRLC's capacity to improve or change their service offer to match GRLC, and associated costs to Council.

4.1. Benchmarking CRLC and GRLC

PLV data (as shown in Section 3.1) shows that CRLC is a moderately well-performed public library service, with the majority of its library indicators ranked either just above average (ranks 10 to 19) or just below average (ranks 29 to 38). However, as also noted in Section 3.1, GRLC is Victoria's leading public library and outperforms CRLC on most key indicators of library service provision, use and efficiency.

By comparison with GRLC, CRLC is well above GRLC on only one of these indicators – the per capita funding contribution from the State Government (which is based on rurality and equity issues). CRLC is broadly similar to GRLC (+/- 20%) on another six indicators, including three related to service provision (e.g. staffing levels, collection size) and customer satisfaction (both libraries rank very highly for customer satisfaction). GRLC outperforms CRLC by at least 20% on the remaining 13 indicators.

Overall, the two major statistical differences between GRLC and CRLC are:

- i) GRLC has higher levels of funding from its member Councils (CRLC 29% below GRLC)
- ii) GRLC has higher levels of use of its library services – including per capita membership, visits, loans, program participation and computer use (CRLC 27% to 51% below GRLC).

It appears that with additional funding GRLC is able to put more resources into community engagement, marketing and promotion of its library services (including through a modern website), and offer a wider and more diverse range of reading, literacy, cultural and social programs. The result is that more people use the services and derive greater individual and community benefits.

As noted in Section 1.5, research by SGS Economics and Planning shows that CRLC has a benefit to cost ratio of 3.8, meaning that every \$1 invested in the libraries by member Councils and other funding sources generates a return of \$3.80 to the community. GRLC's benefit to cost ratio of 3.8 is the same as CRLC – meaning that the same amount invested in either Corporation has the same community benefit. However, as GRLC's member Councils currently choose to make a greater investment in library services its net benefits per capita are greater than CRLC.

Value of Public Libraries 2016-17 ¹⁰	GRLC	CRLC
Recurrent expenditure	\$15.5 M	\$3.3 M
Net benefit	\$42.7 M	\$9.3 M
Benefit cost ratio	3.8	3.8
Recurrent funding per capita	\$46	\$36
Net benefits per capita	\$147	\$108

4.2. Comparison of CRLC and GRLC service offers

The key elements of the service offers provided by both CRLC (currently – see Section 2.2) and GRLC (potentially – see Section 3.2) are compared in the following table. This does not include reference to a potentially upgraded offer that might be negotiated between COS and CRLC (see Section 4.4).

¹⁰ Dollars, Sense and Public Libraries, SGS Economics for SLV and PLV Network, 2011 (plus update in 2017).

Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Implications of change
Service MANAGEMENT			
Governance	<ul style="list-style-type: none"> Equal representation on the Library Board (2 members – one Councillor and one Council Officer – on the 8 member Board) 	<ul style="list-style-type: none"> One member (COS Councillor) on an 8-9 member Library Board City of Greater Geelong would have 4-5 members with Golden Plains, Surf Coast, Colac Otway and Queenscliffe having one member each 	<ul style="list-style-type: none"> Reduced number of Board representatives at GRLC Equivalent standing to other smaller Councils (1/9th or 11%) Over-represented proportionally as COS is only 7% of regional population
Management	<ul style="list-style-type: none"> Management of all aspects of the Regional Library Corporation and local library services on behalf of COS 	<ul style="list-style-type: none"> Management of all aspects of the Regional Library Corporation and local library services on behalf of COS Greater levels of access to contemporary library industry knowledge, research and networks 	<ul style="list-style-type: none"> GRLC’s much larger regional administration team has a wider and deeper range of professional expertise and connections (e.g. strategic planning, technology services, staff development, marketing and promotions, partnerships, community engagement) as is evident in GRLC’s leading library status
Service OFFERING			
Collections	<ul style="list-style-type: none"> 133,800 physical items and 8,900 digital items (total 142,700) 1.5 physical collection items per capita 67% of physical items purchased in last 5 years Online catalogue accessible in library branches, on the outreach vehicle and via the library website Loans of up to 30 items for a general loan period of 21 days (outreach loans 28 days, periodicals and DVDs 7 days, high demand items 14 days) Overdue fines \$2.50 after 7 days 2 renewals per item (excluding overdue materials and DVDs) 	<ul style="list-style-type: none"> 445,400 physical items and 24,400 digital items (total 469,800, including COS collections) 1.3 physical collection items per capita 73% of physical items purchased in last 5 years Online catalogue accessible in library branches, on the mobile libraries and via the library website Loans of up to 40 items for a general loan period of 28 days (magazines, music CDs, DVDs, ebooks 14 days) Overdue fines \$0.40 per day 2 renewals per item (excluding requested items) 	<ul style="list-style-type: none"> GRLC collection more than 3 times the size of CRLC’s and of better physical quality GRLC has slightly fewer items per capita than CRLC (1.3 vs 1.5) GRLC has greater borrowing terms (e.g. number of items, length of loan) GRLC has higher fines, fees and charges than CRLC Option (uncosted) to be part of Geelong Heritage Centre for storage and access to historical records, collections and artefacts Interlibrary loans are more expensive than in CRLC, although with a much larger direct collection available it is less

Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Implications of change
	<ul style="list-style-type: none"> ▪ Access to interlibrary loans (\$2.50 per item) 	<ul style="list-style-type: none"> ▪ Access to interlibrary loans (\$5.50 per item) ▪ Optional: Incorporate local historical collections and archives into the Geelong Heritage Centre, Victoria’s largest regional archive and resource centre (not costed) 	<ul style="list-style-type: none"> ▪ likely that COS residents would need to use this service (potentially a net saving)
Information and reference services	<ul style="list-style-type: none"> ▪ Free assistance with access to and use of the collection and with reference and information enquiries 	<ul style="list-style-type: none"> ▪ Free assistance with access to and use of the collection and with reference and information enquiries 	<ul style="list-style-type: none"> ▪ No difference
Programs	<ul style="list-style-type: none"> ▪ Reading, literacy, cultural and social programs as agreed with COS ▪ Story Time at Colac Library (weekly during school terms) ▪ Rhyme Time at Colac Library (twice weekly during school terms) ▪ Baby Bounce at Colac Library (weekly during school terms) ▪ Rhyme/Story Time at Apollo Bay Library (weekly during school terms) ▪ Outreach Story Time (occasional) ▪ National Simultaneous Story Time ▪ School holiday activities at Colac and Apollo Bay ▪ Book Club at Colac Library ▪ Author events (book launches, readings), approx. 6-8 per year ▪ All programs run at Colac Library, Apollo Bay has a more limited program offer 	<ul style="list-style-type: none"> ▪ Reading, literacy, cultural and social programs as agreed with COS ▪ Weekly Baby Time, Toddler Time and Preschool Story Time sessions ▪ Wide range of children’s programs during school terms and school holidays (e.g. Lego Club, Coding Club, craft, games, exercise) ▪ Wide range of youth programs (e.g. STEAM, Manga, movie nights, art, music, trivia, craft) ▪ Wide range of literary activities for adults (e.g. book clubs, author encounters – 2-3 per week, literary festivals) ▪ Digital literacy programs, Open Mind lectures, Creative and Connected programs (2-3 per week) ▪ Quarterly online and Print What’s On brochures 	<ul style="list-style-type: none"> ▪ GRLC has an extensive range of library programs with activities for people of all ages and interests ▪ Most activities are scheduled at all branches, with feature programs hosted at larger libraries (which could include Colac)
Technology access	<ul style="list-style-type: none"> ▪ 7 desktop computers at Colac and 1 at Apollo Bay (total 8) ▪ CRLC average 0.38 PCs per 1,000 pop. 	<ul style="list-style-type: none"> ▪ Desktop computers at library branches as agreed with COS ▪ GRLC average 1.48 PCs per 1,000 pop. 	<ul style="list-style-type: none"> ▪ GRLC branches have on average 3-4 times the number of computers of CRLC libraries

Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Implications of change
	<ul style="list-style-type: none"> ▪ Access to public use software ▪ Online public access catalogue at each branch ▪ Free wifi services at library branches and outreach stops ▪ Printing and photocopying charged at 20c per A4 B&W page and \$1 for A4 colour 	<ul style="list-style-type: none"> ▪ Access to public use software ▪ Online public access catalogue at each branch ▪ Free wifi services at library branches and outreach stops ▪ Printing and photocopying charged at 30c per A4 B&W page and \$1 for A4 colour 	<ul style="list-style-type: none"> ▪ This is considerably more than CRLC has at present and needs (the current PCs have spare capacity) ▪ GRLC has a higher cost for printing and photocopying B&W pages
Places	<ul style="list-style-type: none"> ▪ Free access to spaces in library branches for reading, study, meeting and creating ▪ Meeting room for hire at Colac Library ▪ Library website provides access to online collections and services 	<ul style="list-style-type: none"> ▪ Free access to spaces in library branches for reading, study, meeting and creating ▪ Physical library facilities provided by COS ▪ Contemporary website and online platform providing easy user access to ebooks and online services 	<ul style="list-style-type: none"> ▪ GRLC’s website is superior to CRLC’s in terms of look, ease of navigation and functionality
Service DELIVERY			
Service points	<ul style="list-style-type: none"> ▪ Delivery of agreed library services within Council nominated facilities ▪ Colac Library open 48.5 hours per week (43 hours during school holidays) ▪ Apollo Bay Library open 18 hours per week ▪ Outreach stops at 8 locations across the Shire as agreed with COS ▪ Home Library Service in Colac (housebound service) ▪ Library website ▪ Online access to the library catalogue and other services (e.g. event booking) 	<ul style="list-style-type: none"> ▪ Delivery of agreed library services within Council nominated facilities ▪ Colac Library open 48.5 hours per week (43 hours during school holidays) ▪ Apollo Bay Library open 18 hours per week ▪ Weekly outreach stops at 8 COS locations incorporated into the GRLC mobile library (or as agreed with COS) ▪ Home Library Service in Colac (housebound service) ▪ Library website ▪ Online access to the library catalogue and other services (e.g. event booking) 	<ul style="list-style-type: none"> ▪ Both CRLC and GRLC would deliver agreed library services within Council nominated facilities and with opening hours as agreed with COS ▪ GRLC is familiar with the operation of joint use libraries through Barwon Heads and Western Heights Libraries (both on school grounds) ▪ GRLC runs its mobile service on a weekly schedule vs CRLC’s fortnightly schedule

Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Implications of change
Staffing	<ul style="list-style-type: none"> ▪ 5.95 FTE staff delivering services in COS branches and outreach stops, equal to 0.30 FTE per 1,000 pop. ▪ Staff with library qualifications 	<ul style="list-style-type: none"> ▪ Staffing levels as agreed by COS/GRLC ▪ GRLC average 0.35 FTE per 1,000 pop. ▪ Staff have full access to GRLC’s professional learning activities and networks 	<ul style="list-style-type: none"> ▪ Both CRLC and GRLC would agree staffing levels with COS ▪ GRLC typically has slightly higher staffing levels ▪ By virtue of size and strategic position GRLC staff have access to a range of professional development opportunities
Funding	<ul style="list-style-type: none"> ▪ \$727,000 from COS ▪ \$33.66 per capita ▪ State Government Public Libraries Grant paid to CRLC 	<ul style="list-style-type: none"> ▪ \$831,000 (estimated) ▪ \$38.47 per capita ▪ State Government Public Libraries Grant paid to GRLC 	<ul style="list-style-type: none"> ▪ GRLC requires additional \$104,000 annually (to be inflation and service adjusted) ▪ Additional \$4.81 per capita ▪ GRLC can realise greater administrative efficiencies due to its much larger size
Partnerships	<ul style="list-style-type: none"> ▪ Joint use agreement with Colac Secondary College ▪ Joint use agreement with Great Ocean Road Health 	<ul style="list-style-type: none"> ▪ Joint use agreement with Colac Secondary College ▪ Joint use agreement with Great Ocean Road Health ▪ GRLC has extensive networks across the G21 region (e.g. community organisations, education providers, business groups, cultural organisations) 	<ul style="list-style-type: none"> ▪ Access to a wider range of regional partners to facilitate service provision and reach out to new target audiences
Customer service	<ul style="list-style-type: none"> ▪ 95% customer satisfaction ▪ Some marketing and promotion of library services 	<ul style="list-style-type: none"> ▪ Customer satisfaction rating 9.3 out of 10 ▪ Survey library users every two years to gather feedback and suggestions for improvement ▪ Multiple avenues for customers to engage with the library onsite, online and via social media 	<ul style="list-style-type: none"> ▪ Both library services have very high levels of customer satisfaction (ranked 4 and 5 in Victoria in 2018-19) ▪ GRLC very active in engaging users and seeking user feedback

4.3. Other factors

Beyond the delivery of library services to the Colac Otway community, COS should consider other a range of strategic, structural and operational factors in assessing future options for its library services.

Factor	Status
External	<ul style="list-style-type: none"> ▪ The City of Warrnambool has been pursuing a joint use library arrangement with South West TAFE since around 2010. ▪ In March 2020 Warrnambool City Council advised the CRLC that it intended to withdraw from the cooperative arrangement from 2022. With Warrnambool leaving, the viability of the Corporation is now in question, regardless of any decision by COS on its library services. ▪ If the three remaining member Councils chose to continue with CRLC they would each have additional financial commitments to cover Warrnambool's share of CRLC's corporate administrative operations (currently approximately \$250,000). COS would represent approximately 50% of the reconstituted corporation. ▪ If CRLC were to fold due to Warrnambool and/or COS leaving there would be broader implications in terms of the dissolution of the corporation and distribution of current assets and liabilities. The full extent of this outcome – the timing and the financial implications – are to some extent unknown and have not been considered as part of this review.
Strategic	<ul style="list-style-type: none"> ▪ Geelong Region Alliance (G21) is a formal alliance of government, business and community organisations working together to improve the lives of people within the Geelong region. G21 works as a forum to discuss regional issues resulting in better coordinated research, consultation and planning. G21 supports delivery of projects that benefit the region and is a platform for the region to speak with one voice to all levels of government. G21 works across five municipalities – COS and the four Councils that are members of GRLC. COS moving to GRLC would align provision of library services with G21.
Regional	<ul style="list-style-type: none"> ▪ It is understood that for some part of the Colac Otway population there is a natural 'pull' toward Geelong. Geelong is the nearest large city and provides greater levels of access to specialist health, tertiary education, Commonwealth and State government, major recreation, retail centres and other community services.
Structural	<ul style="list-style-type: none"> ▪ The <i>Local Government Bill 2019</i> amends the provisions in the <i>Local Government Act 1989</i> related to regional library corporations. The 2019 amendments require all existing regional library corporations formed under section 196 to be wound up within 10 years. That is, CRLC must be wound up as an entity formed under section 196 of the Act by 2029. Member Councils may choose to re-engage in a corporate structure of their choosing. The 2019 Bill, which comes into effect on 1 July 2021, also states that while a Council may cease to be a member of an existing regional library, "no additional Council may become a member of an existing regional library". That is, COS becoming a member of GRLC (which under the current Agreement could happen from 1 July 2021) would trigger the dissolution of GRLC and require establishment of a new corporate entity. It is understood that GRLC member Councils are willing to accept this outcome.

Factor	Status
Governance	<ul style="list-style-type: none"> COS currently represents around 30% of CRLC's critical mass (in terms of members, collections, loans, etc.). COS has 24% of the regional population and 25% membership of the CRLC Board. As part of GRLC, COS would become one of four small member Councils working with a very large Council, making up around 7% of library services and use. This change would be reflected in new governance arrangements. COS would go from having an equal 25% membership of the CRLC Board to one position on an 8-9 member Board where City of Greater Geelong has 50% or a majority of members. Interestingly, while COS in GRLC would have less total influence over governance issues than it currently has in CRLC, its proportional influence 11-12% would be greater than its population or usage share.
Local employment	<ul style="list-style-type: none"> CRLC's administrative office is based in Colac (Wilson St). The office provides local employment for ten people (6.9 FTE). If COS were to leave CRLC, the administrative office would move to another Local Government Area (LGA). GRLC's head office is at the Geelong Library and Heritage Centre in central Geelong.
Library Management System	<ul style="list-style-type: none"> CRLC and GRLC operate different Library Management Systems (Spydus by Civica and Horizon by Sirsi Dynix respectively). Any move to GRLC would require migration of the collection to the new LMS. There would be temporary disruption to user access to the collection (less than one week).

4.4. Extended CRLC service offer

CRLC's current Service Level Agreements already provide capacity for member Councils to negotiate variable servicing levels. This is evident in the fact that COS libraries have different (in Colac longer) opening hours to other CRLC libraries and COS has eight of the 12 outreach stops. COS's annual contribution to CRLC reflects these differentiated service levels, and it makes higher per capita contributions than the other three Councils.

LGA	Population 30 June 2018	CRLC Contribution 2018-19	Council funding per capita
Colac Otway	21,503	\$709,155	\$32.98
Corangamite	16,140	\$444,511	\$27.54
Moyne	16,887	\$331,392	\$19.62
Warrnambool	34,862	\$821,448	\$23.56
Total	89,392	\$2,306,506	\$25.80

Therefore, extending (or reducing) the scope and range of services COS accesses through CRLC is (for the most part) simply a matter for negotiation as part of the annual service level and funding agreements. For example:

- branch opening hours
- the size of the collection
- the frequency of reading, social and cultural programs offered in COS branches
- the number of computers
- the speed of the wifi
- the number and frequency of outreach stops (the current model is not cost efficient and alternative models could be explored (e.g. meals on wheels, micro service points).

As noted in its submission to the review (see section 6.2) CRLC is willing and prepared to look at a range of options to improve local service delivery. This includes:

- *“loan periods and durations for optimizing the amount to cater for borrowers*
- *deployment of additional staff resources and funds for program delivery (through which) CRLC would be able to offer a more comprehensive suite of programs for children and adults, over and above the current offering [A part-time staff allocation of 3 days per week dedicated to programs and activities including delivery costs would cost less than \$60,000 per annum.]*
- *upgrade of its web presence (funds have been allocated to do so)*
- *delivery of outreach services to accommodate a weekly schedule.”*

CRLC believes that it can deliver on the bulk of the tangible differences offered by GRLC for less than an additional \$3 per capita.

However, unless all member Councils are committed to making a significant investment in improving regional library services (e.g. by raising funding to the state average), there are some service enhancements that CRLC would have difficulty in providing, could not provide, or would find uneconomic to provide for COS alone. For example, significant improvements to the CRLC’s marketing and communication to the community and changes to borrowing limits, loan times and user fees and charges.

In summary, service improvements and enhancements can already be realised through existing CRLC processes. These should be pursued as part of every annual negotiation of the SLA. In practice, however, there appears to be limited scope for some improvements due to CRLC’s size, structure and funding (especially in comparison with GRLC).

4.5. Other options

The Council resolution of 27 February 2019 only anticipated investigation of the option of COS moving from CRLC to GRLC. In addition, the brief for this review included examination of CRLC’s potential to improve their current service to meet the desired service standard. Including these two alternatives, in total, COS has five broad options available to it in terms of its provision of public library services.

1. Stay with CRLC at the current service level (see Sections 2.2 and 4.2)
2. Stay with CRLC at an amended service level (see Section 4.4)
3. Move to GRLC (see Sections 3.2 and 4.2)
4. Leave CRLC and deliver own library services
5. Leave CRLC and ‘buy in’ services from another library service.

Leave CRLC and deliver own services

COS could choose to manage and deliver its own library services. In Victoria, 34 of the 48 regional/rural Councils are members of eight Regional Library Corporations/networks. The remaining 14 LGAs run their own library services (including Glenelg, Swan Hill, Wodonga and East Gippsland). Average per capita costs in stand-alone regional/rural library services are around 20% higher than in collaborative models.

This option would provide COS with complete control over the funding and administration of its library services. It would also require COS to employ library staff and develop its internal capacity to manage community-based library services. On average, stand-alone municipal library services are not able to achieve the financial efficiencies available through collaborative arrangements and have relatively higher funding ratios per capita and servicing ratios (e.g. cost per visit, cost per loan).

As noted previously, CRLC delivers a good level of library service, so (without change in CRLC membership) there is no imperative for COS to pursue an alternative path .

Leave CRLC and 'buy in' services

There are currently two library networks in Victoria through which a large central Council provides collection management and some other library services to smaller neighbouring Councils on a fee for service basis. For example, the City of Ballarat (through the Central Highlands Library Network) provides library services to six other LGAs – Southern Grampians, Ararat, Pyrenees, Central Goldfields, Hepburn and Moorabool .

Under these arrangements the purchasing Councils are responsible for direct employment and management of staff, program delivery, technology access and support, and maintenance of library branches. Provision of outreach services can be negotiated. All governance decisions rest with the 'host' Council/library service as there is no formal Board structure. In 2018-19 Council contributions to the Central Highlands Network averaged \$26.51 vs \$25.80 at CRLC.

COS could, theoretically, seek to purchase library services from CRLC or GRLC. It is not known whether the City of Ballarat would entertain this option as COS does not share a boundary with any of the Councils in the Central Highlands Library Network (all seven Councils form a contiguous block in central and south-western Victoria).

4.6. Transition arrangements**Withdrawal from CRLC**

Appendix 4 defines the conditions governing the exit of any party from the CRLC Regional Library Agreement. Put simply, if COS were to choose to leave CRLC:

- COS must give the CRLC CEO no less than 12 months' notice in writing of its intention to withdraw from the Corporation
- withdrawal takes effect from 30 June following the expiry of the 12 months' notice
- COS must pay all costs incurred by CRLC as part of the withdrawal
- COS will retain its share of CRLC's net assets (primarily the collection) and will be liable for its portion of any liabilities (no major liabilities currently exist).

Therefore, if COS were to decide to leave CRLC, the date of withdrawal would be:

- 30 June 2021 – if notice was given before 30 June 2020
- 30 June 2022 – if notice was given between 1 July 2020 and 30 June 2021.

Entry to GRLC

As noted in Section 4.3, recent changes to the *Local Government Act 1989* mean that COS becoming part of GRLC would trigger dissolution of GRLC in its current form as an entity established under section 196 of the Act. Therefore, GRLC would need some notice to make the necessary structural changes. The exit provisions from CRLC would provide ample time for these changes to be made.

In moving to GRLC, COS would need to:

- have its collection transferred to GRLC's LMS
- have agreed outreach points included in GRLC's mobile schedule
- have signage changed to reflect GRLC branding
- be incorporated into the GRLC website, print and electronic newsletters and other regular communication channels
- have library staff transferred from one employer to another (if that was the agreed approach among all parties, including the staff involved)

- have library staff inducted into GRLC
- undertake an initial communication program to raise community awareness of the change.

Transition costs

Moving from CRLC to GRLC would see COS liable for a range of costs. That is:

- costs incurred by CRLC associated with COS' withdrawal, for example:
 - legal fees
 - rebranding of marketing and communication materials
 - data extraction from the LMS and transfer to GRLC
 - contribution to ongoing LMS contracts
 - relocation of the CRLC administration unit
 - potential redundancy of staff in the CRLC administration unit
- costs incurred by GRLC in entering COS to the Corporation, for example:
 - legal fees, including establishment of a new corporate entity
 - rebranding of marketing and communication materials (e.g. newsletters, website)
 - data transfer from CRLC and changes to the LMS
 - transfer of employment of staff in COS libraries
- costs incurred by COS in revising its agreements with the Colac Secondary College School Council and Great Ocean Road Health (minor)
- costs incurred by COS in working through the transition.

As these transition costs include potential redundancies from administrative staff, it is difficult to accurately estimate the likely exit costs, which could be between \$30,000 and \$120,000.

Under the current agreement COS is also entitled to a proportionate (approx. 24%) share of CRLC assets and liabilities. The 2018-19 CRLC Financial Report reports liabilities at \$603,000 (\$474,000 is provisions for staff entitlements) and assets at \$2,225,000 (of which \$1,624,000 is non-current, that is, collection stock and equipment).

Estimating the cost of any transition of COS out of CRLC has been compounded by Warrnambool City Council's notice of intention to leave CRLC in 2022. If COS were to decide to leave CRLC in July 2021 it is not clear if Warrnambool or COS would bear any greater restructuring costs for having been the trigger to the changes in CRLC.

5. DRAFT SERVICE STANDARDS

Documentation of current best practice and desired library service levels, taking into account the view of key stakeholders in Council, CRLC and partner organisations.

The following service standards are based on the Australian Library and Information Association's (ALIA) *2016 Guidelines, Standards and Outcomes Measures for Australian Public Libraries* (the Guidelines). The Guidelines define the objectives for provision of public library services in Australia in terms of the way the services are managed, the range of services offered, and the way in which services are delivered. The service standards also include appropriate numerical targets based on national and state industry benchmarks.

The COS service standards reference local community expectations and capabilities from recent surveys. They represent the minimum level of service management, offering and delivery that Council and the community should expect from a library service provider. The service usage standards (marked *) are presented as aspirational targets (only) to which the service provider should aim, as actual usage levels are ultimately determined by the community.

Proposed draft Colac Otway Shire Service Standards

These service standards will be tested through upcoming community consultation (see Section 6). The service standards may be amended based on this feedback. Standards marked '*' denote service standards that represent an increase on current levels. Quantitative standards reflect an appropriate mix of current CRLC service levels, GRLC service levels and statewide benchmarks.

Library service	COS Service standard (DRAFT)
Service MANAGEMENT	
Governance	1 Provide governance mechanisms that ensure the library is responsive to community needs, accountable to its community and key stakeholders, and sustainable in the meeting the interests of its community. <ul style="list-style-type: none"> a Representation in governance and decision-making forums that appropriately reflects the Colac Otway community's interests b Two-yearly library user and community feedback surveys *
Management	2 Establish and implement management policies and approaches that are consistent with the general principles of good organisational management and address the specific requirements of an effective and efficient public library.
Service OFFERING	
Collections	3 Develop and manage library content and collections which: meet the information, education, recreation and cultural needs of the community; support the development of lifelong learning; and foster a love of reading. <ul style="list-style-type: none"> a Free access to library collections and information resources, regardless of the format in which they are held and the location where they are held b Free loans of up to 30 items for a loan period of 28 days * (most items) c At least two renewals per item (excluding overdue materials and DVDs) made in person, online or via the telephone d Access to loans from other Victorian public library collections

Library service	COS Service standard (DRAFT)
	<ul style="list-style-type: none"> e Return of loans to any library service point f Online catalogue accurately and fully reflects library holdings g Size: 1.2 physical collection items per capita h Quality: 70% of items for loan purchased within last 5 years * i Circulation: 5.5 loans of physical items per capita j Turnover: 4.6 loans per physical collection item * k Efficiency: Cost per loan at or below Victorian average (2018-19 \$6.37) * l ebook circulation: Downloads of ebooks per capita at or above Victorian average (2018-19 0.66)
Information and reference services	<p>4 Offer information, reference and readers' advisory services to all library customers.</p> <ul style="list-style-type: none"> a Free assistance with access to and use of the collection b Free assistance with reference and information enquiries using internal resources
Programs	<p>5 Provide targeted activities and events that use library resources and collections to: enrich the lives of community members; build literacy, language and learning skills; engage, connect, inform and inspire; improve personal development and wellbeing.</p> <ul style="list-style-type: none"> a Children's programs at all library branches b Digital literacy programs at all library branches c Reading, book launches and author programs as funding permits d Program attendance per capita of 350 per 1,000 population*
Technology access	<p>6 Provide free use of computers, the internet and other technological equipment and applications to allow users to access library and public information and resources.</p> <ul style="list-style-type: none"> a At least one public access internet computer and one online public access catalogue at each branch b 1.0 public access computers per 1,000 population * c Access to public use software d Charges for printing and photocopying set at cost recovery e A reliable connection to the public wifi network at all times to cater to peak patronage* f Internet speed at industry standard
Places	<p>7 Provide physical and digital places and spaces that meet the recreational, educational, social, information and employment-related needs of library users of all ages and interests.</p> <ul style="list-style-type: none"> a Free entrance/access to all library service points b Signage assists users to easily locate items and facilities c Meeting room hire at Colac Library
Service DELIVERY	
Service points	<p>8.1 Provide library buildings which: are attractive, functional and accessible; stimulate interest in library services; are designed for flexible use, efficiency in operation and sustainability; and accommodate library collections, resources and programs which serve the identified needs of the community.</p> <ul style="list-style-type: none"> a Opening hours at Colac Library at least 48.5 hours per week (43.5 hours per week during school holidays) b Opening hours at Apollo Bay Library at least 18 hours per week c Cost per visit at or below Victorian average (2018-19 \$8.52) *

Library service	COS Service standard (DRAFT)
	8.2 Provide mobile, online and outreach services that take the library out and into the community. a Fortnightly stops at agreed locations b Free access to housebound services
	8.3 Support virtual visits to the library via the library website and online services so that library content and services are available when and where customers want them.
Staffing	9 Ensure that the number, competencies and mix of library staff support a range of services and programs which meet the needs of the community (as defined by these service standards). a 0.30 library staff per 1,000 population
Funding	10 Fund provision of public library services to at least the minimum level required to support the local community in meeting its informational, educational, recreational and cultural needs. a Council funding per capita at or above Victorian average (2018-19 \$32.56) b State Government Public Libraries Grant paid to service provider c Revenue and expenditure associated with any service point attributed to the Council where the service point is located d Revenue and expenditure associated with regional library administration shared equitably by member Councils
Partnerships	11 Develop partnerships and collaborate with community-based organisations and the wider public library sector in order to: raise awareness of and promote library services to targeted population cohorts; increase library membership, service usage and impact; expand service offerings and service delivery options; and improve service reach, quality and efficiency.
Customer service	12 Have a positive effect on library users. a 40% library membership * b 4.8 branch visits per capita * c Customer website visits per capita at or above Victorian average (2018-19 2.1) * d Customer satisfaction rating 'very good' or 'good' of 95%

6. COMMUNITY CONSULTATION

Proposed methodology for seeking and gathering public feedback on the draft library service standards.

As per the national public library Guidelines, any decisions on provision of community-based library services should be informed by the views of the people who use, benefit from, value and pay for the provision of those services. In Colac Otway Shire that is:

- people who access any of the available library services through COS library branches, online or via outreach
- library users who gain direct personal, educational, wellbeing and employment benefits and the COS community who benefit from stronger communities and wider social and economic benefits
- people who derive direct benefits and those who believe a universally accessible public library is a valuable civic asset (research consistently shows that a large proportion of people who don't use public libraries strongly support provision of library services in the community)
- all COS residential and commercial ratepayers.

6.1. Community consultation

Proposed consultation

The first phase of the library service review sought recommendations on a 'whole of community' approach to consultation with affected stakeholders. The proposed consultation plan anticipated engagement of COS residents and ratepayers, users of COS libraries, CRLC and other parties. The primary method of consultation was to be an online survey with hard copies available at COS library branches, Council offices and Council service points. Consultation was to be promoted through a range of newsletters, websites, social media, posters and other communication channels, with the community survey open for a period of four weeks during April 2020.

The key questions to be canvassed through the consultation were:

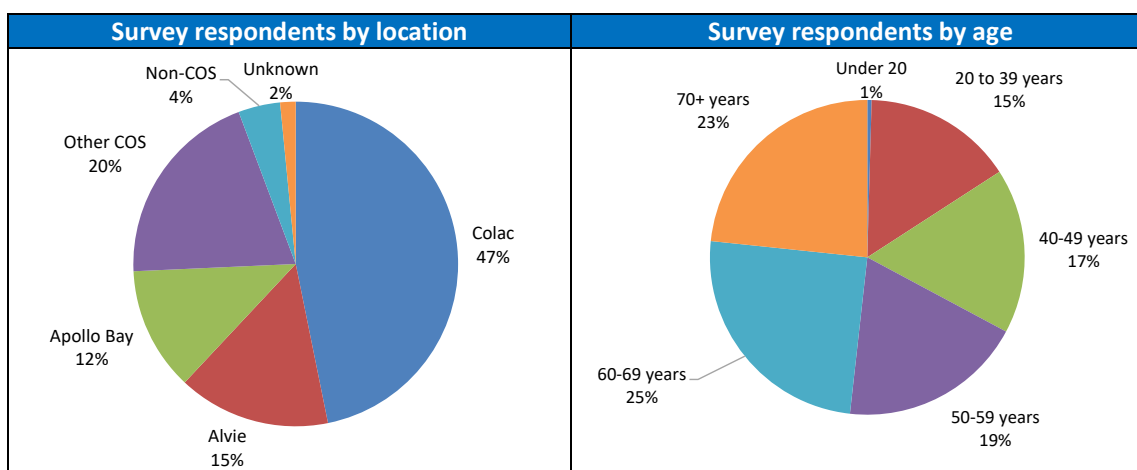
- Do the draft library service standards represent the needs/ expectations of the COS community?
- Does the community want Council to invest more public funds in provision of library services to achieve the higher service standards accessible through GRLC?

A draft community survey was included in the initial review report.

Consultation survey

In practice, the state of emergency declared in Victoria in relation to COVID-19 prevented the consultation plan being implemented as proposed. However, Council decided to proceed with a short online survey and this was open to the public for a period of 4 weeks from mid-April to mid-May.

455 people responded to the survey, which had an average completion time of less than 5 minutes. 94% of respondents were residents of Colac Otway Shire (about 2.0% of the Shire's population), with most of the non-resident responses from people who live in the Shires of Corangamite or Surf Coast. Approximately half of the respondents lived in Colac (213 responses from postcode 3250, 47%), with a further 69 (17%) from the surrounding townships in postcode 3249 (e.g. Alvie, Coragulac, Larpent, Barongarook, Irrewarra). There were 56 responses (12%) from Apollo Bay, 24 from the Birregurra area (5%) and between 7 and 11 responses from each of Beeac, Forrest, Gellibrand, Lavers Hill, Wye River and Barwon Downs (total 12%).



Nearly half of the survey respondents were aged 60 years or more.

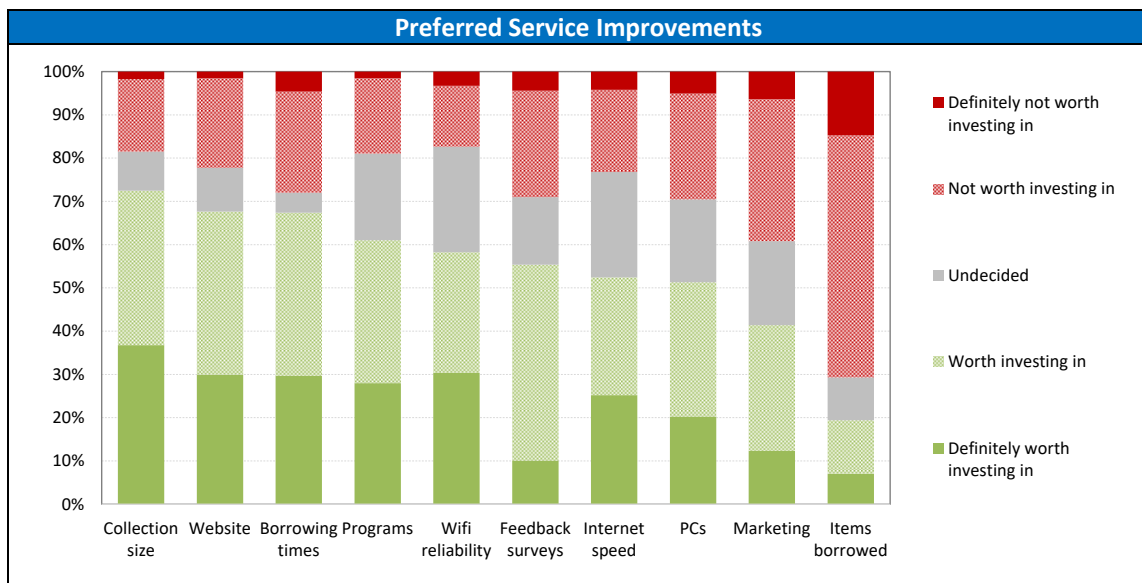
Respondents were asked if they thought a range of potential service improvements were worth Council investing in. For each service option respondents had the choice of five responses.

- | | |
|---|----------|
| ▪ Definitely worth investing in | Positive |
| ▪ Worth investing in | Positive |
| ▪ Don't know / Undecided | Neutral |
| ▪ Not worth investing in / Happy with current service | Negative |
| ▪ Definitely not worth investing in / Not important | Negative |

The survey results for the service improvement questions are summarised below. The options have been re-sorted from the order in which they appeared in the survey to show which improvements were seen to be most important.

“Council can increase library service levels for a total cost of approx. \$5 per person per year. Please indicate which service improvements, if any, you believe are worth investing in and to what degree.”

Service improvement	Negative	Neutral	Positive	Net +ve minus -ve
1. Increase the number of physical and digital items available for loan (from 143,000 to 370,000)	19%	9%	72%	+ 53%
6. Improve library website (more user friendly, more online resources/services)	22%	10%	68%	+ 46%
3. Increase borrowing limits (from 21 to 28 days)	28%	5%	67%	+ 39%
4. Increase range of library programs (more frequent, more diverse, higher standard)	19%	20%	61%	+ 42%
9. Improve the reliability of the wifi connection	17%	25%	58%	+ 37%
10. Regular feedback surveys to inform service improvement	29%	16%	55%	+ 26%
8. Improve the speed of the internet connection	23%	24%	53%	+ 30%
5. Increase the number of public access PCs for use (from 8 to 16)	30%	19%	51%	+ 21%
7. Improve marketing/promotional material (print/online newsletters, social media)	39%	19%	42%	+ 3%
2. Increase number of items that can be borrowed at one time (from 30 to 40)	71%	10%	19%	- 52%



Respondents were generally in favour of Council making additional investment in its library services. Eight of the ten suggested service improvements had more than 50% of respondents in favour of additional investment, and all of these had at least 20% more people with a positive view ('invest') than a negative view ('don't invest'). The four areas that received strongest support were for:

- increased collection size
- improved website
- increased borrowing times (21 to 28 days)
- increased range of library programs.

The survey then asked respondents for other ideas to improve the library service.

“Are there any other improvements you would like to see your library service provide that are not included above?”

There was wide variation in the feedback, with the most common theme being a high degree of satisfaction with the service that is currently delivered and a desire for continuation of library services in the Shire (that is, do not diminish the service). The second point of note was a call for longer opening hours, especially on evenings and weekends. This was noted by about 20 people among the 150 who offered suggestions (although there was also a suggestion to reduce opening hours to counterbalance cost increases).

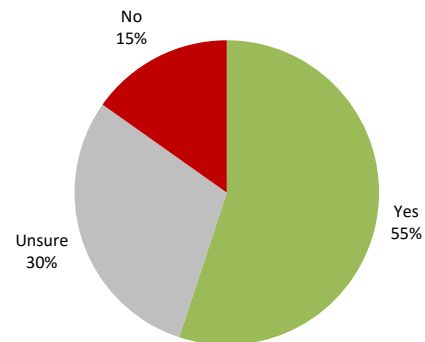
Beyond this there were no consistent issues of importance to respondents who noted:

- an interest in larger collections – both physical and digital (e.g. junior fiction, audio, current DVDs, genealogical records)
- more programs (especially for pre-schoolers and school-age children during the school holidays; author readings and poetry readings; incursions for children, teenagers and adults with disabilities)
- more outreach to small townships
- a café at Colac Library.

Finally, the survey asked people whether COS should become part of GRLC.

Do you believe Colac Otway Shire should join the Geelong Regional Library Corporation?

The community feedback indicates a preference for Colac Otway Shire to join GRLC, with 55% of respondents saying 'Yes', 30% 'Unsure' and only 15% saying 'No'.



However, while the answers to all of the questions in the survey indicate that respondents are more inclined to invest the additional resources required to access the additional services offered through GRLC, this is by no means an overwhelming endorsement of the proposal. This is evident in the final comments about the future options for delivery of library services in COS, of which the following are an example of the divergence in opinions.

“GRLC are a world-class library service, and joining them would be a huge asset to the community.”

“Geelong has a larger collection to choose from, plus many people go to Geelong shopping and would love to be able to borrow from their library and return it through ours.”

“For the extra investment of money I strongly support the move to Geelong Library, (it) would be a rewarding initiative.”

“I think we are too small for a stand-alone library service, and now that Warrnambool have withdrawn from Corangamite I think joining Geelong gives us the best option for increased range of products and services.”

“As we live in a society with increasing financial inequities, it is more important than ever that a community has equal opportunities available from their local library. Whichever option allows that is my choice.”

“Library users can access the Geelong library collection already through inter library loans at a reasonable cost.”

“I believe that asking people to contribute a small fee for use of the library could be considered. I know this is not a favourable option, but if the public want a high quality product then it has to be paid for.”

“Geelong is already too big, too far away, not part of the Western Victorian community and would make our existing libraries feel isolated and unconnected. There would be no sense of belonging in such a super city-centric region, less personal and no feeling of being welcome in such a big region.”

“As a member of both libraries, while the number of online books maybe more there are longer waits on the same books at GRLC.”

“Joining with Geelong would mean less employment opportunities for Colac people. The library would be less able to cater for our local rural people, becoming a small fish in a big pond. The same money spent locally could improve services we need. It would be tragic to move our local history collections to Geelong.”

6.2. CRLC submission

As part of the library service review, CRLC also took the opportunity to make a formal submission to COS about its capacity to provide ongoing library services to the Colac-Otway community. The key features of this submission are presented below.

*From: Cr. Jill Parker OAM, Board Chair,
Michael Scholtes, Chief Executive Officer,
Corangamite Regional Library Corporation.*

Date: 12 May 2020

Corangamite Regional Library Corporation welcomes the opportunity to provide a submission to Council to contribute to their evaluation of library service standards and to reinforce the benefits of CRLC remaining its library service provider.

- *CRLC can supply an equivalent service delivery model for patrons for less than the additional costs required by joining GRLC*
- *CRLC provides greater items per capita to its members than GRLC*
- *CRLC fines and fees are significantly cheaper than those at GRLC*
- *Remaining with CRLC will save in significant withdrawal costs for Colac Otway Shire*
- *Continued membership of CRLC reinforces Colac Otway Shire's regional leadership in South West Victoria and cements mutually beneficial service arrangements for its and neighbouring municipality's residents.*

...

CRLC would like to impress strongly upon Council that its desire for an improved library service offering for the community can be easily met through a continuing relationship with CRLC and its continuing member municipalities. This will continue to give COS residents and ratepayers an excellent local service, an opportunity to share resources in the broader region and continue to reinforce Colac Otway Shire as a regional leader in South Western Victoria. It will preserve local employment and offer a chance to expand a well-loved local service.

...

CRLC wishes to demonstrate it has the capacity to deliver on these amended standards, using less than the extra \$5 per person per year required to join GRLC. An additional benefit is not incurring additional expenditure required to fund withdrawal of COS from CRLC. For less than \$3 per capita in 2020-21 dollars, CRLC would be able to provide a significant increase in library programs and activities solely for the benefit of COS residents and, in consultation with Colac Otway Shire, would also be able to refine the Outreach Service to accommodate a different, more frequent timetable.

...

CRLC would like to draw attention to the following.

- *At present, Colac Otway Shire residents can already become GRLC library members.*
- *CRLC, at 1.5 items per capita, has a higher availability of resources at present than would be available as part of the GRLC (1.3 items per capita). This would continue to be the case even after Warrnambool withdraws from CRLC in 2022.*
- *CRLC has lesser reliance on overdue fines and fees than GRLC, where fines and fees delivered 50% more revenue compared with CRLC. This is because of higher overdue charges and higher*

printing and photocopying costs at GRLC, which traditionally disadvantage those members of the community least able to afford them.

- *Attendance at CRLC library programs has increased steadily over the past four years, moving from an attendance rate of 247 per 1000 in 2015-16 to 307 per 1000 in 2018-19, despite no additional program funding from member Councils.*
- *CRLC is willing to work with COS to implement a revised service standard that aligns with the proposed COS Draft Service Standard, tailoring to give improved levels where identified in a cost-effective manner, for less than would be required by joining with GRLC. Individual Service Level Agreements for each member of CRLC already provide a mechanism for this to occur.*
- *The withdrawal of Warrnambool Council in 2022 does not necessarily result in a greater regional operating cost. Services and resources will be adjusted to accommodate the changed model and its requirements, which will also include a smaller regional cost to be shared between members.*
- *A Colac Otway/Corangamite/Moyne Regional Library Service will continue to have a critical mass of greater than 30,000 members, 100,000 items and a population base of around 54,000 residents to deliver effective and efficient service. It can be an opportunity to further reinforce Colac Otway's regional leadership role as the largest member and seek to develop a higher standard service throughout the reconfigured regional service. (COS would see) continuation of its regional leadership location and role, preserving local employment of regional administration staff within the Shire.*
- *The future of CRLC, after the withdrawal of Warrnambool in 2022, offers the chance to adapt and improve the service with greater co-operation, participation and resource sharing. This can result in the delivery of increased programs and activities, tailored to individual member requirements and standards.*

...

We believe CRLC can offer a service comparable to GRLC's service offer in all the tangible metrics outlined in the Review Report. We know that this can be done for less than would need to be provided for Colac Otway Shire to join GRLC. It would also not incur any of the consequent costs liable to COS if they were to leave CRLC.

...

As already noted in this report, CRLC delivers a good library service, the increase in program attendance is a positive outcome, COS residents can already be GRLC members, and the capacity for localized responses to the needs of individual member Councils is an existing option for service enhancement (Section 4.4). However, the Review questions whether having a slightly higher number of items per capita represents 'a higher availability of resources' when GRLC's collection is three times that of CRLC (and will be four times the size when Warrnambool leaves). It is inconceivable that Warrnambool's withdrawal will not result in a greater regional operating cost for the remaining member Councils. The additional cost is estimated in the order of \$50,000 per year in the short to medium term.

6.3. Other feedback

Correspondence was also received from three other community members in response to the review report and community survey questions. While not raising issues new to the Review, correspondents:

- encouraged Council to continue to provide library services through a collaborative model, rather than adopt a stand-alone approach
- encouraged Council to fully consider the implications of Warrnambool's decision to leave CRLC, including the possible responses of Moyne and Corangamite and any flow-on impact on COS
- sought further consultation with relevant stakeholders if Council were to consider GRLC's observation (no more) that COS might want to integrate Council and historical society records, artefacts and resources into the Geelong Heritage Centre and its regional collections/databases.

APPENDIX 1. LIBRARY SERVICE REVIEW

Project brief

Colac Otway Shire is currently a member of the Corangamite Regional Library Corporation (CRLC). Council sought the services of a consultant with relevant skills and experience in library service planning and knowledge of the industry to undertake a review of Council's library service. The objective of the study was to determine the best and most viable option for Council, including:

- determination of Council's desired service standards
- a review and comparison of Council's current CRLC service against the Geelong Regional Library Corporation (GRLC) service offer and CRLC's potential to improve their current service to meet the desired service standards.

The study was to develop a first draft report by mid-December 2019 that included as a minimum:

- background review
- outline of Council's current CRLC library service
- outline of a potential GRLC offer, including consultation with GRLC to ascertain comparative data, costs and service levels
- summary comparison of GRLC service and current CRLC offer against standard metrics
- draft service standards based on current best practice and desired service levels
- consultation plan for public feedback on the draft service standards.

Following a public consultation period, a second draft of the report will be prepared for Council by mid-April 2020 including:

- summary of consultation feedback
- updated proposed service standards based on public feedback
- comparison of GRLC and CRLC ability to meet the revised service standards including costs to Council
- a recommendation to Council on the most viable, preferred option for provision of library services to meet the articulated service standards.

I & J Management Services was engaged to undertake the library service review.

APPENDIX 2. BENCHMARKING CRLC'S PERFORMANCE

National library standards

The Australian Library and Information Association's (ALIA) 2016 *Guidelines, Standards and Outcomes Measures for Australian Public Libraries*¹¹ (the Guidelines) document 15 standards for Australian public libraries (three of which are not yet active). The standards are based on average industry figures across all states and territories and do not differentiate by size or location of library service.

National Library Standard (2016)		Standard	CRLC 2018-19
Service provision			
S1	Library expenditure per capita (excl. collections)*	\$42.09	\$26.18 ●
S2	Number of staff (FTE) per 10,000 pop.	3.3	3.0 ●
S3	Number of staff (FTE) with library qualifications per 10,000 pop.	1.0	1.4 ●
S4	Library materials expenditure per capita*	\$5.89	\$4.60 ●
S5	Collection items per capita	1.7	1.5 ●
S6	% collection items purchased in last 5 years	60%	67% ●
S7	Internet computers per 10,000 pop.	5.0	3.8 ●
Service reach, participation and use			
S8	% of eligible pop. who are library members	44%	22% ●
S9	Customer visits (to branch) per capita	4.8	3.4 ●
S11	Circulation: Loans per capita	7.3	5.5 ●
S12	Turnover: Loans per collection item (physical)	4.4	3.8 ●
S15	Customer satisfaction ('good' or 'very good')	95%	95% ●

* Standards with a dollar basis have been adjusted for inflation to 2018-19.

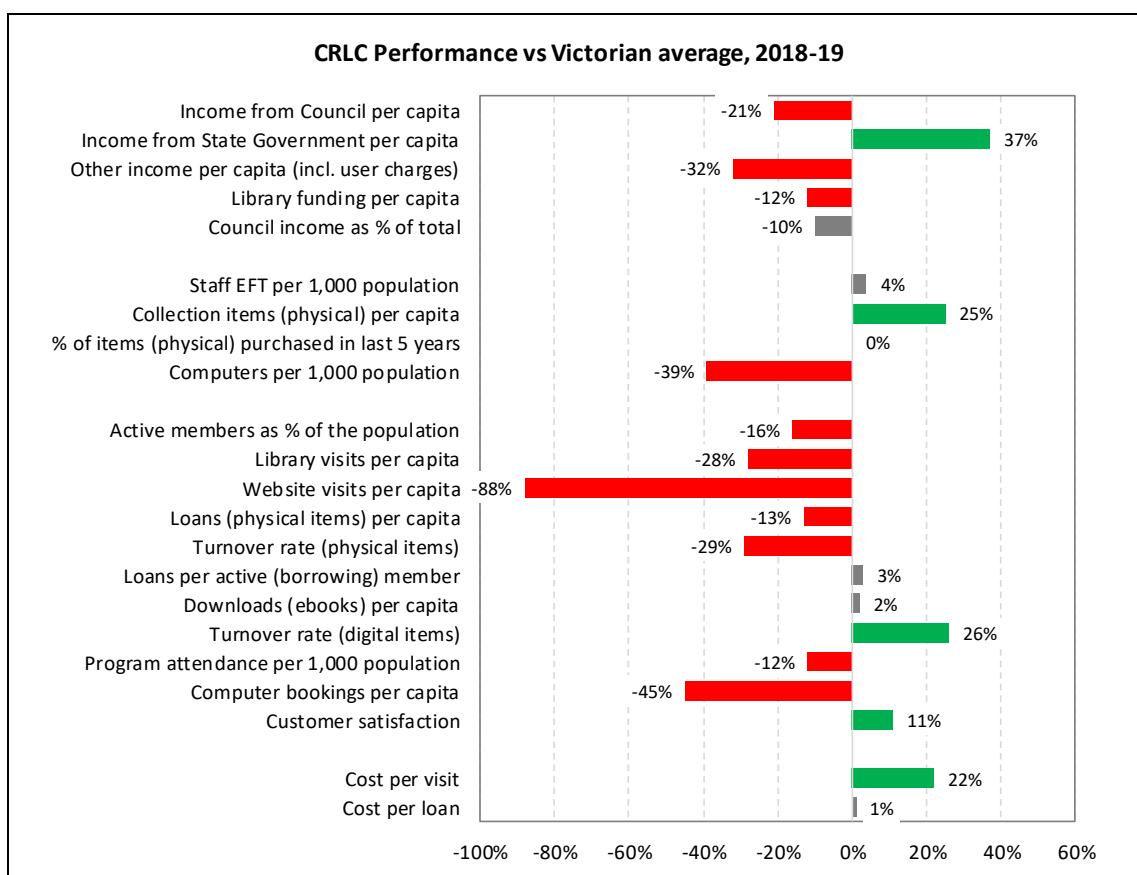
CRLC performs moderately well against national standards in terms of the service provided. Expenditure on library services and collections is below the national average (which is expected of a larger services which is able to achieve financial efficiencies). Average staffing levels are broadly in line with the standards, as are the size of the collection (items per capita) and the age of the collection (% purchased in last 5 years). Customer satisfaction at CRLC is also in line with the very high standard expected. However, the provision of public access computers in CRLC's libraries is below the national standard.

In contrast, library data shows that community use of the good services provided is well below the national benchmarks in terms of library membership (50% below the standard) and the rate of visits and loans (20-30% below the national standard). These outcomes typically reflect limitations in community engagement and promotion of library services.

Victorian library benchmarks

Public Libraries Victoria (PLV) collects and publishes annual data from all 47 Victorian library services (plus Vision Australia). The 2018-19 data shows that per capita funding from the four member Councils is 21% lower than the state average, and the Council's contribute a relatively low 72% of total funding (State Government 25%, other sources 3%). As was the case against the national standards, the level of service provision from CRLC is broadly in line with state averages, but use of these services is typically below average (other than downloads and turnover of ebooks). Customer satisfaction is high.

¹¹ APLA/ALIA, *Guidelines, Standards and Outcome Measures for Australian Public Libraries*, 2016.



Library indicator	PLV 2018-19	CRLC 2018-19	
Library funding	Average	Value	Diff.
Income from Council per capita	\$32.58	\$25.80	-21%
Income from State Government per capita	\$6.55	\$8.98	+37%
Other income per capita (incl. user charges)	\$1.44	\$0.98	-32%
Library funding per capita	\$40.57	\$35.76	-12%
Council income as % of total	80%	72%	-10%
Collections and service provision			
Staff EFT per 1,000 population	0.29	0.30	+4%
Collection items (physical) per capita	1.2	1.5	+25%
% of collection items (physical) purchased in last 5 years	67%	67%	0%
Computers per 1,000 population	0.62	0.38	-39%
Service participation and use			
Active members as % of the population	16%	13%	-16%
Library visits per capita	4.8	3.4	-28%
Website visits per capita	2.1	0.25	-88%
Loans (physical items) per capita	6.4	5.5	-13%
Turnover rate (physical items)	5.4	3.8	-29%
Loans per active (borrowing) member	41	42	+3%
Downloads (ebooks) per capita	0.66	0.67	+2%
Turnover rate (digital items)	5.4	6.8	+26%
Program attendance per 1,000 population	350	307	-12%
Computer bookings per capita	0.53	0.29	-45%
Customer satisfaction	8.6	9.5	+11%

Library indicator	PLV 2018-19	CRLC 2018-19
Service efficiency		
Cost per visit	\$8.52	\$10.39 +22%
Cost per loan	\$6.37	\$6.44 +1%

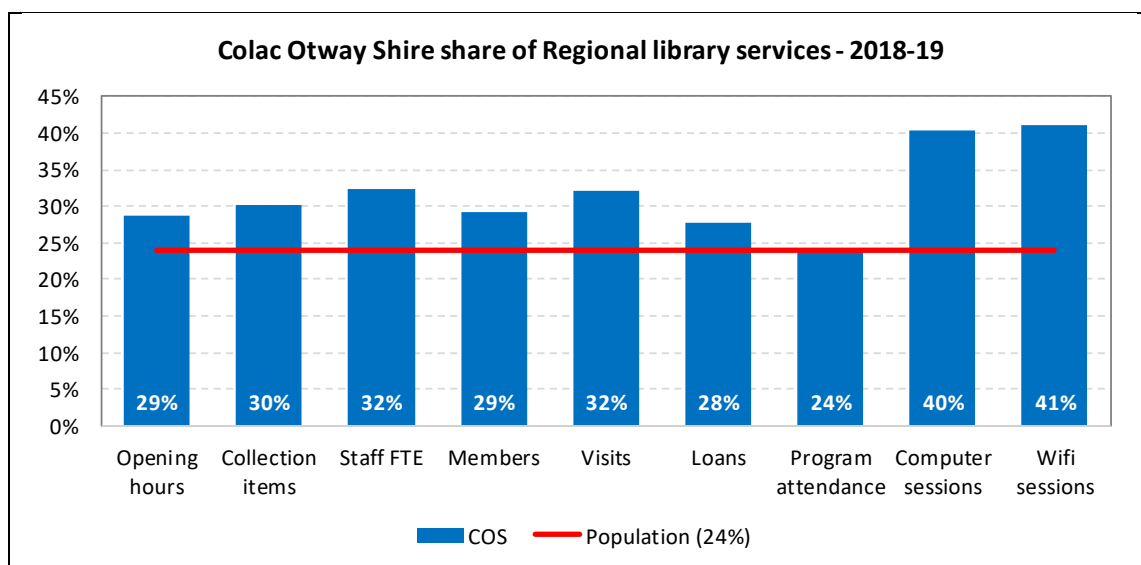
CRLC branches

Colac Otway Shire's population of 21,500 (ABS, June 2018) represents 24% of the population served by CRLC. However, on most library indicators COS has a higher share of the volume of services provided and the volume of services used – especially in the proportion of computer bookings (40%) and wifi sessions (41%).

Library metric	2018-19		% of CRLC 2018-19				CRLC
	Apollo Bay	Colac	COS*	Cor	Warr	Moy	
Population '000			24%	18%	39%	19%	89.4
Opening hours per week	18	49	29%	34%	18%	20%	251
Collection items** '000	5.4	33.5	30%	29%	24%	17%	142.7
Staff FTE	0.8	4.5	32%	18%	37%	13%	18.4
Total members '000	1.3	9.7	29%	15%	44%	12%	38.6
Visits '000	11.5	86.6	32%	19%	34%	15%	307.7
Loans** '000	10.3	120.5	28%	14%	45%	13%	556.0
Program attendance '000	0.3	6.2	24%	17%	46%	14%	27.5
Computer sessions '000	0.6	9.9	40%	9%	46%	5%	26.0
Wifi sessions '000	1.1	2.7	41%	22%	23%	13%	9.2

* Includes outreach services.

** Excludes digital collection items and loans.



APPENDIX 3. COLAC OTWAY SHIRE DEMOGRAPHICS

The current and emerging age and demographic profile of the Colac Otway community influences the demand for public library services.

- The Colac Otway population will grow from 21,300 in 2016 to 25,400 in 2036.
- COS has an older population than most other areas of regional Victoria.
 - 43.7% aged 50 years and over in COS vs 41.1% in regional Victoria
 - 35.2% aged 18 to 49 years vs 36.9%
 - 21.2% aged 0 to 17 years vs 21.9%.
- The proportion of the population aged 60 years and over increased from 25.7% in 2011 to 29.4% in 2016.
- Population forecasts show a large increase in the next 20 years in the proportion of the COS population aged 70 years and over (from 14.2% to 20.8%), with a corresponding drop in the proportion of the population aged 45 to 69 years (from 34.7% to 29.4%).
- COS has a high proportion of households where people live alone (32.5%).
- By 2036 the proportion of couple households with no dependent children will increase from 28.7% to 31.4%.
- In 2036, nearly two thirds of COS households will have no dependent children living in them.
- 6.4% of the COS population (primarily older people) require assistance with everyday core activities vs a regional Victoria average of 6.0%.
- COS households have below average incomes compared with both the national average and regional Victoria.
 - 64.4% of COS households have incomes below the national median
 - This is influenced by having an older non-working population and a high proportion of single person households.
- Only 69.2% of COS households have home internet access vs 73.5% in regional Victoria and 83.2% nationally.

Population characteristic	Impact on demand for library services
Increasing total population	Larger collections (physical and digital) More general library programs More reading, study and meeting spaces
Ageing population with high proportion of older people	Bigger general reading collections (incl. large print) More social and special interest programs
More single person households	More demand for social connectivity
More people (especially older people) needing access to assistance due to a disability	Home library services and outreach programs
More low income households	More demand for access to free library collections and programs
More people with no home access to the internet	More access to computers, wifi and 'connected workspaces' More technology support programs
Fewer tertiary student	Fewer study spaces during the day/evening
High levels of English language proficiency	Less need for adult literacy programs
Fewer people of non-English speaking background	Less demand for collections in languages other than English

Service age group (2016)	COS 2016	COS 2016	Reg. Vic.	Diff.
Babies and pre-schoolers (0 to 4)	1,166	5.6%	5.8%	- 0.2%
Primary schoolers (5 to 11)	1,781	8.5%	8.7%	- 0.2%
Secondary schoolers (12 to 17)	1,499	7.1%	7.4%	- 0.3%
Tertiary education and independence (18 to 24)	1,525	7.3%	7.9%	- 0.6%
Young workforce (25 to 34)	2,202	10.5%	10.9%	- 0.4%
Parents and homebuilders (35 to 49)	3,655	17.4%	18.1%	- 0.7%
Older workers and pre-retirees (50 to 59)	2,993	14.3%	13.9%	+ 0.4%
Empty nesters and retirees (60 to 69)	3,053	14.6%	13.4%	+ 1.2%
Seniors (70 to 84)	2,507	12.0%	11.1%	+ 0.9%
Elderly aged (85 and over)	585	2.8%	2.7%	+ 0.1%

Age group	COS 2016	COS 2036	Diff.
0 to 14 years	18.0%	17.9%	- 0.1%
15 to 29 years	16.8%	15.4%	- 1.4%
30 to 44 years	16.3%	16.6%	+ 0.3%
45 to 69 years	34.7%	29.4%	- 5.3%
70 years and over	14.2%	20.8%	+ 6.6%

Household type	COS 2016	COS 2036	Diff.
Couple families with dependents	24.5%	23.6%	-0.9%
Couples without dependents	28.7%	31.4%	2.7%
Group households	3.5%	2.4%	-1.1%
Lone person households	32.5%	32.4%	-0.1%
One parent family	9.3%	8.9%	-0.5%
Other families	1.5%	1.4%	-0.2%

Household income quartiles (2016)	COS 2016	COS 2016	Reg. Vic.	Diff.
Lowest quartile	2,488	33.9%	31.9%	2.0%
Medium low quartile	2,237	30.5%	29.0%	1.5%
Medium high quartile	1,679	22.9%	23.0%	-0.1%
Highest quartile	933	12.7%	16.1%	-3.4%
Total households	7,339	100.0%	100.0%	

Internet connection (2016)	COS 2016	COS 2016	Reg. Vic.	Diff.
Internet connection	5,994	69.2%	73.5%	-4.3%
No internet connection	1,898	21.9%	18.1%	3.8%
Not stated	771	8.9%	8.4%	0.5%

Assistance (2016)	COS 2016	COS 2016	Reg. Vic.	Diff.
Persons needing assistance with core activities (all ages)	1,333	6.4%	6.0%	0.4%

APPENDIX 4. EXITING THE REGIONAL LIBRARY AGREEMENT

Clause 12 of the Regional Library Agreement defines the conditions governing the exit of any party from the agreement.

12. ENTRY AND EXIT OF PARTIES

...

12.2 A Council may withdraw from this Agreement having given not less than twelve (12) months' notice in writing to the Chief Executive Officer.

12.3 A Council that has given notice under clause 12.2 shall withdraw from the Agreement effective from 30 June following the expiry of the period of notice given under clause 12.2.

12.4 A Council that withdraws from this Agreement must meet the full costs directly incurred by the Regional Library by reason of the withdrawal, including (but not limited to) any redundancy costs, fees paid to a professional advisor and administrative costs directly incurred by the Regional Library by reason of the withdrawal.

12.5 A Council that withdraws from this Agreement shall be entitled to a portion of the net assets of the Regional Library as at the date of its withdrawal from the Agreement.

12.6 The portion of net assets to which a Council is entitled under clause 12.5:

(a) shall be calculated according to the value of the assets as disclosed by the relevant audited financial statements;

(b) shall be in the same proportion as its financial contribution to the Regional Library bears to all Councils' financial contributions to the Regional Library over the duration of this Agreement; and

(c) may be taken in such combination of property and cash as agreed between the Council and the Board, and if it is agreed that a Council is entitled to library materials, the cost of removing them shall be paid for by the Council.

12.7 A Council that withdraws from this Agreement shall be liable for a portion of the liabilities, including contingent liabilities of the Regional Library as at the date of its withdrawal from the Agreement.

12.8 The portion of liabilities and contingent liabilities for which a Council is liable under clause 12.7:

(a) shall be calculated according to the liabilities and contingent liabilities as disclosed by the relevant audited financial statements and reports, and any other notes attached to them;

(b) shall be in the same proportion as its financial contribution to the Regional Library bears to all Councils' financial contributions to the Regional Library over the duration of this Agreement; and

(c) where contracts for goods and services are affected, shall be the full cost of any additional payments for variations to contractual arrangements resulting from the withdrawal.

APPENDIX 5. CRLC SERVICE LEVEL AGREEMENT 2019-2020

Colac Otway Shire has an annual Service Level Agreement with CRLC. The agreement is an extension to the Regional Library Agreement and constitutes a legally binding contract between the parties to the agreement. The SLA specifies the base (i.e. minimum or default) level services and standards to apply across the region, as well as Council specific arrangements for added and/or modified services.

In considering the current CRLC service offer the key sections of the SLA are:

- Part B: Funding Arrangements
- Part C: Core Public Library Services
- Part D: Base Level Services & Standards
- Part E: Service Point Obligations (including Appendix A: Building Maintenance Responsibilities)
- Part F: Specific Municipal Services (including Appendix B: Council Specific Services)
- Appendix C: Physical Assets at Colac Library, Apollo Bay Library and CRLC Regional Office (for insurance purposes).

The provisions of COS's 2019-2020 SLA with CRLC, as they are relevant to this review, are presented in the following pages.

Part B: Funding Arrangements

1. Source of Funds: CRLC may fund its operations from a variety of sources, including:

- (a) Contributions by the member councils in accordance with the funding formula;
- (b) Government contributions in the form of the State Government Public Libraries Grant and other specific funding programs;
- (c) Revenues earned from product and services sales, fines and charges; ...

2. Application of Funds: The funds available to CRLC will be applied to:

- (a) The operating costs of the library service, which will include expenditures in relation to static branches, outreach services and headquarters;
- (b) The capital requirements of the library service; ...

5. Funding Formula:

- 5.1 For each static service point, the net recurrent expenditure will be wholly borne by the member council for the municipality in which the service point is located.
- 5.2 The revenues and expenditures associated with any mobile or outreach service will be shared between the member councils ... in accordance with criteria agreed to by the Library Board.
- 5.3 The revenues and expenditures associated with CRLC's headquarters will be shared between the member councils ... in accordance with criteria agreed to by the Library Board.

Part C: Core Public Library Services

As the recipient of a State Government Public Libraries Grant, CRLC is required to provide a range of core services as part of its public library role. Core services are free of charge, as distinct from value added services for which charges may be imposed. The definitions of core and value added services have been developed in the context of ALIAS's *Statement on Free Access to Information (2015)* and *Statement on Public Library Services (2009)*.

1. Core Services: Core public library services are those which:

- (a) Provide free entrance to the library;
- (b) Provide access to the library's information resources, regardless of the format in which material is held;
- (c) Provide assistance with the use of the collection and with reference enquiries;
- (d) Provide training in the use of public access catalogues;
- (e) Lend items from the collection to members of the public for specific periods of time;
- (g) Educate the public in the effective use of public libraries;
- (h) Provide programs such as story-telling; and
- (i) Provide any additional service which enables access to other basic services (including housebound services).

2. Value Added Services: Libraries may charge for services which provide greater ease of access, convenience or private benefit, and which may attract additional costs to the library service provider. Value added services include, but are not limited to:

- (a) Use of remote online resources where access is only obtainable by payment of a specific per use charge;
- (b) Providing access to loans from collections outside the public/State library network;
- (c) Providing printed or electronic copies of materials held or accessed by the library;
- (d) Providing for public use software, including specialist software packages;
- (e) Requiring staff to undertake research, to write reports, or to provide other high level support; and
- (f) Providing any service which attracts an external service charge, such as online database searching, speakers and theatre performances.

Part D: Base Level Services & Standards**1. Accessibility:**

- 1.1 Access to the core library resources (Part C) and assistance with their use will be free of charge.
- 1.2 Members will have access to all loan items in CRLC's collection regardless of location and may return borrowed items to any of CRLC's service points.
- 1.3 Membership is free and available to any resident of Victoria upon providing proof of identity and residence. ...

2. Circulation:

- 2.1 Library users receive courteous attention and prompt service at the circulation desk.
- 2.2 Return dates for borrowed items are provided in writing at the time of borrowing, unless the borrower requests otherwise.
- 2.3 Items may be returned to any service point in the region. ...
- 2.5 Loan renewals may be made in person, via the telephone or via CRLC's website catalogue. ...

3. Collection Development:

3.2 The collection will be weeded to identify and remove from display those materials that: a) are irretrievably damaged; b) are out of date; or c) could present misleading information to readers.

3.3 Materials will be reviewed prior to disposal to ensure that items of value or historical significance are retained within the region.

3.4 The budget for the acquisition of new materials is set by the Library Board and consideration will be given to the ability of the collection to meet community demand and the achievement of acceptable collection turnover rates.

3.5 Materials selection and acquisition will be the responsibility of CRLC.

4. Catalogue and Location Aids:

4.1 Online public access catalogues (OPACs) will accurately reflect the library's holdings, including the location and status of items.

4.2 Catalogue entries will be updated and include sufficient detail to enable users to find the required information.

4.3 Signage which assists users to easily locate items and facilities will be provided at all service points.

5. Reference and Information Services:

5.1 Access to the reference and information resources of the region and assistance with their use will be free of charge to those eligible for membership. Where it is necessary to access external information sources and/or inter-library loans, any costs incurred may be recovered from the enquirer.

5.2 Reference services may be accessed in person or via CRLC's web page.

5.3 Staff will be trained in the use of reference resources available in the region.

5.4 When an enquiry cannot be satisfied, further research or referral will be undertaken and the enquirer will be advised of the expected timeframe.

5.5 Photocopy services will be provided at all service points. Charges for photocopies provided in relation to reference enquiries will be determined by CRLC.

6. Information Technology and Technology Support:

6.1 The minimum provision of public access IT facilities will be: (a) One dedicated public access Internet terminal (PAIT) at all static service points; and (b) One dedicated online public access catalogue PC (OPAC) at all static service points.

6.2 Charges may be imposed for the use of public access IT facilities: (a) Printing materials. (b) Provision of consumables such as storage devices. ...

6.4 All staff will be trained in the use of the Internet and PC-based IT and will facilitate basic access for the public as required.

6.5 Where appropriate, staff will also receive basic training in the use of public access PC software programs for word processing and spreadsheets in order to facilitate public use.

7. Library Programs:

7.1 CRLC will promote and participate in appropriate literary programs, as funding permits. This includes but is not limited to: (a) Summer Reading Program for children; (b) Children's Book Week; (c) National Simultaneous Story Time; and (d) Book launches for local writers, meet the author program or statewide author visit programs.

7.2 CRLC will take part in other events as deemed appropriate by the Library Board. These may include the provision of stands or information displays at events such as field days, local festivals and Shire service days.

Part E: Service Point Obligations

Member councils are responsible for providing, maintaining and replacing buildings, shelving and furniture and fittings suitable for the delivery of library services.

1. Design Standards: Member councils determine the location of branch library facilities. CRLC will assist member councils in ensuring that the facilities meet public library standards for community access and use.

2. Maintenance Obligations: Member councils are responsible for maintenance, cleaning and security of their respective branch library facilities, including associated areas, such as gardens, paths, exterior signs and parking areas. Appendix A details maintenance responsibilities.

3. Operational Obligations:

(a) Member councils are responsible for the payment of service charges for their respective branch library facilities, including telephone, water and sewerage, power and heating, asset insurance.

(b) CRLC is responsible for the operational activities of the library service and ensuring that staff members use resources in an efficient and effective manner.

(c) Member councils will specify opening hours for their library facilities (see Appendix B).

Part F: Specific Municipal Obligations

The Specific Municipal Services for each council are listed separately in Appendix B.

Appendix A: Building Maintenance Responsibilities

Colac Library Building Maintenance Responsibilities are subject to an alternative agreement with DET.

Apollo Bay Library Building Maintenance Responsibilities are in accordance with the Lease and Licence between Otway Health and Community Services and Colac Otway Shire Council.

Appendix B: Council Specific Services

1. Branch Library Locations and Customer Service Hours

Day	Colac Library School terms		Colac Library School holidays		Apollo Bay Library		Hours per week	
Monday	8.30	5.30	9.30	5.30	2.00	5.00	12	11
Tuesday	8.30	5.30	9.30	5.30	-	-	9	8
Wednesday	8.30	5.30	9.30	5.30	11.00 1.30	1.00 6.00	15.5	14.5
Thursday	8.30	5.30	9.30	5.30	-	-	9	8
Friday	8.30	7.00	9.30	7.00	10.00 1.30	1.00 5.00	17	16
Saturday	10.00	12.00	10.00	12.00	10.00	12.00	4	4
Sunday	-	-	-	-	-	-	-	-
Total							66.5	61.5

2. Outreach Services

	Service point	Day	Open	Close	Hours per session
Week One	Gellibrand	Wednesday	11.00	12.00	1.0
	Lavers Hill	Wednesday	2.00	3.00	1.0
	Beech Forest	Wednesday	3.30	4.30	1.0
Week Two	Coragulac	Wednesday	10.00	11.30	1.5
	Beeac	Wednesday	1.00	2.30	1.5
	Cressy	Wednesday	3.00	4.00	1.0
	Forrest	Thursday	11.00	12.30	1.5
	Birregurra	Thursday	1.30	3.00	1.5
Total					10.0

3. Housebound Services: Home Library Service – Colac.

4. Library Programs: a) Children’s Programs at Colac Library and Apollo Bay Library. b) Digital Literacy Programs.

5. Other Services: Meeting room hire at Colac Library.

Appendix C: Physical Assets at Colac Library, Apollo Bay and CRLC Regional Office

CRLC will provide insurance for the following physical assets at Colac Library, Apollo Bay Library and CRLC Regional Office: Computer/IT; Equipment; Furniture; Appliances; and Shelving and Fittings.



Submission to Colac Otway Shire Council's community consultation into the future of public library service within the Shire.

From: Cr. Jill Parker OAM, Board Chair,
Michael Scholtes, Chief Executive Officer,
Corangamite Regional Library Corporation.

Date: 12 May 2020

Corangamite Regional Library Corporation (**CRLC***) welcomes the opportunity to provide a submission to Council to contribute to their evaluation of Library Service Standards and to reinforce the benefits of CRLC remaining its library service provider.

EXECUTIVE SUMMARY:

- **CRLC** can supply an equivalent service delivery model for patrons for less than the additional costs required by joining Geelong Regional Library Corporation (GRLC)
- **CRLC** provides greater items per capita to its members than GRLC
- **CRLC** fines and fees are significantly cheaper than those at GRLC
- Remaining with **CRLC** will save in significant withdrawal costs for Colac Otway Shire
- Continued membership of Corangamite Regional Library Corporation reinforces Colac Otway Shire's regional leadership in the South West Victoria and cements mutually beneficial service arrangements for its and neighbouring municipality's residents

CRLC and Colac Otway Shire (COS), in their current and previous incarnations have a mutual history of 50 years in delivering a co-operative, cost effective and fit for purpose public library service, in partnership with other South West Victorian regional municipalities. COS was a foundation member of the current Corporation when it was formed in 1996 following the Kennett Government municipal amalgamations.

In this time, **CRLC** and COS have worked co-operatively to develop and operate the Colac Community Library and Learning Centre, to deliver the Apollo Bay Library in its current location, refine the Library Outreach Van service and the continuation of the **CRLC** Regional Administration unit operations from Colac, employing approximately 7 FTE in addition to local library branch staff.

In this submission, **CRLC** would like to impress strongly upon Council that its desire for an improved library service offering for the community can be easily met through a continuing relationship with **CRLC** and its continuing member municipalities. This will continue to give COS residents and ratepayers an excellent local service, an opportunity to share resources in the broader region and continue to reinforce Colac Otway Shire as a regional leader in South Western Victoria. It will preserve local employment and offer a chance to expand a well-loved local service.

* **CRLC** is in Bold Type to more easily differentiate from the acronym for Geelong RLC (GRLC)

We note that Council is seeking to consult the community to refine and endorse a set of new library service standards for the Shire. The Library Service Review of Colac Otway Shire Council Meeting Report (The Report) for the 25 March 2020 Council Meeting Agenda contained an outline of these standards.

CRLC wishes to demonstrate it has the capacity to deliver on these amended standards, using less than the extra \$5 per person per year required to join Geelong Regional Library Corporation (GRLC). An additional benefit is not incurring additional expenditure required to fund withdrawal of COS from **CRLC**. For less than \$3 per capita in 2020-21 dollars (not 2018-19 as outlined in the report), **CRLC** would be able to provide a significant increase in library programs and activities solely for the benefit of COS residents and, in consultation with Colac Otway Shire, would also be able to refine the Outreach Service to accommodate a different, more frequent timetable.

TABLE 1 below, taken from the consultant's review (pp. 23-26) attached to The Report, compares the **CRLC** and GRLC service offer, based on current arrangements and costs and statistics from the 2018/19 financial year. The Consultant had offered comments outlining possible advantages in the GRLC offer. **CRLC** has added its comments in red to TABLE 1, outlining benefits and possible costs of **CRLC** delivering a similar offer to GRLC. **CRLC** comments also demonstrate, where possible, the clear benefit of **CRLC** continuing as the provider of Colac Otway Shire's Library Service into the future.

In addition to the comments added to TABLE 1 below, **CRLC** would also like to draw attention to the following:

- At present, Colac Otway Shire residents can already become GRLC library members, under the terms of the Victorian State Funding arrangement for public libraries
- **CRLC**, at 1.5 items per capita, has a higher availability of resources at present than would be available as part of the GRLC (1.3 items per capita). This would continue to be the case even after Warrnambool withdraws from **CRLC** in 2022
- If \$46 per capita of funding was spent of library service within the Shire, as outlined in the Executive Summary of The Report and also in Table 1, it would return \$146 per capita of net community benefit, regardless of who provides the service. The Report is misleading in that it suggests that this would only occur if COS joined GRLC
- **CRLC** has lesser reliance on overdue fines and fees than GRLC, where fines and fees delivered 50% more revenue compared with **CRLC**. This is because of higher overdue charges and higher printing and photocopying costs at GRLC, which traditionally disadvantage those members of the community least able to afford them
- Attendance at **CRLC** library programs has increased steadily over the past 4 years, moving from an attendance rate of 247 per 1000 in 2015/16 to 307 per 1000 in 2018/19, despite no additional program funding from member Councils
- **CRLC** is willing to work with COS to implement a revised service standard that aligns with the COS Draft Service Standard proposed in the Council report, tailoring to give improved levels where identified in a cost-effective manner, for less than would be required by joining with GRLC. The

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individual Service Level Agreements for each member of CRLC already provide a mechanism for this to occur

- The withdrawal of Warrnambool Council in 2022 does not necessarily result in a greater regional operating cost. Services and resources will be adjusted to accommodate the changed model and its requirements, which will also include a smaller Regional cost to be shared between members
- A Colac Otway/Corangamite/Moyne Regional Library Service will continue to have a critical mass of greater than 30,000 members, 100,000 items and a population base of around 54,000 residents to deliver effective and efficient service. It can be an opportunity to further reinforce Colac Otway's regional leadership role as the largest member and seek to develop a higher standard service throughout the reconfigured regional service
- Colac Otway Shire remaining with CRLC would reinforce its role as the largest stakeholder. This fact, combined with Colac having the largest library will see the continuation of its Regional leadership location and role, preserving local employment of Regional Admin staff within the Colac Otway Shire
- The future of CRLC, after the withdrawal of Warrnambool in 2022, offers the chance to adapt and improve the service with greater co-operation, participation and resource sharing. This can result in the delivery of increased programs and activities, tailored to individual member requirements and standards.

In summary, Corangamite Regional Library Corporation believes that it has offered an effective, well regarded and cost sensitive Library Service to the Colac Otway Shire since its inception. It has worked with member Councils to provide a Library Service under cost constraints caused by Rate Capping, which limited its capacity to broaden and adapt its service and delivered a Member-driven result to keep costs within Rate Cap limits.

It would welcome the opportunity to amend and improve our service to accommodate agreed changing service standards proposed by Colac Otway Shire, at some additional cost.

We believe the South West region of Victoria is well-served by our Library Service. We believe that this arrangement can continue to do so with Colac Otway Shire as a strong and integral part of the new look **CRLC** in the future, as changes to service levels are made to accommodate the departure of Warrnambool City Council and the requirements of the new Victorian Local Government Act 2020.

We believe **CRLC** can offer a service comparable to Geelong Regional Library Corporation's service offer in all the tangible metrics outlined in the Council Report. We know that this can be done for less than would need to be provided for Colac Otway Shire to join GRLC. It would also **not** incur any of the consequent costs liable to COS if they were to leave Corangamite Regional Library Corporation.

We look forward to working constructively with Council to continue to improve the library service offering for the residents and ratepayers of Colac Otway Shire.

* **CRLC** is in Bold Type to more easily differentiate from the acronym for Geelong RLC (GRLC)

TABLE 1

(Taken from Item: 10.6.1 - Library Service Review of Colac Otway Shire – Agenda item of COS Council Meeting, 25 March 2020)

The original table compared the service standard offering between Geelong and Corangamite Regional Library Corporation with comments by the consultant.

This Table has been amended, with **CRLC** Comments in **red**.

These comments offer explanation on differences or similarities between both offerings. They also indicate what could be available from **CRLC**, outlining any possible costs or amendments required in order to match a GRLC Service Offer and meet COS Draft Library Standards.

Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Comment
Service MANAGEMENT			
Governance	<ul style="list-style-type: none"> Equal representation on the Library Board (2 members – one Councillor and one Council Officer – on the 8 member Board) 	<ul style="list-style-type: none"> One member (COS Councillor) on an 8-9 member Library Board City of Greater Geelong would have 4-5 members with Golden Plains, Surf Coast, Colac Otway and Queenscliffe having one member each 	<ul style="list-style-type: none"> Reduced number of Board representatives at GRLC Equivalent standing to other smaller Councils (1/9th or 11%) Over-represented proportionally as COS is only 7% of regional population COS would have equal representation on the CRLC Board with other member Councils
Management	<ul style="list-style-type: none"> Management of all aspects of the Regional Library Corporation and local library services on behalf of COS 	<ul style="list-style-type: none"> Management of all aspects of the Regional Library Corporation and local library services on behalf of COS Greater levels of access to contemporary library industry knowledge, research and networks 	<ul style="list-style-type: none"> GRLC's much larger regional administration team has a wider and deeper range of professional expertise and connections (e.g. strategic planning, technology services, staff development, marketing and promotions, partnerships, community engagement) as is evident in GRLC's leading library status
Service OFFERING			

* **CRLC** is in Bold Type to more easily differentiate from the acronym for Geelong RLC (GRLC)

Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Comment
Collections	<ul style="list-style-type: none"> ▪ 133,800 physical items and 8,900 digital items (total 142,700) ▪ 1.5 physical collection items per capita ▪ 67% of physical items purchased in last 5 years ▪ Online catalogue accessible in library branches, on the outreach vehicle and via the library website ▪ Loans of up to 30 items for a general loan period of 21 days (outreach loans 28 days, periodicals and DVDs 7 days, high demand items 14 days) ▪ Overdue fines \$2.50 after 7 days ▪ 2 renewals per item (excluding overdue materials and DVDs) 	<ul style="list-style-type: none"> ▪ 445,400 physical items and 24,400 digital items (total 469,800, including COS collections) ▪ 1.3 physical collection items per capita ▪ 73% of physical items purchased in last 5 years ▪ Online catalogue accessible in library branches, on the mobile libraries and via the library website ▪ Loans of up to 40 items for a general loan period of 28 days (magazines, music CDs, DVDs, ebooks 14 days) ▪ Overdue fines \$0.40 per day ▪ 2 renewals per item (excluding requested items) 	<ul style="list-style-type: none"> ▪ GRLC collection more than 3 times the size of CRLC's and of better physical quality – ▪ CRLC Collection quality is better than the National Standard of 60% and actually has more items available per capita(1.5) than GRLC(1.3) GRLC has a collection 3.3 times larger than CRLC but serves a population of 3.5 times the size of CRLC and allows greater numbers of loans for a longer timeframe, which would assume a lesser choice of available materials for loan than CRLC ▪ GRLC has greater borrowing terms (e.g. number of items, length of loan) ▪ CRLC is willing and prepared to look at loan periods and durations for optimizing the amount to cater for borrowers ▪ CRLC overdue fines are significantly cheaper than GRLC (.40 per day per item), this assists in keeping the costs down to those who can least afford to pay. CRLC only charges fines on adult borrowings ▪ Option (uncosted) to be part of Geelong Heritage Centre for storage and access to historical records, collections and artefacts

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Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Comment
	<ul style="list-style-type: none"> ▪ Access to interlibrary loans (\$2.50 per item) 	<ul style="list-style-type: none"> ▪ Access to interlibrary loans (\$5.50 per item) ▪ Optional: Incorporate local historical collections and archives into the Geelong Heritage Centre, Victoria's largest regional archive and resource centre (not costed) 	<ul style="list-style-type: none"> ▪ CRLC offers a cheaper interlibrary loan service, which is well used and delivered over 200 items to Colac Otway library members in 2018-19
Information and reference services	<ul style="list-style-type: none"> ▪ Free assistance with access to and use of the collection and with reference and information enquiries 	<ul style="list-style-type: none"> ▪ Free assistance with access to and use of the collection and with reference and information enquiries 	<ul style="list-style-type: none"> ▪ No difference
Programs	<ul style="list-style-type: none"> ▪ Reading, literacy, cultural and social programs as agreed with COS ▪ Story Time at Colac Library (weekly during school terms) ▪ Rhyme Time at Colac Library (twice weekly during school terms) ▪ Baby Bounce at Colac Library (weekly during school terms) ▪ Rhyme/Story Time at Apollo Bay Library (weekly during school terms) ▪ Outreach Story Time (occasional) ▪ National Simultaneous Story Time ▪ School holiday activities at Colac and Apollo Bay ▪ Book Club at Colac Library ▪ Author events (book launches, readings), approx. 6-8 per year ▪ All programs run at Colac Library, Apollo Bay has a more limited program offer 	<ul style="list-style-type: none"> ▪ Reading, literacy, cultural and social programs as agreed with COS ▪ Weekly Baby Time, Toddler Time and Preschool Story Time sessions ▪ Wide range of children's programs during school terms and school holidays (e.g. Lego Club, Coding Club, craft, games, exercise) ▪ Wide range of youth programs (e.g. STEAM, Manga, movie nights, art, music, trivia, craft) ▪ Wide range of literary activities for adults (e.g. book clubs, author encounters – 2-3 per week, literary festivals) ▪ Digital literacy programs, Open Mind lectures, Creative and Connected programs (2-3 per week) ▪ Quarterly online and Print What's On brochures 	<ul style="list-style-type: none"> ▪ GRLC has an extensive range of library programs with activities for people of all ages and interests ▪ Most activities are scheduled at all branches, with feature programs hosted at larger libraries (which could include Colac) ▪ Through the deployment of additional staff resources and funds for program delivery, CRLC would also be able to offer a more comprehensive suite of programs for children and adults, over and above the current offering. IN 2018/19 there were over 400 programs offered through the Apollo Bay and Colac libraries with attendance exceeding 6,000 participants ▪ A part-time staff allocation of 3 days per week dedicated to programs and activities including delivery costs would cost less than \$60,000per annum

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Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Comment
Technology access	<ul style="list-style-type: none"> 7 desktop computers at Colac and 1 at Apollo Bay (total 8) CRLC average 0.38 PCs per 1,000 pop. 	<ul style="list-style-type: none"> Desktop computers at library branches as agreed with COS GRLC average 1.48 PCs per 1,000 pop. 	<ul style="list-style-type: none"> GRLC branches have on average 3-4 times the number of computers of CRLC libraries Colac and Apollo Bay libraries now currently have spare capacity in this area, with not all PCs fully booked at all times To achieve the GRLC average would require a further 23 computers to be provided for within limited space
	<ul style="list-style-type: none"> Access to public use software Online public access catalogue at each branch Free wifi services at library branches and outreach stops Printing and photocopying charged at 20c per A4 B&W page and \$1 for A4 colour 	<ul style="list-style-type: none"> Access to public use software Online public access catalogue at each branch Free wifi services at library branches and outreach stops Printing and photocopying charged at 30c per A4 B&W page and \$1 for A4 colour 	<ul style="list-style-type: none"> CRLC cost of printing and photocopying is generally cheaper than GRLC
Places	<ul style="list-style-type: none"> Free access to spaces in library branches for reading, study, meeting and creating Meeting room for hire at Colac Library Library website provides access to online collections and services 	<ul style="list-style-type: none"> Free access to spaces in library branches for reading, study, meeting and creating Physical library facilities provided by COS Contemporary website and online platform providing easy user access to ebooks and online services 	<ul style="list-style-type: none"> GRLC's website is superior to CRLC's in terms of look, ease of navigation and functionality CRLC is looking to significantly upgrade its web presence and has allocated funds to do so
Service DELIVERY			

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Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Comment
Service points	<ul style="list-style-type: none"> ▪ Delivery of agreed library services within Council nominated facilities ▪ Colac Library open 48.5 hours per week (43 hours during school holidays) ▪ Apollo Bay Library open 18 hours per week ▪ Outreach stops at 8 locations across the Shire as agreed with COS ▪ Home Library Service in Colac (housebound service) ▪ Library website ▪ Online access to the library catalogue and other services (e.g. event booking) 	<ul style="list-style-type: none"> ▪ Delivery of agreed library services within Council nominated facilities ▪ Colac Library open 48.5 hours per week (43 hours during school holidays) ▪ Apollo Bay Library open 18 hours per week ▪ Weekly outreach stops at 8 COS locations incorporated into the GRLC mobile library (or as agreed with COS) ▪ Home Library Service in Colac (housebound service) ▪ Library website ▪ Online access to the library catalogue and other services (e.g. event booking) 	<ul style="list-style-type: none"> ▪ Both CRLC and GRLC would deliver agreed library services within Council nominated facilities and with opening hours as agreed with COS ▪ GRLC is familiar with the operation of joint use libraries through Barwon Heads and Western Heights Libraries (both on school grounds) ▪ GRLC runs its mobile service on a weekly schedule vs CRLC's fortnightly schedule ▪ CRLC is currently investigating its delivery of outreach services and is open to adjustment of the timetable to accommodate a weekly schedule. Costs for this would not be significantly greater than the current charge levied, as incorporated into COS's current library service payment to CRLC
Staffing	<ul style="list-style-type: none"> ▪ 5.95 FTE staff delivering services in COS branches and outreach stops, equal to 0.30 FTE per 1,000 pop. ▪ Staff with library qualifications 	<ul style="list-style-type: none"> ▪ Staffing levels as agreed by COS/GRLC ▪ GRLC average 0.35 FTE per 1,000 pop. ▪ Staff have full access to GRLC's professional learning activities and networks 	<ul style="list-style-type: none"> ▪ Both CRLC and GRLC would agree staffing levels with COS ▪ GRLC typically has slightly higher staffing levels ▪ By virtue of size and strategic position GRLC staff have access to a range of professional development opportunities ▪ An additional program staffing allocation for COS would see the staffing level rise to greater than GRLC levels ▪ A CRLC delivered library service ensures employment location is local and contributing to regional economic activity

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Library service	CRLC SLA 2019-2020	GRLC Service Offer 2019-20	Comment
Funding	<ul style="list-style-type: none"> ▪ \$727,000 from COS ▪ \$33.66 per capita ▪ State Government Public Libraries Grant paid to CRLC 	<ul style="list-style-type: none"> ▪ \$831,000 (estimated) ▪ \$38.47 per capita ▪ State Government Public Libraries Grant paid to GRLC 	<ul style="list-style-type: none"> ▪ GRLC requires additional \$104,000 annually (to be inflation and service adjusted) ▪ Additional \$4.81 per capita ▪ CRLC can deliver on the bulk of the tangible differences offered by GRLC for less than an additional \$3 per capita ▪ GRLC can realise greater administrative efficiencies due to its much larger size
Partnerships	<ul style="list-style-type: none"> ▪ Joint use agreement with Colac Secondary College ▪ Joint use agreement with Great Ocean Road Health 	<ul style="list-style-type: none"> ▪ Joint use agreement with Colac Secondary College ▪ Joint use agreement with Great Ocean Road Health ▪ GRLC has extensive networks across the G21 region (e.g. community organisations, education providers, business groups, cultural organisations) 	<ul style="list-style-type: none"> ▪ Access to a wider range of regional partners to facilitate service provision and reach out to new target audiences ▪ CRLC focuses on local partnerships and networks to deliver service
Customer service	<ul style="list-style-type: none"> ▪ 95% customer satisfaction ▪ Some marketing and promotion of library services 	<ul style="list-style-type: none"> ▪ Customer satisfaction rating 9.3 out of 10 ▪ Survey library users every two years to gather feedback and suggestions for improvement ▪ Multiple avenues for customers to engage with the library onsite, online and via social media 	<ul style="list-style-type: none"> ▪ Both library services have very high levels of customer satisfaction (ranked 4 and 5 in Victoria in 2018-19) ▪ CRLC members appreciate the service currently offered, as evidenced by the above highlight in yellow ▪ GRLC very active in engaging users and seeking user feedback

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Item: 10.12

Governance Rules and Local Law No 4 – Local Government Act 2020

OFFICER	Sarah McKew
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Governance Rules - Colac Otway Shire Council - June 2020 for Exhibition [10.12.1 - 41 pages] 2. Community Impact Statement and draft Local Law No 4 - Colac Otway Shire - June 2020 [10.12.2 - 12 pages] 3. Local Law No 4 - with markup - June 2020 [10.12.3 - 7 pages]
PURPOSE	To seek Council endorsement of the Governance Rules for exhibition; to seek Council endorsement for the exhibition of amended Governance Local Law 4.

1. EXECUTIVE SUMMARY

Earlier in 2020, after several years of consultation with the sector, the *Local Government Act 2020* (the Act) received Royal Assent on 24 March, with the first of four phases of reforms proclaimed on 6 April 2020. The Act replaces the *Local Government Act 1989*, some thirty years after its proclamation. As a result of the changes to the legislation under which Colac Otway Shire Council operates, significant changes are required to be made by various deadlines.

GOVERNANCE RULES

In accordance with the *Local Government Act 2020*, Colac Otway Shire Council is required to have adopted Governance Rules by 1 September 2020, to come into effect on that date.

The attached Governance Rules, when adopted in their final form following a period of public exhibition for feedback purposes, will effectively replace much of Governance Local Law No 4, Colac Otway Shire Council's meeting procedure local law.

The Governance Rules follow the form of a template devised by Council's solicitors, Maddocks Lawyers, to comply with the overarching principles and specific sections of the Act. As the new Act is a principles-based Act, much of the content of the Governance Rules is not prescribed by the legislation but is instead left to individual councils to determine.

As Council's Governance Local Law No 4 was also based on a template from Maddocks Lawyers, the documents are largely similar in content. Significant changes are set out in a table in the Key Information section of this report. Also set out in this report, following the table, are items of significance that were discussed by Councillors in their review of these Rules.

GOVERNANCE LOCAL LAW NO 4

As the Governance Rules will from 1 September 2020 determine the meeting procedures of Council, the majority of the content within Governance Local Law No 4 will no longer be relevant, however some provisions will still be required which cannot legally form part of the Governance Rules. These generally relate to the:

1. regulation and use of the Common Seal; and
2. provision for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal or any petition or joint letter.

The amendment of a Local Law must be undertaken in accordance with the *Local Government Act 1989* until these provisions are repealed on 1 July 2021. Accordingly, an amended Governance Local Law No 4 is attached to this report and Council is required to authorise its exhibition for a period of 28 days before the required process of amendment can progress. A Community Impact Statement, also a requirement of the *Local Government Act 1989*, is attached to this report to help explain this process and its impacts to the community.

2. RECOMMENDATION

Recommendation 1

That Council:

1. ***endorses the draft Governance Rules for a four-week public exhibition and consultation period;***
2. ***considers any feedback from the exhibition and consultation period at a Councillor Briefing in early August;***
3. ***considers the adoption of the Governance Rules at the Council Meeting on 26 August 2020;***
4. ***recommends that the Governance Rules be reviewed within twelve months of adoption, with Council to consider a report in April 2021 in relation to commencing a review.***

Recommendation 2

That Council:

1. ***approves the commencement of the statutory process to make the Governance Local Law No 4 – 2020 in accordance with the provisions of s119 of the Local Government Act 1989;***
2. ***pursuant to s119(2) of the Local Government Act 1989, gives notice in the Government Gazette and a public notice in the local paper stating the purpose and general purport of the proposed local law and invite written submissions under s223 of the Act;***

3. *pursuant to s223 considers any submissions received in relation to the draft Local Law No 4, and hear any persons who in their written submission under s223 of the Act who have requested that they be heard in support of their submission;*
4. *considers adoption of the draft Local Law No 4 at the Council meeting on 26 August 2020; and*
5. *notes the adoption of the draft Local Law No 4 is dependent on the adoption of the Governance Rules.*

3. KEY INFORMATION

GOVERNANCE RULES

Council is required to adopt Governance Rules by 1 September 2020 in accordance with section 60 the Act.

The Governance Rules prepared for the consideration of Councillors are similar in form and content to Governance Local Law No 4, adopted by Council on 26 November 2014. The Governance Rules are based on a template created by Council's solicitors, Maddocks Lawyers, to conform with the Act. The Governance Rules also reference the overarching governance principles and supporting principles of the Act (section 9), as must be the case of a council in the performance of its role.

Upon review with Councillors, some clauses from Governance Local Law No 4 found to be omitted from the new template have been transferred into the Governance Rules.

The text in **green**, where easily possible, indicates the parts of the Governance Rules which are required to be included as per the *Local Government Act 2020*. (Please note, this is complex in that there are references throughout the legislation which don't easily equate to a Rule or sub-Rule of the Governance Rules; the prime example is with reference to the new principles throughout the Act.)

While the Governance Rules are similar in nature to Governance Local Law No 4, the key changes are as follows and have had the input of Councillors:

RULE	LL4 REFERENCE (IF ANY)	COMMENT	LG ACT 2020 REQUIREMENT
PART A Introduction		Governance Rules are set out in Chapters to convey the requirements of the LG Act 2020.	Yes
CHAPTER 1 Framework		Governance Framework and the decision-making role of Council is included to reflect the LG Act 2020 and its overarching governance principles.	Yes
CHAPTER 2, PART C			
11	22	Special Council Meetings LG Act 2020 does not reference Special Council meetings, so provision has been made for additional Council meetings to be called, as required.	No
12.2		Notice of Meeting Additional sub-Rule: A notice of meeting need note be delivered or sent electronically to any	No

RULE	LL4 REFERENCE (IF ANY)	COMMENT	LG ACT 2020 REQUIREMENT
		Councillor who has been granted leave of absence, unless requested in writing.	
16.1		Adjournment of Meeting Additional sub-Rule: Allows the adjournment of a meeting due to disorder or threat to the safety of any Councillor or staff member.	Yes Section 66(2)
20	98	Urgent Business There are only two reasons for the admission of urgent business, and each requires a resolution of Council.	No
22	82 – 90	Notice of Motion Sub-Rule 22.6 relates to another Councillor’s ability to move a NoM if the submitting Councillor is <u>absent</u> or fails to move the motion; the inclusion of <u>absent</u> is new. Sub-Rule 22.8 spells out that a NoM lapses if it is not moved.	No
24		Introducing a Report New Rule in accordance with practice at many local governments.	No
25	55, 62	Introducing a Motion or an Amendment This is an amalgamation of the current parts pertaining to Motions and Amended Motions (Division 2 of LL4). Sub-Rule 25.4: may be carried without discussion, as opposed to current practice which is to put it to the vote without debate. The Rule does not include specific mention of Chair allowing discussion on motions that are unopposed (clause 55 of LL4). Remainder of this Rule is a rephrasing of LL4.	No
28	63	Who May Propose an Amendment Limit to two amendments in succession by any one Councillor, without the leave of the Chair.	No
30	66, 67	An Amendment Once Carried Sub-Rule 30.1: states that the amended motion may be debated before it is put. Sub-Rule 30.2: the mover of the original motion retains the right of reply to that motion.	No
35	55	Priority of Address New rule which reference Rule 25, reiterating that the Chair must decide the order in which the Councillors concerned will be heard.	No

RULE	LL4 REFERENCE (IF ANY)	COMMENT	LG ACT 2020 REQUIREMENT
42	76	Procedural Motions Previously known as Formal Motions in LL4.	No
53	100	Question Time Sub-Rule 53.2: Chair may reject a question based on circumstances listed in Section 66(2) of LG Act 2020. Sub-Rule 53.21: response can be provided in Closed Session.	Yes, Sub-Rule 53.2
54	99	Petitions and Joint Letters Additional sub-Rule 54.4.8: may, at the discretion of the <i>Chief Executive Officer</i> , be refused if the same, or substantially the same, petition is received more than once in a twelve (12) month period during the course of a term of <i>Council</i> . Petition and Joint Letter Guidelines have been incorporated into the Governance Rules.	No
58	46	Casting Vote Casting Vote Guidelines have been incorporated into the Governance Rules.	No
61	45	No Discussion Once Declared Additional sub-Rule 61.2: foreshadowing a notice of rescission is permitted.	No
62	33 – 35	Confirmation of Minutes Sub-Rule 62.1.3: the process outlining opposition to the Minutes is covered in detail.	No
70		The Chair's Duties and Discretions Additional Rule regarding duties of the Chair with regards to behaviour.	No
72		Meetings Conducted Remotely Additional Rule which may be applied only if the provisions of both sub-Rules 72.1 and 72.2 are met, and then with the consent of the meeting.	Yes, Section 394 Section 395
73		Procedure not Provided for in this Chapter Additional Rule stating that reference to Parliamentary rules should be given should the Governance Rules not provide for a set of circumstances.	No
CHAPTER 3		Meeting Procedure for Delegated Committees Governance Rules apply to Delegated Committees however Delegated Committees not comprising solely of Councillors may determine otherwise.	Yes

RULE	LL4 REFERENCE (IF ANY)	COMMENT	LG ACT 2020 REQUIREMENT
CHAPTER 4		Meeting Procedure for Community Asset Committees Governance Rules may apply to a Community Asset Committee; it is at the Committee's discretion unless an Instrument states otherwise.	Yes
CHAPTER 5		Disclosure of Conflicts of Interest New provisions in accordance with the LG Act 2020.	Yes
CHAPTER 6		Miscellaneous Suggested method of dealing with what we know under the LG Act 1989 as an Assembly of Councillors. Provision for treatment of confidential information.	No

In the course of the review of the Governance Rules with Councillors, the following topics were discussed at length, generally prompted by the template provided by Maddocks Lawyers:

1. Election of the Mayor
Councillors discussed a possible new requirement for nominations to be in writing on a prescribed form.
2. Time limits for Meetings
Councillors discussed an additional Rule which would have stipulated a time limit for meetings unless otherwise resolved.
3. Introducing a Report
Many local governments allow officers to introduce a report to Council. This has been included in the Governance Rules however only if the officer is invited to do so by the Chair.
4. Procedural Motions
Previously known as Formal Motions, the practice at some councils is that Procedural Motions require a seconder. This was discussed by Councillors who indicated a preference for no seconder to be required.
5. Notice of Rescission
One significant change was discussed regarding a notice of rescission, being that a Councillor could propose a notice of rescission provided it had been signed and dated by at least three Councillors. This change has not been included in the Governance Rules.

6. Question Time

Councillors discussed suggested changes to Question Time made in the template, primarily that of allowing a maximum of two questions per person, per meeting, which would effectively replace the current five-minute rule. During Councillor discussion, it was felt that the current five-minute allocation of time to any member of the public who had submitted questions in writing prior to the meeting should be maintained. It was also felt that continuing to accept questions from the gallery, should time permit after written questions had been dealt with, should continue.

7. Casting Vote

Council officers suggested the revocation of Colac Otway Shire Council's Casting Voting Guidelines as the use of the Casting Vote is ultimately the decision of the Mayor. The Casting Vote Guidelines were last adopted by Council on 24 July 2013.

During discussion, it was generally accepted that the transposition of key points from these Guidelines into the Governance Rules would satisfy the concerns of some Councillors and allow for the revocation of the Casting Vote Guidelines once the Governance Rules had been adopted by Council.

8. Treatment of Confidential Information

The repeal of Section 77 of the *Local Government Act 1989* on 24 October 2020 will give cause to all councils to reconsider how confidential information can be designated as such by the Chief Executive Officer. During the review of the Governance Rules, Councillors requested an additional clause be added, such that Council may resolve to release confidential information, or that which has been designated as such by the Chief Executive Officer.

9. Petitions and Joint Letters

Petition and Joint Letter Guidelines have existed alongside Governance Local Law No 4 for many years. An operational document not adopted by Council, these Guidelines have been available to members of the public to provide guidance when considering a petition or joint letter to Council.

In an attempt to provide all relevant information in one document so members of the public have ease of reference, as well as for transparency purposes, the content of the Petition and Joint Letter Guidelines has been incorporated into the Governance Rules.

GOVERNANCE LOCAL LAW NO 4

As the Governance Rules will from 1 September 2020 determine the meeting procedures of Council, the majority of the content within Governance Local Law No 4 will no longer be relevant.

However, it will be necessary under the Act for three Parts of Governance Local Law No 4 to remain:

1. Preliminary Provisions

2. Common Seal

Section 14(2) of the Act refers to the particulars of a Common Seal of Council which must be used in accordance with any applicable local law.

3. Offences and Penalties

Financial penalties for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal or any petition or joint letter, can only be applied as per a local law, not the Governance Rules.

A Local Law No 4 has been drafted for this purpose and is attached to this report, along with a Community Impact Statement which details the proposed changes for the community.

REVIEW OF GOVERNANCE RULES

As indicated in the Recommendation of this report, it is intended that Council considers a report no later than April 2021 in relation to commencing a review of the Governance Rules. It is anticipated that consideration in April 2021 would allow sufficient time for a newly elected Council to become familiar with the workings of the Governance Rules, thus placing it in a well-informed position for substantive review.

4. COMMUNITY CONSULTATION & ENGAGEMENT

GOVERNANCE RULES

In accordance with section 60(4) of the Act, Council must ensure that a process of community engagement is followed in developing its Governance Rules.

As the Act is a principles-based Act and is less prescriptive than the *Local Government Act 1989*, it is for individual councils to determine the process of community engagement to be taken in this instance. Local Government Victoria advised the sector via its engagement webpage:

“Section 223 is not repealed from the Local Government Act 1989. This section will continue to apply to provisions such as the annual budget process, development of local laws, etc. until those provisions are replaced with the new provisions in the Local Government Act 2020.

This is different for the development of Governance Rules as they are proclaimed on 1 May 2020. Section 60 (4) of the Act 2020 says that a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules. Essentially, that means you can use whatever process you deem appropriate. The process must however, give effect to the community engagement principles outlined in Section 56. It is not a requirement for you to have your Community Engagement Policy as outline in Section 55 to satisfy the requirements for the development of your Governance Rules.”

As the draft Governance Rules are similar in nature to the meeting procedure local law currently in use, provision has been made for an informal four-week/28-day exhibition and consultation period.

GOVERNANCE LOCAL LAW NO 4

As referenced immediately above, Section 223 of the *Local Government Act 1989* applies to making or amending a local law. In accordance with this legislation, the statutory process outlined in this report will be followed, allowing members of the community the prescribed four-week/28-day submission period.

If approved for community release, a notice informing the community of the availability of the draft document and Community Impact Statement will be placed in local newspapers and the Government Gazette.

Copies of the document will also be available for inspection at the Shire offices in Colac and Apollo Bay and will also be placed on the Shire’s website for the submission period.

Under s223 of the *Local Government Act 1989*, the community will be able to provide submissions on the Local Law to Council for a period of 28 days.

Advertisements will be placed in the local paper advising the community that documents will be available for viewing on 26 June 2020.

Submissions will be able to be made in writing until 24 July 2020 and Council will consider the submission of any person who wishes to be heard in support of their submission at a Special Committee Meeting to be held on Wednesday 12 August 2020 prior to the Local Law being considered by Council for adoption on Wednesday 26 August 2020 at its Ordinary Council meeting.

The alignment of the processes has been designed to deal with them simultaneously in an attempt to make the complexity of the requirements of the Acts more easily understood by the community.

5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.
3. Organisational development and legislative compliance.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

The social and cultural considerations of the making of the Governance Rules in accordance with the Act should be taken into account because the Governance Rules are reflective of Colac Otway Shire Council's emphasis on good governance and community participation in the supreme decision-making process of Council.

LEGAL & RISK

Council has a statutory obligation to adopt its Governance Rules by 1 September 2020.

In order for Council to retain its powers with respect to its use of the Common Seal and the enforcement of the penalties for poor behaviour at Council meetings, Council must retain select sections of Governance Local Law No 4. Officers have coordinated this process so that it may be undertaken concurrently with Council's consideration and adoption of the Governance Rules. Guidance to ensure this process is undertaken in accordance with the Act has been sought.

Council must comply with the following provisions of Part 5 of the *Local Government Act 1989*, in regard to the procedure for making a local law.

s111 - Power to make Local Laws

Section 111 of the *Local Government Act 1989* provides councils with the authority to make local laws.

s119 - Procedure for making a Local Law

Before a Council makes a local law, it must comply with the procedure contained within s119. This procedure includes giving a notice in the Government Gazette and a public notice stating the purpose and general purport of the proposed local law, that a copy of the proposed local law can be obtained from the Council office and that any person affected by the proposed local law may make a submission relating to the proposed local law under s223.

After a local law has been made, the Council must give a notice in the Government Gazette and a public notice specifying the title of the local law and the purpose and general purport of the local law; and that a copy of the local law may be inspected at the Council office. In addition, Council must send a copy to the Minister.

s223 - Right to make submission

S223 of the *Local Government Act 1989* details that the submissions received must be heard by Council and that a person making a submission can specify in their submission that they (or representative) wish to appear before Council to be heard in support of the submission. In addition, Council must notify in writing, each person who has made a separate submission and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

FINANCIAL & BUDGETARY

The implementation of the Act has been anticipated by Council for some years and provision was made within the 2019/20 budget for associated costs. As the Act was only proclaimed by Parliament in March 2020 and it has a staged two-year implementation, unspent allocations are to be carried forward to cover the necessary costs.

7. IMPLEMENTATION STRATEGY

The following implementation strategy applies to both the Governance Rules and the Governance Local Law No 4.

COMMUNICATION

Notification of public exhibition and consultation will be made via:

- media release
- advertisements in the *Colac Herald* and *Apollo Bay News*
- notice on website
- regular social media posts throughout exhibition period.

TIMELINE

24 June 2020 - Council endorsement for exhibition
26 June to 24 July 2020 - Four-week exhibition period
5 August 2020 - Consideration of feedback at Councillor Briefing
12 August 2020 - Special Committee Meeting, if required
26 August 2020 - Adoption by Council

8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



DRAFT
GOVERNANCE RULES

June 2020 for exhibition

Adopted by Council: <<insert date>>

FOR EXHIBITION





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FOR EXHIBITION



GOVERNANCE RULES

Introduction

1. Nature of Rules

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

2. Date of Commencement

These Governance Rules commence on 1 September 2020.

3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy

4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Chief Executive Officer includes an Acting Chief Executive Officer.

Community Asset Committee means a Community Asset Committee established under section 65 of the *Act*.

Council means Colac Otway Shire Council.

Council meeting has the same meaning as in the *Act*.

Delegated Committee means a Delegated Committee established under section 63 of the *Act*.

Mayor means the Mayor of *Council*.

Special Council Meeting means a *Council meeting* not fixed by *Council*.

these Rules means these Governance Rules.

Chapter 1 – Governance Framework

1. Context

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

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
 - (i) Council Plan; and
 - (ii) Councillor Code of Conduct.

2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
 - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
 - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
 - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
 - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
 - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.



Chapter 2 – Meeting Procedure for Council Meetings

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FOR EXHIBITION



Part A – Introduction

1. Title

This Chapter will be known as the "Meeting Procedure Local Law".

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

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

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

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

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.



Part B – Election of Mayor

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

4. Election of the *Mayor*

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

5. Method of Voting

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

6. Determining the election of the *Mayor*

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

6.2 Any nominations for the office of *Mayor* must be seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

6.3.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

- (a) each candidate will draw one lot;
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

7. Election of Deputy Mayor and Chairs of Delegated Committees

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

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

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the *Deputy Mayor* or the Chair of the *Delegated Committee* (as the case may be).

8. Appointment of Acting Mayor

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

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.



Part C – Meetings Procedure

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

Division 1 – Notices of Meetings and Delivery of Agendas

9. Dates and Times of Meetings Fixed by *Council*

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

10. *Council* May Alter Meeting Dates

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

11. *Special Council Meeting*

11.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Special Council Meeting*.

11.2 The notice must specify the date and time of the *Special Council Meeting* and the business to be transacted.

11.3 The *Chief Executive Officer* must convene the *Special Council Meeting* as specified in the notice.

11.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Special Council Meeting*.

12. Notice of Meeting

12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of his or her absence.

12.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

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

12.3.2 for any meeting by giving notice on its website and:

(a) in each of its Customer Service Centres; and/or

- (b) in at least one newspaper generally circulating in the *municipal district*.

13. Prohibition of Unauthorised Recording of Meetings

Other than an official *Council* recording, no video or audio recording of proceedings of *Council meetings* will be permitted without specific approval by resolution of the relevant *Council meeting*.

Division 2 – Quorums

14. Inability to Obtain a Quorum

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

- 14.1 the meeting will be deemed to have lapsed;
- 14.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 14.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

15. Inability to Maintain a Quorum

- 15.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 15.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

16. Adjourned Meetings

- 16.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of *Council staff* adjourn a meeting in session to another place.
- 16.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 16.3 If it is impracticable for the notice given under sub-Rule 15.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

17. Cancellation or Postponement of a Meeting

- 17.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 17.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 17.1.



Division 3 – Business of Meetings

18. Agenda and the Order of Business

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

19. Change to Order of Business

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

20. Urgent Business

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

- 20.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 20.2 cannot safely or conveniently be deferred until the next *Council meeting*.

Division 4 – Motions and Debate

21. Councillors May Propose *Notices of Motion*

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

22. Notice of Motion

- 22.1 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* at least 8 days prior to the Council meeting, to allow sufficient time for the *Chief Executive Officer* to include the *notice of motion* in the agenda papers for a *Council meeting*.
- 22.2 The *Chief Executive Officer* may reject any *notice of motion* which:
 - 22.2.1 is vague or unclear in intention
 - 22.2.2 it is beyond *Council's* power to pass; or
 - 22.2.3 if passed would result in *Council* otherwise acting invalidly

but must:

 - 22.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 22.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 22.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.
- 22.4 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.



- 22.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 22.6 Where a *notice of motion* is listed on an agenda, the *Chair* will first invite the Councillor who gave the *notice of motion* to move it, in accordance with clause 25.
- 22.7 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 22.8 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.
- 22.9 Unless Council resolves to re-list at a future *Council meeting* a *notice of motion* which has been lost, a similar motion must not be put before Council for at least three months from the date it was lost.

23. Chair's Duty

Any motion which is determined by the *Chair* to be:

- 23.1 defamatory;
- 23.2 objectionable in language or nature;
- 23.3 vague or unclear in intention;
- 23.4 outside the powers of *Council*; or
- 23.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

24. Introducing a Report

- 24.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report if invited by the *Chair* by indicating:
 - 24.1.1 its background; or
 - 24.1.2 the reasons for any recommendation which appears.
- 24.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

25. Introducing a Motion or an Amendment

The procedure for moving any motion or amendment is:

- 25.1 the mover must state the motion without speaking to it;
- 25.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 25.3 if a motion or an amendment is moved and seconded the *Chair* must ask:



"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"

- 25.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
- 25.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 25.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 25.7 after the seconder has addressed the meeting, or has, without speaking on the motion, reserved his or her address until later in debate (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion, prior to the seconder addressing the meeting, if he or she chose to reserve his or her address;
- 25.8 the mover of the original motion retains the right of reply to that motion; and
- 25.9 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

26. Right of Reply

- 26.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 26.2 After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must be put to the vote without any further discussion or debate.

27. Moving an Amendment

- 27.1 Subject to sub-Rule 27.2 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.
- 27.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 27.3 An amendment must not be directly opposite to the motion.

28. Who May Propose an Amendment

- 28.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 28.2 Any one Councillor cannot move more than two amendments in succession without the leave of the *Chair* and that leave will not be unreasonably withheld.

29. How Many Amendments May be Proposed

- 29.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.



- 29.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

30. An Amendment Once Carried

- 30.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion may be debated before it is put.
- 30.2 The mover of the original motion retains the right of reply to that motion.

31. Foreshadowing Motions

- 31.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 31.2 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.
- 31.3 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.

32. Withdrawal of Motions

- 32.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.

33. Separation of Motions

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

34. Chair May Separate Motions

The *Chair* may decide to put any motion to the vote in several parts.

35. Priority of address

Outside of the specific application of Rule 25 in the case of competition for the right to speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

36. Motions in Writing

- 36.1 The *Chair* may require that a complex or detailed motion be in writing.
- 36.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

37. Repeating Motion and/or Amendment

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



38. Debate Must Be Relevant to the Motion

- 38.1 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.
- 38.2 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.
- 38.3 A speaker to whom a direction has been given under sub-Rule 38.2 must comply with that direction.

39. Speaking Times

- 39.1 A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*:
- 39.1.1 the mover of a motion or an amendment which has been opposed: 5 minutes;
- 39.1.2 any other Councillor: 3 minutes; and
- 39.1.3 the mover of a motion exercising a right of reply: 2 minutes.
- 39.2 Where the *Chair* allows discussion on an item, the maximum speaking time for a Councillor will be 3 minutes.

40. Addressing the Meeting

If the *Chair* so determines:

- 40.1 any person addressing the *Chair* must refer to the *Chair* as:
- 40.1.1 Madam Mayor; or
- 40.1.2 Mr Mayor; or
- 40.1.3 Madam Chair; or
- 40.1.4 Mr Chair
- as the case may be;
- 40.2 all Councillors, other than the *Mayor*, must be addressed as
- Cr(name).**
- 40.3 all members of Council staff, must be addressed as Mr or Ms
-(name) as appropriate or by their official title.

41. Right to Ask Questions

- 41.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 41.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.



Division 5 – Procedural Motions

42. Procedural Motions

- 42.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 42.2 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

FOR EXHIBITION



PROCEDURAL MOTIONS TABLE

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> ; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No



Division 6 – Rescission Motions

43. Notice of Rescission

43.1 A Councillor may propose a *notice of rescission* provided:

43.1.1 the resolution proposed to be rescinded has not been acted on; and

43.1.2 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -

(a) the resolution to be rescinded; and

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

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

43.2 A resolution will be deemed to have been acted on if:

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

43.2.2 a statutory process has been commenced

so as to vest enforceable rights in or obligations on *Council* or any other person.

43.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:

43.3.1 has not been acted on; and

43.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 43.1.3,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.



Sub-Rule 43.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

44. If Lost

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

45. If Not Moved

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

46. May be Moved by any Councillor

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

47. When Not Required

47.1 Unless sub-Rule 47.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

47.2 The following standards apply if *Council* wishes to change policy:

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

47.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 – Points of Order

48. Chair to Decide

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

49. Chair May Adjourn to Consider

49.1 The *Chair* may adjourn the meeting to consider a point of order which has been raised but otherwise must rule on it as soon as it is raised.

49.2 All other questions or matters before the meeting are suspended until the point of order is decided.

50. Final Ruling on a Point of Order

50.1 The decision of the Chair in respect of a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present carry a motion of dissent.



- 50.2 A motion of dissent on a point of order must contain the provision, rule, practice or precedent in substitution for the *Chair's* ruling.
- 50.3 A motion of dissent in relation to a point of order is not a motion of dissent in the Chair, and the Chair must at all times remain in the Chair and he or she will retain his or her right to a second vote.
- 50.4 A motion of dissent on a point of order will take precedence over all other business and, if carried, must be acted on instead of the ruling given by the *Chair*.

51. Procedure for Point of Order

- 51.1 A Councillor raising a point of order must:
- 51.1.1 state the point of order; and
- 51.1.2 state any section, Rule, paragraph or provision of *these Rules* or the Councillor Code of Conduct relevant to the point of order
- before resuming his or her seat.
- 51.2 A Councillor who is interrupted by another Councillor calling for a point of order must immediately stop speaking and remain silent until the Councillor raising the point of order has been heard and the question disposed of by the *Chair*.

52. Valid Points of Order

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

- 52.1 is contrary to *these Rules*;
- 52.2 is irrelevant to the matter under consideration;
- 52.3 is outside *Council's* legal powers;
- 52.4 constitutes improper behaviour;
- 52.5 is offensive;
- 52.6 constitutes a tedious repetition of something already said;
- 52.7 a motion, which, under Rule 23, or a question which, under Rule 53, should not be accepted by the *Chair*;
- 52.8 a question of procedure; or
- 52.9 any act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a valid point of order.



Division 8 – Public Question Time

53. Question Time

- 53.1 Unless Council resolves differently, there must be a public question time at every *Council meeting* fixed under Rule 9 or every *Special Council Meeting* fixed under Rule 11 to enable members of the public to submit written questions and to ask verbal questions of *Council*. Question time is specifically for succinct questions in form and character, rather than forums for making statements and discussion.
- 53.2 Sub-Rule 53.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.
- 53.3 Only questions related to the agenda for that meeting will be accepted for *Special Council Meetings* fixed under Rule 11.
- 53.4 Public question time will not exceed 30 minutes in duration.
- 53.5 Public question time may be extended at the discretion of the *Chair*.
- 53.6 Written questions submitted to *Council* will be given preference and will take precedence at the *Council meeting* and must be:
- 53.6.1 in *writing*, state the name and address, and the organisation if applicable, of the person submitting the question, and generally be in a form approved or permitted by *Council*; and
- 53.6.2 physically received by *Council* or lodged electronically at the prescribed email address or via the electronic form on *Council's* website, clearly marked as a question for the *Council meeting*, prior to 5pm on the Monday preceding the relevant *Council meeting*.
- 53.7 If a member of the public intends to ask a question that is unrelated to an item on the agenda, they are particularly encouraged to register a question, in writing, prior to the relevant *Council meeting* so that a better-researched and more complete response can be provided.
- 53.8 The *Chair* will exercise discretion so that the maximum number of people present will be permitted to ask their questions within the time available for public question time.
- 53.9 A time limit of 5 minutes per person applies, irrespective of the number of questions submitted by that person. If a person has submitted more questions to a meeting than can be answered in the 5 minutes allocated, their remaining questions may:
- 53.9.1 at the discretion of the *Chair*, be dealt with after all other persons have had their first question asked and answered (or their 5 minutes has expired), time permitting; or
- 53.9.2 not be asked and answered if the time allotted for public question time has expired; and
- 53.9.3 where questions have not been asked and answered at the relevant *Council meeting*, a response can be provided in writing after the meeting.



- 53.10 The *Chair* or a member of Council staff nominated by the *Chair* may read to those present at the meeting a question which has been submitted in accordance with this Rule.
- 53.11 Notwithstanding sub-Rule 53.9, the *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- 53.12 A question may be disallowed by the *Chair* if the *Chair* determines that it:
- 53.12.1 relates to a matter outside the duties, functions and powers of *Council*;
 - 53.12.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 53.12.3 deals with a subject matter already answered;
 - 53.12.4 is aimed at embarrassing a Councillor or a member of Council staff;
 - 53.12.5 is a not question of Council, but rather is seeking the views of a particular Councillor or officer.
 - 53.12.6 relates to personnel matters;
 - 53.12.7 relates to the personal hardship of any resident or ratepayer;
 - 53.12.8 relates to industrial matters;
 - 53.12.9 relates to contractual matters;
 - 53.12.10 relates to proposed developments;
 - 53.12.11 relates to legal advice;
 - 53.12.12 relates to matters affecting the security of *Council* property; or
 - 53.12.13 relates to any other matter which *Council* considers would prejudice *Council* or any person.
- 53.13 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
- 53.14 Any member of the public asking a question of *Council* must extend due courtesy and respect to *Council* and the processes under which it operates, and must take direction from the *Chair* whenever called upon to do so.
- 53.15 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.
- 53.16 Like questions may be grouped together and a single answer provided.
- 53.17 Questions shall be addressed to the Chair, who will determine who will answer each question. The *Chair* may nominate a Councillor, the *Chief Executive Officer* or a General Manager to respond to a question.
- 53.18 If the *Chair* so permits, a second speaker may support or add to an answer given, but questions shall not be debated by *Council* during public question time.



- 53.19 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question and will be included in the minutes of the following *Council meeting*.
- 53.20 A Councillor or *the Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

Division 9 – Petitions and Joint Letters

54. Petitions and Joint Letters

- 54.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 54.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 54.3 Every Councillor presenting a petition or joint letter to *Council* must:
- 54.3.1 write or otherwise record his or her name at the beginning of the petition or joint letter; and
- 54.3.2 confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the request.
- 54.4 Every petition or joint letter presented to *Council*:
- 54.4.1 must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people;
- 54.4.2 must be addressed to the *Council, Mayor*, a Councillor or Councillors, containing a request for action to be taken by *Council*;
- 54.4.3 may be submitted electronically, by post or delivered in person;
- 54.4.4 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;
- 54.4.5 must not be defamatory or objectionable in language or nature; and
- 54.4.6 must not relate to matters outside the powers of Council;
- 54.4.7 must be received by Council in its original form eight (8) days prior to a Council Meeting and, if it is not, will be presented at the next Council Meeting; and



- 54.4.8 may, at the discretion of the *Chief Executive Officer*, be refused if the same, or substantially the same, petition is received more than once in a twelve (12) month period during the course of a term of *Council*.
- 54.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 54.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 54.7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 54.8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.
- 54.9 If a petition relates to:
- 54.9.1 a 'planning matter' which is the subject of a public notification process under the *Planning and Environment Act 1987*; or
- 54.9.2 a 'statutory matter' which is the subject of a public submissions process under section 223 of the *Local Government Act 1989*;
- the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).

Division 10 – Voting

55. How Motion Determined

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

56. Silence

Voting must take place in silence.

57. Recount

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

58. Casting Vote

- 58.1 In the event of a tied vote, the *Chair* must exercise a casting vote.
- 58.2 In the event of an item first coming before *Council* having an equality of votes, *Council's* expectation is that the *Chair* will generally vote in the negative unless there is an imminent deadline that required an immediate decision.
- 58.3 *Council's* expectation is that the item should then be listed for the next *Council meeting*. If there is an equality of votes when the item is re-presented to *Council*,

then the expectation is that the *Chair* will use the casting vote to finally resolve the matter.

- 58.4 *Council* acknowledges that the *Chair* is always free to exercise the casting vote as he or she sees fit, notwithstanding the expectations outlined in sub-Clauses 58.2 and 58.3.

59. By Show of Hands

Voting on any matter is by show of hands.

60. Procedure for a Division

- 60.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.
- 60.2 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.
- 60.3 When a division is called for, the *Chair* must:
- 60.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and
- 60.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any *authorised officer* must record, the names of those Councillors voting in the negative.

61. No Discussion Once Declared

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

- 61.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 61.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule 61 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 61 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 61.2, to discussion about a positive motion were a resolution has just been rescinded.



Division 11 – Minutes

62. Confirmation of Minutes

- 62.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 62.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
- 62.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 62.1.3 if a Councillor indicates opposition to the minutes:
- (a) he or she must specify the item(s) to which he or she objects;
 - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
 - (c) the Councillor objecting must move accordingly without speaking to the motion;
 - (d) the motion must be seconded;
 - (e) the *Chair* must ask:
"Is the motion opposed?"
 - (f) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 62.1.3(k);
 - (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;
 - (h) after the mover has addressed the meeting, the seconder may address the meeting;
 - (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
 - (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
 - (k) the *Chair* must, after all objections have been dealt with, ultimately ask:
"The question is that the minutes be confirmed" or
"The question is that the minutes, as amended, be confirmed",
and he or she must put the question to the vote accordingly;



- 62.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
- 62.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and
- 62.1.6 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

63. No Debate on Confirmation of Minutes

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

64. Deferral of Confirmation of Minutes

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

65. Form and Availability of Minutes

- 65.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
 - 65.1.1 the date, place, time and nature of the meeting;
 - 65.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
 - 65.1.3 the names of the members of Council staff present for the purpose of participation in the *Council meeting*;
 - 65.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;
 - 65.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
 - 65.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
 - 65.1.7 the outcome of every motion, that is, whether it was put to the vote and the result of either carried, lost, withdrawn, lapsed, amended, etc.;
 - 65.1.8 the vote cast by each Councillor upon a division;
 - 65.1.9 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
 - 65.1.10 questions upon notice;
 - 65.1.11 the failure of a quorum;
 - 65.1.12 any adjournment of the meeting and the reasons for that adjournment;



- 65.1.13 the time at which standing orders were suspended and resumed; and
- 65.1.14 any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the *Council meeting* or the recording of the minutes.
- 65.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
 - 65.2.1 published on *Council's* website; and
 - 65.2.2 available for inspection at *Council's* office during normal business hours.
- 65.3 Nothing in sub-Rule 65.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

Division 12 – Behaviour

66. Public Addressing the Meeting

- 66.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 66.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 66.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

67. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 66.2.

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

68. Chair may adjourn disorderly meeting

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

69. Removal from Chamber

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 70.



Division 13 – Additional Duties of *Chair*

70. The *Chair's* Duties and Discretions

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

- 70.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 70.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Suspension of Standing Orders

71. Suspension of Standing Orders

- 71.1 To expedite the business of a meeting, *Council* may suspend standing orders.

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

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

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

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

- 71.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

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

"That standing orders be resumed."

Division 15 – Miscellaneous

72. Meetings Conducted Remotely

If:

- 72.1 by law a meeting may be conducted electronically; and
- 72.2 *Council* decides that a meeting is to be conducted electronically,

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



73. Procedure not provided in this Chapter

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

74. Criticism of members of Council staff

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

74.2 A statement under sub-Rule 74.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

FOR EXHIBITION



Chapter 3 – Meeting Procedure for Delegated Committees

1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
 - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
 - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
 - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

2. Meeting Procedure Can Be Varied

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

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

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



Chapter 4 – Meeting Procedure for Community Asset Committees

1. Introduction

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

2. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

FOR EXHIBITION



Chapter 5 – Disclosure of Conflicts of Interest

1. Introduction

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

2. Definition

In this Chapter:

- 2.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 2.2 a member of a *Delegated Committee* includes a Councillor.

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

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

- 3.1 is present **must disclose that conflict of interest** by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 3.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
- 3.2.1 advising of the conflict of interest;
- 3.2.2 explaining the nature of the conflict of interest; and
- 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person’s interest in the matter,

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

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

* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.



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

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

- 4.1 is present **must disclose that conflict of interest** by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- 4.2 intends to present **must disclose that conflict of interest** by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:
 - 4.2.1 advising of the conflict of interest;
 - 4.2.2 explaining the nature of the conflict of interest; and
 - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
 - (a) name of the other person;
 - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
 - 4.2.4 nature of that other person's interest in the matter,

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

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

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

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

- 5.1 is present **must disclose that conflict of interest** by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 5.2 intends to present **must disclose that conflict of interest** by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
 - 5.2.1 advising of the conflict of interest;
 - 5.2.2 explaining the nature of the conflict of interest; and
 - 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
 - (a) name of the other person;

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

5.2.4 nature of that other person's interest in the matter,

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

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

6. Disclosure at a Meeting Conducted Under the Auspices of Council

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

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 6.2 absent himself or herself from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

7. Disclosure by Members of Council Staff Preparing Reports for Meetings

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

- 7.1.1 *Council meeting;*
- 7.1.2 *Delegated Committee meeting;*
- 7.1.3 *Community Asset Committee meeting*

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

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

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

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

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



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

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

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

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

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

10. Retention of Written Notices

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

FOR EXHIBITION

Chapter 6 – Miscellaneous

1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

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

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.
- 2.3 Notwithstanding sub-Clauses 2.1 and 2.2, *Council* may resolve to release confidential information within the meaning of the *Act*, or that which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*.

Chapter 7 – Election Period Policy

[Election Period Policy to be inserted here following adoption of Governance Rules]

FOR EXHIBITION

[Local Law Community Impact Statement (LLCIS)]

Colac Otway Shire Council Governance Local Law No. 4 – 2020

Council provides the following information to the community in respect of the proposed Local Law.

1. INTRODUCTION

Council is proposing to make a new Governance Local Law (**proposed Local Law**).

The proposed Local Law will supersede and replace Local Law No. 4 of 2014 (**current Local Law**).

The proposed Local Law is to be made in circumstances where the meeting procedure applicable to a Council meeting (and a Delegated Committee meeting) is, from 1 September 2020 onwards, to be addressed in Governance Rules made under section 60 of the *Local Government Act 2020* (**the 2020 Act**). A draft of the Governance Rules will separately be made available for community consideration.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989* (**the 1989 Act**).

2. BACKGROUND

Local Laws are a form of local regulation that enables councils to make legislative controls that reflect the different circumstances of each municipality. The local law-making power attributed to councils comes from the 1989 Act.

The current Local Law addresses the meeting procedure applicable to Council (and Special Committee) meetings. It also creates certain offences in relation of the conduct of persons attending Council (and Special Committee) meetings, regulates the use of the common seal (as well as providing for offences for misuse of the common seal) and regulates petitions and joint letters (as well as providing for offences for misuse of petitions or joint letters).

The meeting procedure applicable to Council (and Delegated Committee) meetings will now be addressed through Governance Rules made under the 2020 Act. The proposed Local Law will, then, be confined to creating offences in respect of the conduct of those attending Council (and Delegated Committee) meetings, regulating the use of the common seal, and creating offences concerned with the misuse of the common seal and misuse of a petition or joint letter. These are matters that cannot be addressed through Governance Rules.

3. OVERVIEW OF PROPOSED LOCAL LAW

The proposed Local Law is being made under s 111(1) of the 1989 Act and will operate throughout Council's municipal district.

The proposed Local Law, to be known as the Governance Local Law No. 4 - 2020, will commence on the day following notice of its making being published in the *Victoria Government Gazette* and, unless it is revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current Local Law will be revoked.

The objectives of the proposed Local Law are to:

1. regulate the use of the common seal;
2. provide for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the common seal or any petition or joint letter; and
3. revoke Local Law No. 4 of 2014.

Under s 223 of the 1989 Act, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 26 June to 24 July 2020.

Anyone who makes a written submission can request to be heard in support of their submission at a Council meeting which considers the making of the proposed Local Law, details of which will be provided.

A copy of the proposed Local Law is attached (**Attachment 1**) to this Community Impact Statement.

4. SUMMARY OF PROPOSED LOCAL LAW

If made, the proposed Local Law will:

1. allow for use of the common seal by Council Resolution;
2. oblige the Chief Executive Officer to keep the common seal in safe custody;
3. set out the form of the common seal;
4. make it an offence for a person to use the common seal (or any device resembling the common seal) without the authority of Council;
5. create an offence for a Councillor to refuse to withdraw a remark made at a Council meeting in the circumstances described in the proposed Local Law;
6. create an offence for a member of a Delegated Committee to refuse to withdraw a remark made at a Delegated Committee meeting in the circumstances described in the proposed Local Law;
7. make it an offence for a person (not being a Councillor) who is behaving in a disorderly or improper manner to refuse to leave a Council or Delegated Committee meeting when requested to do so;
8. make it an offence for a person to fail to obey a direction of the Chairperson in relation to conduct at a Council or Delegated Committee meeting; and

9. make it an offence for a person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

5. EVALUATION OF PROPOSED LOCAL LAW

In accordance with Guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined in the following Table.

Issue	Evaluation
Objectives	<p>The objectives of the proposed Local Law are to:</p> <ul style="list-style-type: none"> • regulate the use of the common seal; • provide for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the common seal or any petition or joint letter; and • revoke Local Law No. 4 of 2014.
Legislative Framework	<p>The 1989 Act gives councils broad powers to make local laws with respect to any function or power of the council.</p> <p>The proposed Local Law addresses matters within Council's broad functions and powers.</p>
State legislation more appropriate	<p>State legislation compels Council to make local laws to address issues within its municipality. In developing the proposed Local Law, Council has not sought to address any issues which it feels are best addressed at the State or Federal level.</p>
Overlap with existing legislation	<p>Existing State legislation deals with conduct issues which are also dealt with in some general circumstances by the proposed Local Law. Specifically, reference is made to the <i>Summary Offences Act 1966</i>.</p> <p>Council is satisfied that the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>
Planning Scheme	<p>Council does not believe that any clause of the proposed Local Law overlaps with, duplicates or creates any inconsistency with the Colac Otway Planning Scheme.</p>

Issue	Evaluation
Legislative Approach	<p>The proposed Local Law adopts a medium impact regulatory approach, in as much as it prescribes with a level of detail the conduct and behaviour of members of the public within Council's municipality.</p> <p>This approach is considered appropriate to:</p> <ul style="list-style-type: none"> • facilitate the safe custody and proper use of the common seal; • prevent misuse of any petition or joint letter proposed to be presented to Council; and • facilitate the safe, orderly and efficient conduct of Council and Delegated Committee meetings. <p>All provisions of the proposed Local Law are open to public scrutiny and comment.</p>
Performance Standards or Prescriptive Details	Council has, where appropriate and possible, adopted a performance-based approach to the proposed Local Law.
Risk Assessment	<p>No formal risk assessment has been undertaken.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Measures of Success	<p>Council will measure the success of the proposed Local Law as follows:</p> <ul style="list-style-type: none"> • recording levels of compliance/non-compliance; • review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions; and • volume of complaints.
Permits and Fees	The proposed Local Law does not make provision for any permits or fees.
Penalties	<p>Offences created under the proposed Local Law attract a maximum of 5 penalty units.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with the local laws of other like and neighbouring councils.</p> <p>Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>
Restriction of competition	Council has conducted a review of the proposed Local Law in accordance with National Competition Principles and believes that, because of the nature and content of the proposed Local Law, and particularly the ability to obtain permits to conduct activities that would otherwise be prohibited, there is no restriction of competition.
Comparison with other Councils	In drafting the proposed Local Law, Council examined local laws from a number of like and neighbouring councils to assess similarities and differences and ensure a reasonable degree of consistency in content, approach and penalties.

Issue	Evaluation
Charter of Human Rights	<p>The <i>Charter of Human Rights and Responsibilities Act 2006 (Charter)</i> contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver services.</p> <p>The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter.</p>
Community Consultation	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council staff and Council's legal advisers.</p> <p>A community consultation process will be conducted in accordance with ss 119(2) and 223 of the 1989 Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of his/her submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>

6. ATTACHMENTS

- **Attachment 1** - Proposed Local Law

**Colac Otway
SHIRE**

GOVERNANCE

LOCAL LAW NO 4 - 2020

FOR EXHIBITION

LOCAL LAW ADOPTED BY COUNCIL [INSERT DATE]

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COLAC OTWAY SHIRE COUNCIL

**GOVERNANCE LOCAL LAW
No. 4 of 2020**

PART ONE- PRELIMINARY PROVISIONS

1. Title

This Local Law is the Colac Otway Shire Council Governance Local Law No 4. 2020 and is referred to hereunder as "this Local Law".

2. Objectives

The objectives of this Local Law are to provide a mechanism to facilitate good governance of the Colac Otway Shire Council, and to:

- (1) regulate the use of the Common Seal;
- (2) provide for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal or any petition or joint letter; and
- (3) revoke Local Law No. 4 of 2014.

3. Power to make Local Law

This Local Law is made under section 111 of the *Local Government Act 1989*.

4. Commencement and End Date

This Local Law:

- (1) commences operation on the day following the day on which notice of the making of this Local law is published in the Government Gazette, and operates throughout the municipal district; and
- (2) ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier.

5. Revocation

Upon this Local Law coming into operation Local Law No. 4 of 2014 is revoked.

6. Definition of Words Used in this Local Law

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

"Act" means the *Local Government Act 2020*.

"Authorised Officer" means a person appointed as an Authorised Officer pursuant to section 224 of the *Local Government Act 1989*.

Colac Otway Local Law No. 4

"Chairperson" means the Chairperson of a meeting and includes an acting, temporary or substitute Chairperson.

"Chief Executive Officer" means the Chief Executive Officer of Council and includes a person acting as Chief Executive Officer.

"Common Seal" means the common seal of Council.

"Council" means Colac Otway Shire Council.

"Council Meeting" has the same meaning as in the Act.

"Councillor" means a Councillor of Council.

"Delegated Committee" means a Delegated Committee established by Council.

"Offence" means an act or default contrary to this Local Law.

"Penalty Units" means a penalty unit as prescribed in the *Sentencing Act 1992*.

"Petition" means a formal written application, typed or printed without erasure, from one or more persons whose names and physical addresses also appears and on which each page of the petition bears the wording of the whole of the petition.

Colac Otway Local Law No. 4

PART TWO - USE OF THE COMMON SEAL**7. Use of the Common Seal**

Council may, by resolution, authorise the use of the Common Seal.

8. Security of the Common Seal

The Chief Executive Officer must keep the Common Seal in safe custody.

9. Signature to Accompany Common Seal

Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer with the Council's Sealing clause:

The common seal of the Colac Otway
Shire Council was hereto affixed in
accordance with its Local Law No. 4

Chief Executive Officer

This day of 20.....

PART THREE- OFFENCES AND PENALTIES**10. Offences**

It is an offence for:

- (1) Councillor to refuse to withdraw a remark made at a Council meeting which is considered by the Chairperson to be inappropriate, defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to refuse or neglect to satisfactorily apologise when called upon twice by the Chairperson to do so;

Penalty: Five (5) Penalty Units

- (2) a member of a Delegated Committee to refuse to withdraw a remark made at a meeting of a Delegated Committee which is considered by the Chairperson to be inappropriate, defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to refuse or neglect to satisfactorily apologise when called upon twice by the Chairperson to do so;

Penalty: Five (5) Penalty Units

- (3) any person (not being a Councillor) who is behaving in a disorderly or improper manner to refuse to leave a Council Meeting or a meeting of a Delegated Committee when requested to do so by the Chairperson;

Penalty: Five (5) Penalty Units

- (4) any person to fail to obey a direction of the Chairperson in relation to the conduct of a Council Meeting or a meeting of a Delegated Committee and the maintenance of order;

Penalty: Five (5) Penalty Units

Colac Otway Local Law No. 4

- (5) any person to use the Common Seal of the Council or any device resembling the Common Seal without the authority of Council; and

Penalty: Five (5) Penalty Units

- (6) any person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

Penalty: Five (5) Penalty Units

11. Infringement Notices

- (1) An Authorised Officer may issue an infringement notice to any person who has committed an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is two (2) Penalty Units.

12. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Colac Otway Shire, PO Box 283, Colac, Victoria, 3250.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to defend the prosecution in court.

Colac Otway Local Law No. 4

Resolution for making this Local Law was agreed to by Colac Otway Shire Council on the **[insert 2020 date]**.

The common seal of the Colac-Otway Shire Council was hereto affixed in accordance with its Local Law No 4

.....
Chief Executive Officer

This day of 2020

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the **[insert date]** and **[insert date]** respectively.

Public notice of the proposal to make and confirmation of the making of this Local Law were inserted in the Colac Herald on **[insert date]** and **[insert date]** respectively.

A copy of this Local Law was sent to the Minister for Local Government on **[insert date]**.

**Colac Otway
SHIRE**

**GOVERNANCE
LOCAL LAW NO 4 - 2020**

LOCAL LAW ADOPTED BY COUNCIL **[INSERT DATE]**

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Colac Otway Local Law No. 4

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Colac Otway Local Law No. 4

COLAC OTWAY SHIRE COUNCIL
GOVERNANCE LOCAL LAW
No. 4 of 2020

PART ONE- PRELIMINARY PROVISIONS

1. Title

This Local Law is the Colac Otway Shire Council Governance Local Law No 4. 2020 and is referred to hereunder as "this Local Law".

2. Objectives

The objectives of this Local Law are to [provide a mechanism to facilitate good governance of the Colac Otway Shire Council, and to:](#)

- ~~(1) — provide a mechanism to facilitate good governance of the Colac Otway Shire Council through its application to provide for offences and penalties with regards to inappropriate conduct at Council meetings or meetings of delegated committees;~~
- ~~(1) — regulate the use of the Common Seal;~~
- ~~(2) — [provide for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal or any petition or joint letter; and](#)~~
- ~~(3) — [amend Local Law 4 of 2014 part 1 and revoke Local Law No 4 of 2014 parts 3 – 9 and schedule 1, revoke Local Law No. 4 of 2014.](#)~~

3. Power to make Local Law

This Local Law is made under section [11174](#) of the *Local Government Act 1989/2020*.

4. Commencement and End Date

This Local Law:

- (1) commences operation on the day following the day on which notice of the making of this Local law is published in the Government Gazette, and operates throughout the municipal district; and
- (2) ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier.

5. Revocation

Upon this Local Law coming into operation Local Law No. 4 of 2014 is revoked.

6. Definition of Words Used in this Local Law

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

"Act" means the *Local Government Act 2020*.

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Colac Otway Local Law No. 4

"Authorised Officer" means a person appointed as an Authorised Officer pursuant to section 224 of the *Local Government Act 1989*.

"Chairperson" means the Chairperson of a meeting and includes an acting, temporary or substitute Chairperson.

"Chief Executive Officer" means the Chief Executive Officer of Council and includes a person acting as Chief Executive Officer.

~~"Clause" means a clause of this Local Law.~~

"Common Seal" means the common seal of Council.

"Council" means Colac Otway Shire Council.

~~"Council Meeting" has the same meaning as in the Act, includes an Ordinary Meeting and a Special Meeting of Council.~~

"Councillor" means a Councillor of Council. ~~"Cr" is the accepted abbreviation for Councillor.~~

~~"Delegated Committee" means a Delegated Committee established by Council.~~

~~"Meeting" means an Ordinary or a Special Meeting of Council or a Special Committee Meeting.~~

"Offence" means an act or default contrary to this Local Law.

"Penalty Units" means a penalty unit as prescribed in the *Sentencing Act 1992*.

"Petition" means a formal written application, typed or printed without erasure, from one or more persons whose names and physical addresses also appears and on which each page of the petition bears the wording of the whole of the petition.

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Colac Otway Local Law No. 4

PART TWO - USE OF THE COMMON SEAL

7. Use of the Common Seal

Council may, by resolution, authorise the use of the Common Seal.

8. Security of the Common Seal

The Chief Executive Officer must keep the Common Seal in safe custody.

9. Signature to Accompany Common Seal

Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer with the Council's Sealing clause:

The common seal of the Colac Otway
Shire Council was hereto affixed in
accordance with its Local Law No. 4

Chief Executive Officer

Thisday of.....20.....

~~10. Unauthorised Use of the Common Seal~~

~~Any person who:~~

- ~~(1) uses the Common Seal without authority; or
(2) uses any replica of the Common Seal, is guilty of an offence.~~

PART THREE- OFFENCES AND PENALTIES

~~11-10. Offences~~

It is an offence for:

- (1) Councillor to refuse to withdraw a remark made at a Council meeting which is considered by the Chairperson to be inappropriate, defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to refuse or neglect to satisfactorily apologise when called upon twice by the Chairperson to do so;

Penalty: Five (5) Penalty Units

- ~~(2) a member of a Delegated Committee to refuse to withdraw a remark made at a meeting of a Delegated Committee which is considered by the Chairperson to be inappropriate, defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to refuse or neglect to satisfactorily apologise when called upon twice by the Chairperson to do so;~~

Penalty: Five (5) Penalty Units

- ~~(2)(3) any person (not being a Councillor) who is behaving in a disorderly or improper manner to refuse to leave at the Council Meeting or a meeting of a Delegated Committee when requested to do so by the Chairperson;~~

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3

Colac Otway Local Law No. 4

Penalty: Five (5) Penalty Units

~~(3)~~(4) any person to fail to obey a direction of the Chairperson in relation to the conduct of a Council Meeting or a meeting of a Delegated Committee and the maintenance of order;

Penalty: Five (5) Penalty Units

~~(4)~~(5) any person to use the Common Seal of the Council or any device resembling the Common Seal without the authority of Council; and

Penalty: Five (5) Penalty Units

~~(5)~~(6) any person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

Penalty: Five (5) Penalty Units**12.11. Infringement Notices**

- (1) An Authorised Officer may issue an infringement notice to any person who has committed an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is two (2) Penalty Units.~~the amount set out in clause 112.~~
- ~~(3) The form of an infringement notice shall be in the form described in section 13 of the Infringements Act 2006.~~

13.12. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Colac Otway Shire, PO Box 283, Colac, Victoria, 3250.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to defend the prosecution in court.

Colac Otway Local Law No. 4

Resolution for making this Local Law was agreed to by Colac Otway Shire Council on the [\[insert 2020 date\]26 November 2014](#).

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The common seal of the Colac-Otway Shire Council was hereto affixed in accordance with its Local Law No 4

.....
Chief Executive Officer

This day of 2020.....

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated the [\[insert date\]11 September 2014](#) and [\[insert date\]11 December](#) respectively.

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Public notice of the proposal to make and confirmation of the making of this Local Law were inserted in the Colac Herald on [\[insert date\]5 September 2014](#) and [\[insert date\]5 December](#) respectively.

A copy of this Local Law was sent to the Minister for Local Government on [\[insert date\]9 December 2014](#).

Item: 10.13

Audit Committee Minutes - 12 February 2020

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Audit Committee Meeting - Signed Minutes - 12 February 2020 [10.13.1 - 28 pages]
PURPOSE	To receive for information the Colac Otway Shire Audit Committee minutes dated 12 February 2020.

RECOMMENDATION

That Council receives for information the Colac Otway Shire Audit Committee minutes dated 12 February 2020.



AUDIT COMMITTEE MEETING

MINUTES

Wednesday 12 February 2020

at 9:00 am

COPACC

95 - 97 Gellibrand Street, Colac Victoria



COLAC OTWAY SHIRE AUDIT COMMITTEE MEETING

Wednesday 12 February 2020

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CCOLAC OTWAY SHIRE AUDIT COMMITTEE MEETING

MINUTES of the *AUDIT COMMITTEE MEETING OF THE COLAC OTWAY SHIRE* held at COPACC on
Wednesday 12 February 2020 at 9:00 am.

MINUTES

1 DECLARATION OF OPENING OF MEETING

2 PRESENT

Mike Said (Chair)
Brian Keane
Cr Stephen Hart
Cr Jason Schram

Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Jason Clissold, Manager, Financial Services
Nick Howard, Finance Coordinator
Nick Welsh, Coordinator Management Accounting
Ben McLaughlin, Coordinator Procurement & Tenders
Marni Young, Risk & OHS Coordinator
Andrew Zavitsanos, Crowe Horwath
Christopher Kol, McLarenHunt
Jeremy Rudd, Consultant

3 APOLOGIES

Peter Brown, Chief Executive

4 DECLARATIONS OF INTEREST

Cr Stephen Hart	Part of Item 7.1 - CEO Statement of Compliance - Two Way Radio Lease only
Nature of disclosure	Indirect Interest
Type of interest	78A
Nature of interest	Own Bank of Queensland shares. Bank of Queensland has a direct interest in the 'Two Way Radio lease'. That gives me an indirect financial interest.

5 CONFIRMATION OF MINUTES

- Audit Committee Meeting held on 4 December 2019.

RESOLUTION

MOVED Brian Keane, SECONDED Cr Jason Schram

That the Audit Committee confirm the minutes from the Audit Committee Meeting held on 4 December 2019.

CARRIED 4 : 0

6.1 BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil

6.2 EXTERNAL AUDIT & REPORTING RESPONSIBILITIES

Audit Committee Plan

- Item 8.7(E) Review the performance of the External Auditor
- Item 8.9(C) Six (6) monthly Reports of Audit Committee to Council.

A Closed Session meeting of the Audit Committee member took place on 12 February 2020 from 8.45am – 9.00am to review the performance of the External Auditor.

Mike Said (Audit Committee Chair) attended Councillor Briefing on 12 February 2020 to deliver the six (6) monthly reports of Audit Committee to Council.



Item: 7.1

Chief Executive Statement of Compliance

OFFICER	Peter Brown
CHIEF EXECUTIVE	Peter Brown
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	To update the Audit Committee on compliance matters across the municipality

Having declared a conflict of interest, Cr Stephen Hart adjourned from the meeting at 9.08am and did not take part in debate nor vote on the matter as described in Alternative Motion 2.

Cr Stephen Hart	Part of Item 7.1 - CEO Statement of Compliance - Two Way Radio Lease only
Nature of disclosure	Indirect Interest
Type of interest	78A
Nature of interest	Own Bank of Queensland shares. Bank of Queensland has a direct interest in the 'Two Way Radio lease'. That gives me an indirect financial interest.

RECOMMENDATION

That the Audit Committee notes the Chief Executive Statement of Compliance.

The Recommendation was split into two Alternative Motions to allow for Cr Hart's Conflict of Interest, as stated above.

ALTERNATIVE MOTION 1

MOVED Cr Stephen Hart, SECONDED Brian Keane

In respect to the Chief Executive Statement of Compliance report, the Audit Committee notes the Statement of Compliance, other than the item relating to the Two Way Radio Lease, the Audit Committee:

- 1. notes the report regarding these matters; and***
- 2. requests that there be investigation into the expiry of terms of Section 86 Committees and that a report be presented on this matter at the May 2020 Audit Committee meeting.***

CARRIED 4 : 0

Having declared a conflict of interest, Cr Stephen Hart adjourned from the meeting at 9.08am and did not take part in the debate nor vote on the matter below.

ALTERNATIVE MOTION 2

MOVED Cr Jason Schram, SECONDED Brian Keane

In respect to the Chief Executive Statement of Compliance report relating to the Two Way Radio matter, the Audit Committee:

- 1. notes the report regarding this matter;***
- 2. notes that there was full and comprehensive discussion relating to the Two Way Radio issue and a further report will be presented at the May 2020 Audit Committee meeting; and***
- 3. following comprehensive discussion, requests that an additional report be presented to the Audit Committee in respect to failures of the procurement and contract management policies.***

CARRIED 3 : 0

Tony McGann left the meeting at 9.04am.

Tony McGann returned to the meeting at 9.06am.

Cr Stephen Hart returned to the meeting at 9.35am.



Item: 7.2

External Audit - Review external audit, scope and approach

OFFICER	Nick Howard
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. VAGO Audit Strategy 2019-20 [7.2.1 - 19 pages]
PURPOSE	To present the external audit strategy to the Audit Committee

RESOLUTION

MOVED Cr Jason Schram, SECONDED Cr Stephen Hart

That the Audit Committee notes the external audit strategy from the Victorian Auditor-General's Office for the financial year ending 30 June 2020.

CARRIED 4 : 0

Christopher Kol left the meeting at 9.44am.
 Jason Clissold left the meeting at 9.44am.
 Nick Howard left the meeting at 9.44am.
 Nick Welsh left the meeting at 9.44am.



Item: 7.3

Internal Control - Review of Procurement, Purchasing, Tenders and Contract Practices

OFFICER	Ben McLaughlin
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Procurement and Contracts Report - December 2019 [7.3.1 - 8 pages]
PURPOSE	This report provides the Audit Committee with an update on the compliance of procurement activity for the period 1 January to 31 December 2019 against the current policy and the implementation of actions to improve procurement compliance across the organisation.

RECOMMENDATION

That the Audit Committee notes the report on status of compliance with the Procurement Policy for the period 1 January to 31 December 2019 and the action items to improve compliance.

ALTERNATIVE MOTION

MOVED Brian Keane, SECONDED Cr Jason Schram

That the Audit Committee:

- 1. notes the report on status of compliance with the Procurement Policy for the period 1 January to 31 December 2019 and the action items to improve compliance; and*
- 2. notes the significant improvement in the quality of information provided to management to monitor this procurement.*

CARRIED 4 : 0

**Ben McLaughlin attended the meeting at 9.45am.
Richard Bianco attended the meeting at 9.48am.
Steven Crawford attended the meeting at 9.48am.
Ben McLaughlin left the meeting at 9.52am.**



Item: 7.4

Internal Control - Consider the Effectiveness of Council's Internal Control System, Including IT Security and Control

OFFICER	Errol Lawrence
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	To consider the effectiveness of Council's internal controls.

RESOLUTION

MOVED Brian Keane, SECONDED Cr Jason Schram

That the Audit Committee note the Executive Summary provided.

CARRIED 4 : 0



Item: 7.5

Business Continuity - Disaster Recovery Planning

OFFICER	Richard Bianco
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	Progress Report

RESOLUTION

MOVED Brian Keane, SECONDED Cr Jason Schram

That the Audit Committee note this statement of progress on Business Continuity – Disaster Recovery Planning.

CARRIED 4 : 0



Item: 7.6

Business Continuity - Monitor processes and practices to ensure effective business continuity

OFFICER	Marni Young
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	To advise the Audit Committee about the deferral of item 8.5 (A) to the following meeting in May 2020.

RESOLUTION

MOVED Brian Keane, SECONDED Cr Jason Schram

That Audit Committee receives advice about the deferral of this report until the following Audit Committee meeting in May 2020.

CARRIED 4 : 0



Item: 7.7

Risk Management - Operational Risks (High and Extreme)

OFFICER	Marni Young
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Corporate Risk Register - Operational Risks - Audit Committee - 20200212 [7.7.1 - 3 pages] 2. Risk Register Corporate - Risk Matrix - Audit Committee [7.7.2 - 1 page]
PURPOSE	This report provides the High and Extreme Operational Risks as listed in the Corporate Risk Register for consideration and comment.

This item was heard immediately after item 7.16 - Reporting Responsibilities - Other: Consider findings and recommendations of Local Government Assets audit undertaken by the Victorian Auditor-General's Office.

RECOMMENDATION

That the Audit Committee receives the operational risks from Council's Corporate Risk Register current as at 17 January 2020.

ALTERNATIVE MOTION

MOVED Cr Jason Schram, SECONDED Cr Stephen Hart

That the Audit Committee:

1. *receives the operational risks from Council's Corporate Risk Register current as at 17 January 2020;*
2. *recommends that all extreme risks are reported to a Councillor Briefing on a six-monthly basis;*
3. *recommends all high and extreme risks that are being tolerated be reported to Councillor Briefing on a six-monthly basis;*

4. *recommends that officers review the JLT Public Sector Risk Report 2019 in regards to the risk profile and how it relates to Colac Otway Shire; and*
5. *recommends that in the 2020/2021 Audit Committee plan that the Risk Management Policy be reviewed with regards to reporting to Council in terms of risks.*

CARRIED 4 : 0

Marni Young left the meeting at 11.20am.

The section of item 7.9 regarding the Crowe Internal Audit Progress Report and the scope for the Fleet Management internal audit was the next item to be heard.



Item: 7.8

Compliance - Review Asset Management Policy and Plans

OFFICER	Buddhima Edi
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Draft - Building Asset Management Plan (BAM P) - 20200131 [7.8.1 - 84 pages] 2. Draft - Transportation Asset Management Plan (TAM P) - 20200131 [7.8.2 - 124 pages]
PURPOSE	To present the Asset Management Plans for Buildings and Transport Assets for endorsement.

This item was heard immediately after the section of item 7.9 - Internal Audit - Review & approve Internal Audit Scopes and Progress regarding the Cyber Security internal audit report.

RECOMMENDATION

That the Audit Committee reviews the attached Asset Management Plans for Buildings and Transport Assets.

ALTERNATIVE MOTION

MOVED Brian Keane, SECONDED Cr Jason Schram

That the Audit Committee:

1. *notes the significant progress of the development of the Building Asset Management Plan and the Transportation Asset Management Plan;*
2. *requests that a further report be presented to the Audit Committee upon completion of all asset management plans by the end of the 2020 calendar year; and*
3. *recommends that officers consider incorporation of the LGPRF indicators in the production of all asset management plans.*

CARRIED 4 : 0

Lyndal McLean left the meeting at 10.19am.
Marni Young attended the meeting at 10.20am.
Lyndal McLean returned to the meeting at 10.22am.
Sarah McKew left the meeting at 10.32am.
Sarah McKew returned to the meeting at 10.36am.
Jeremy Rudd attended the meeting at 10.37am.
Ian Seuren left the meeting at 10.46am.
Ian Seuren returned to the meeting at 10.50am.

Item 7.16 - Reporting Responsibilities - Other: Consider findings and recommendations of Local Government Assets audit undertaken by the Victorian Auditor-General's Office was the next item to be heard.



Item: 7.9

Internal Audit - Review & approve Internal Audit Scopes and Progress

OFFICER	Errol Lawrence
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Colac Otway Shire progress report as at 24 Jan 2020 [7.9.1 - 9 pages] 2. COS Fleet Management MA Pv 2.2 AZ [7.9.2 - 5 pages] 3. Trusted Impact - ICT infrastructure Penetration Test Report - CONFIDENTIAL [7.9.3 - 24 pages]
PURPOSE	To provide the Audit Committee with an update on Council's Internal Audit Program

The section of this item the regarding Cyber Security internal audit report was heard immediately after item 7.10 - Internal Audit - Review completed Internal Audit reports, recommendations and management responses.

RECOMMENDATION

That the Audit Committee:

1. *notes the Crowe Internal Audit Progress Report.*
2. *reviews and endorses the scope for the Fleet Management internal audit.*
3. *notes the Cyber Security internal audit report.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Brian Keane

That the Audit Committee:

1. *notes the Cyber Security internal audit report;*

2. *requests that a further report be presented to the May 2020 Audit Committee meeting with management responses to matters raised in this report; and*
3. *recommends that management provide advice regarding Crisis Works and Council's mechanisms to protect privacy and ensure security in relation to the software and third party application.*

CARRIED 4 : 0

Richard Bianco left the meeting at 10.04am.
Steven Crawford left the meeting at 10.04am.

Item 7.8 - Compliance - Review Asset Management Policy and Plans was the next item to be heard.

The section of this item regarding the Crowe Internal Progress Report and the scope for the Fleet Management Internal Audit was heard immediately after item 7.7 - Risk Management - Operational Risks (High and Extreme).

ALTERNATIVE MOTION

MOVED Brian Keane, **SECONDED** Cr Jason Schram

That the Audit Committee:

1. *notes the Crowe Internal Audit Progress Report; and*
2. *reviews and endorses the scope for the Fleet Management internal audit.*

CARRIED 4 : 0

Jason Clissold attended the meeting at 11.24am.
Nick Howard attended the meeting at 11.24am.
Nick Welsh attended the meeting at 11.24am.

Item 7.11 - Fraud and Corruption Prevention / Awareness - Review Policy, Procedures and Plans was the next item to be heard.



Item: 7.10

Internal Audit - Review completed Internal Audit reports, recommendations and management responses

OFFICER	Errol Lawrence
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	To update Audit Committee on any internal audit reports for review.

This item was heard immediately after item 7.6 - Business Continuity - Monitor processes and practice to ensure effective business continuity.

RECOMMENDATION

Not applicable. No internal audit reports for review this quarter.

Item 7.9 - Internal Audit - Review & approve Internal Audit Scopes and Progress was the next item to be heard.



Item: 7.11

Fraud and Corruption Prevention/Awareness - Review Policy, Procedures and Plans

OFFICER	Nicholas Welsh
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Draft Council Policy - Fraud and Corruption [7.11.1 - 6 pages] 2. Draft Fraud and Corruption Control Plan 2019 [7.11.2 - 29 pages] 3. Fraud and Corruption Control Staff Guide [7.11.3 - 6 pages]
PURPOSE	To present the Fraud and Corruption Policy, Fraud and Corruption Control Plan and Fraud and Corruption Staff Guide to the Audit Committee for endorsement.

This item was heard immediately after the second Alternative Motion in item 7.9 - Internal Audit - Review & approve Internal Audit Scopes and Progress.

RECOMMENDATION

That the Audit Committee:

1.
 - i. endorse the Fraud and Corruption Policy;
 - ii. endorse the Fraud and Corruption Control Plan; and
 - iii. endorse the Fraud and Corruption Staff Guide.
2. recommend to Council that the Fraud and Corruption Policy as presented, be adopted; and
3. recommend to Council that the Fraud and Corruption Control Plan and Fraud and Corruption Staff Guide as presented, be noted.

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Brian Keane

That the Audit Committee:

- 1.**
 - i. endorse the Fraud and Corruption Policy once the amendments suggested by the Audit Committee have been incorporated;**
 - ii. endorse the Fraud and Corruption Control Plan once the amendments suggested by the Audit Committee have been incorporated; and**
 - iii. endorse the Fraud and Corruption Staff Guide once the amendments suggested by the Audit Committee have been incorporated.**
- 2. recommend to Council that the Fraud and Corruption Policy be adopted once the amendments suggested by the Audit Committee have been incorporated; and**
- 3. recommend to Council that the Fraud and Corruption Control Plan and Fraud and Corruption Staff Guide be noted.**

CARRIED 4 : 0

Tony McGann left the meeting at 11.31am.

Tony McGann returned to the meeting at 11.34am.



Item: 7.12

Financial Reporting – Review significant accounting and reporting issues – Financial Sustainability and Financial Planning Assumptions

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Council Briefing Agenda 11 Dec 2019 - 2020-21 Budget and SRP Assumptions [7.12.1 - 10 pages] 2. Council Briefing Agenda 20 Jan 2020 - Long Term Financial Plan Presentation [7.12.2 - 5 pages] 3. 10 Year Capital Works Assumptions [7.12.3 - 2 pages] 4. Council Briefing Agenda 29 Jan 2020 - Budget Assumptions - Average Rate Increase [7.12.4 - 12 pages]
PURPOSE	To provide the Audit Committee with an update on the assumptions to be applied to the Strategic Resource Plan and Long Term Financial Plan.

RESOLUTION

MOVED Cr Jason Schram, SECONDED Cr Stephen Hart

That the Audit Committee note the assumptions to be applied to Council's long term financial planning and provide any further recommendations to Council in relation to maintaining financial sustainability.

CARRIED 4 : 0



Item: 7.13

Financial Reporting - Review significant variances between actual and budget

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. 1. Financial Statements Dec 19 [7.13.1 - 3 pages] 2. 2. Capex Report - Dec 19 [7.13.2 - 11 pages] 3. 3. Service Area Report - Dec 19 [7.13.3 - 6 pages] 4. 4. Major Projects Report - Dec 19 [7.13.4 - 17 pages]
PURPOSE	To present the Budget Report for the six months ending 31 December 2019

RESOLUTION

MOVED Brian Keane, SECONDED Cr Jason Schram

That the Audit Committee notes the attached Budget Report for the six months ending 31 December 2019, for inclusion into the Quarterly Performance Statement.

CARRIED 4 : 0



Item: 7.14

Financial Reporting - Review Investment Policy

OFFICER	Nick Howard
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. 16.3 Investment Policy (Not marked up) [7.14.1 - 5 pages] 2. 16.3 Investment Policy (Marked up) [7.14.2 - 6 pages]
PURPOSE	To review Council Policy 16.3 - Investment

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Brian Keane

That the Audit Committee:

1. *recommend that Council adopt the amended Council Policy 16.3 - Investment, as presented; and*
2. *resolve that the Investment Policy be reviewed by the Audit Committee every 4 years, in line with other Council policies.*

CARRIED 4 : 0



Item: 7.15

Reporting Responsibilities - Other: Consider Findings of Local Government Inspectorate report "Protecting integrity: Yarriambiack Shire Council Investigation"

OFFICER	Sarah McKew
GENERAL MANAGER	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. LGI - Yarriambiack Shire Council Investigation - November 2019 [7.15.1 - 29 pages] 2. Reporting Template - Yarriambiack Shire - Protecting Integrity - 31 January 2020 [7.15.2 - 6 pages]
PURPOSE	To report to the Audit Committee Colac Otway Shire Council's status regarding the recommendations contained within the Local Government Inspectorate's report "Protecting integrity: Yarriambiack Shire Council Investigation".

This item was deferred by agreement to the May 2020 Audit Committee meeting.



Item: 7.16

Reporting Responsibilities - Other: Consider findings and recommendations of Local Government Assets audit undertaken by the Victorian Auditor-General's Office

OFFICER	Errol Lawrence
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Asset Management Audit - VAGO - May 2019 [7.16.1 - 58 pages]
PURPOSE	To appraise the Audit Committee of the action taken by Council Officers as a result of VAGO Local Government Asset Management and Compliance Audit

This item was heard immediately after item 7.8 - Compliance - Review Asset Management Policy and Plans.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Brian Keane

That the Audit Committee notes and endorses the Shire's responses to the recommendations of the Victorian Auditor-General's Office Local Government Asset Management and Compliance Audit report.

CARRIED 4 : 0

Jeremy Rudd left the meeting at 10.57am.

Item 7.7 - Risk Management - Operational Risks (High and Extreme) was the next item to be heard.



Item: 7.17

Other - Review Audit Committee Plan

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Audit Committee Plan 2020 - printed 24 January 2020 [7.17.1 - 2 pages]
PURPOSE	To review the Audit Committee Plan.

RESOLUTION

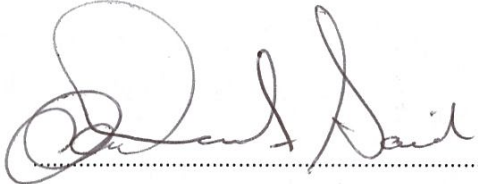
MOVED Cr Jason Schram, SECONDED Brian Keane

That the Audit Committee notes the updated 2020 Audit Committee Plan.

CARRIED 4 : 0

The meeting was declared closed at 12.01pm.

CONFIRMED AND SIGNED at the meeting held on 13 May 2020.


.....CHAIR
13 May 2020

10.14

Notice of Motion - Apollo Bay Recreation Reserve

COUNCILLOR	Cr Stephen Hart
ATTACHMENTS	<ol style="list-style-type: none"> 1. Fact Sheet Authority [10.14.1 - 2 pages] 2. Tim Cobb - Letter to Council and Councillors - Apollo Bay Recreation Reserve - 20200604 [10.14.2 - 1 page] 3. Letter from sporting clubs regarding Apollo Bay Recreation Reserve - 20200603 [10.14.3 - 2 pages]

1. COUNCILLOR COMMENT

Management of Apollo Bay Recreation Reserve

The main community sporting facility in Apollo Bay is at Apollo Bay Recreation Reserve. The property also contains camping sites and cabins for tourists visiting the area.

The Reserve has been managed by Otway Coast Committee (OCC) for many years. The land is crown land, owned by the State.

The Great Ocean Road Coast and Parks Authority (GORCPA) is due to be established at the end of 2020 at which time it is likely that the OCC will be amalgamated into the GORCPA. To date, there has been no indication of whether the Minister intends for the Reserve to be managed by GORCPA or another organisation. There doesn't appear to be any reference to provision of community sport and recreation facilities as a priority or a function of GORCPA in published documents.

The structure of community input into the set-up and ongoing management of local facilities under the GORCPA is currently unclear. The sporting clubs which use the Reserve have written to the Shire asking for support in lobbying the Minister for proper public consultation on this matter and also have expressed a preference for the Shire to take over management of the facilities. As in many country towns, the Football, Netball, Cricket and Tennis Clubs in Apollo Bay are at the very heart of the community and a critical to the economic and social aspect of the town. These sporting clubs are well supported in Apollo Bay by business and the community more generally.

The main functions needed to manage the Reserve are management of sport and recreation facilities and management of the caravan park. Colac Otway Shire's core functions include expertise in management of sport and recreation facilities. The caravan park is a part of the Reserve so its ongoing management needs to be considered even though the prime purpose of this resolution is to initiate a discussion to ensure that the Reserve is managed to ensure that sporting facilities are still provided in Apollo Bay.

If adopted, the report requested at point 3 needs to identify how the different facilities might be managed in the best interest of the residents and ratepayers.

Attachments:

1. Great Ocean Road Coast and Parks Authority fact sheet, and
2. E-mail to Council & Councillors, dated 4/6/' 20
3. Copy of letter sent to the relevant Minister, dated 3/6/'20

2. OFFICER COMMENT

The Apollo Bay Recreation Reserve provides vital community facilities for the Apollo Bay and district community. It is home to the Apollo Bay Football Netball Club, Apollo Bay Cricket Club and the Apollo Bay Tennis Club.

The reserve is a combination of community sporting facilities and a camping ground which provides accommodation including cabins, and powered and un-powered sites for caravans and camping. Some of the facilities are shared between sporting users and campers.

The Apollo Bay Recreation Reserve is Crown land currently managed by the Otway Coast Committee. The community sporting clubs have indicated a desire for improved facilities, along with management and maintenance practices. The sporting groups are currently undertaking a master plan to guide the future development of the sports facilities.

The future management of Crown land along the coast is currently being considered through the Great Ocean Road Reform and the establishment of the Great Ocean Road Coast and Parks Authority (GORCPA). The Apollo Bay Recreation Reserve is one of a number of Crown land parcels within the Colac Otway Shire that will be managed by GORCPA. Considering the reserve provides specific sports related community facilities, the management of the reserve requires further consideration by GORCPA, which should be in partnership with Council and the local community.

The Department of Environment, Land, Water and Planning (DELWP) has advised that through the Great Ocean Road Reform, they intend to discuss with Council in the near future the future management of land within their remit, along with opportunities for the provision of municipal like services. This aligns with the Great Ocean Road Action Plan.

Officers support the intention of DELWP undertaking a community consultation process to determine an improved model for managing and maintaining the reserve. This will provide further guidance on the organisation best placed to maintain and improve the reserve to appropriate standards.

Please note that personal information has been removed from two of the three attachments, for privacy reasons. Councillors have been provided this information confidentially.

3. NOTICE OF MOTION

That Council:

- 1. notes the importance of the Apollo Bay Recreation Reserve to the local community as an area for various sporting activities;***
- 2. supports and advocates for improvements to the management of the Apollo Bay Recreation Reserve;***
- 3. requests that the Chief Executive Officer writes to the Minister for Energy, Environment and Climate Change and to the Department of Environment, Land, Water and Planning (DELWP) to ensure that the future management of the Apollo Bay Recreation Reserve be considered as part of the Great Ocean Road Reform and the establishment of the Great Ocean Road Coast and Parks Authority, and that this includes a process of community consultation;***
- 4. requests that the Chief Executive Officer keeps Councillors informed of the progress of the Great Ocean Road Reform and specifically the process to determine the most suitable management arrangements for the Apollo Bay Recreation Reserve;***
- 5. requests the Chief Executive Officer to initiate a process of community consultation regarding future management arrangements of the Apollo Bay Recreation Reserve, unless there is confirmation from the Minister and/or DELWP that the consultation as noted in Point 3 will occur.***



Great Ocean Road Action Plan

Great Ocean Road Coast and Parks Authority FACT SHEET

An independent statutory authority, the *Great Ocean Road Coast and Parks Authority* will be established with a skill-based board and independent chair, to manage the coastal Crown land and marine waters along the Great Ocean Road.



- Over time the new Authority will assume responsibility for management of all public land along the length of the Great Ocean Road. Currently there are 11 different managers of Crown land operating in different geographical locations with different responsibilities, stakeholders, priorities and time frames.
- The Authority will also play a lead role in managing visitation and government investment in the region.
- An implementation and transition plan will be developed over the next few months to ensure the transition from current land management arrangements to the Authority will be as seamless as possible. This transition plan will be complete by late 2019.
- The new Authority will work closely with Parks Victoria who retain responsibility for broad-acre parks management in National Parks.
- This will not alter the underlying management tenure and conservation objectives of any national parks areas for which the new Authority assumes responsibility.
- Police, ambulance and fire will continue to operate independently.

Action #4

A GREAT OCEAN ROAD COAST AND PARKS AUTHORITY

Timing: It is envisaged the Authority will commence operations in mid to late 2020

- The new Authority is not directly responsible for emergency management. It will however, work with emergency services to support any required response to emergency situations. It will also support local communities and volunteer organisations that provide emergency services.
- The Authority will have some responsibilities for managing emergency services on public land it manages, such as professional lifeguard services and fire risk-reduction and preparedness activities.
- The new Authority will have community and environment advisory committees appointed at a later date.
- Traditional Owners will be part of the board of the new Authority. This will ensure Traditional Owners are involved in decision making.
- Some funding for the new Authority will come from revenue from the existing entities (such as caravan park management), however other aspects of the funding model are still being considered.
- Until the new Authority is in place, there will be no change to the responsibilities of the bodies managing public land along the Great Ocean Road.
- The lead minister for the Great Ocean Road Coasts and Parks Authority is the Minister for Energy, Environment and Climate Change, the Honorable Lily D'Ambrosio MP.
- As a state road, the quality of the Great Ocean Road will continue to be the responsibility of Regional Roads Victoria. Many of the connecting roads are non-state roads and will remain the responsibility of local councils.
- The new Authority will work with VicRoads and local councils to ensure sufficient investment in the upgrade or maintenance of roads and due consideration to visitor needs and facilities, such as parking and pull-off lanes.

Work is currently underway to prepare the legislation that will protect the Great Ocean Road and its environment and create a new body, the ***Great Ocean Road Coast and Parks Authority***



Great Ocean Road Action Plan

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Subject: FW: Apollo Bay Rec Reserve - Future Management
Attachments: Apollo Bay Rec Reserve - Letter to Minister 3 June 2020.docx; ATT00001.htm

From: Tim Cobb
Date: 4 June 2020 at 8:17:51 pm AEST
Subject: Apollo Bay Rec Reserve - Future Management

Dear CEO and Councillors,

Looking ahead to the future, the sporting clubs that use the Apollo Bay Rec Reserve are deeply concerned about the proposed transition of all OCC managed assets to the GORCPA. We do not think that the sport and recreation facilities of our community will figure among the GORCPA priorities and do not want the current unsatisfactory management to continue any further.

We have written to the Minister asking what the process is for deciding which facilities and landholdings will be transferred to the GORCPA, what community consultation is planned, when it will occur and what weight will be given to community views. A copy of our letter is attached.

We strongly believe that Colac Otway Shire should be managing our community sport and recreation facilities and that the Shire has the expertise to do so.

We seek the support of the Shire and ask that the Shire

- Write to the Minister in support of our letter
- Investigate the viability of taking over management of Apollo Bay Rec Reserve

and in due course

- Write to the Minister proposing that the ABRR be transferred to Shire management rather than to GORCPA.

We are convinced that Shire management would provide much better outcomes for our clubs, our community, local businesses and visitors and that community support for this proposal will be overwhelming.

Kind Regards,

Apollo Bay Football Netball Club
Apollo Bay Cricket Club
Apollo Bay Tennis Club
Apollo Bay & Otway District Ag. Show

3rd June 2020

Dear Minister,

We write on behalf of the sporting clubs of Apollo Bay – footy, netball, cricket, tennis, and also our longstanding Agricultural Show all of which are situated at Apollo Bay Recreation Reserve (ABRR).

We look forward to the early startup of the Great Ocean Road Coast and Parks Authority (GORCPA). We anticipate significant improvement in the management of our coast and foreshore.

We do not believe that the management of ABRR fits with the GORCPA. We believe that community recreation facilities should be managed by local government who already have the role and capability of managing these facilities to meet community and visitor needs across the Shire.

The community and sporting clubs of Apollo have had our sporting facilities at the Rec Reserve in Apollo Bay since it was established by John Cawood Senior in 1868. That was 50 years before the Great Ocean Road (GOR) was first proposed. Our facilities have been built by and for the community over the last 150 years and in more recent years camping was introduced as a seasonal, subsidiary function around the sporting grounds.

In 2001 the ABRR was transferred to DELWP management administered by the Otway Coast Committee. As you will be well aware, the last twenty years have been a sad period of neglect and underinvestment. Our sporting clubs are united in the need to ensure that this does not continue and we will have strong support across local businesses and our rural town community.

The ABRR is not a natural fit with the GORCPA. It is situated on the north side of the GOR, separated from the foreshore and coastal lands by the GOR. As we understand it, the GORCPA has no remit or desire to promote community health and wellbeing through team sports or to prioritise allocation of the resources to fund, develop and maintain sporting and recreation facilities across the GOR region.

Please respond to the following questions

- 1. What process will there be to consider which community facilities & landholdings will be managed by the GORCPA?**
- 2. What community consultation is planned during this process, when will this occur and what weight will be given to community views?**
- 3. Is it intended that a core function of the GORCPA will be to develop and manage sporting and recreation facilities for all the communities along the Great Ocean Road?**

We believe that these facilities would be much better managed within our community by the Colac Otway Shire which has expertise in sports facility management and leasing of caravan sites.

The GORPA will, no doubt, have many challenges and priorities. We do not think that the sporting and recreation facilities of our community will figure among the GORPA priorities – nor should they. And that is why these facilities should be managed elsewhere.

We would appreciate your response within the next 14 days.

Kind regards,

Item: 10.15

Assemblies of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Councillor Briefing - 13 May 2020 [10.15.1 - 2 pages]2. Assembly of Councillors - Council Meeting Preparation - 27 May 2020 [10.15.2 - 1 page]
PURPOSE	To report the Assemblies of Councillors

1. EXECUTIVE SUMMARY

ASSEMBLIES OF COUNCILLORS

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be reported at the next practicable meeting of Council and incorporated in the minutes of the Council meeting. All relevant meetings have been recorded, documented and will be kept by Council for 4 years. The attached documents provide details of those meetings held that are defined as an Assembly of Councillors.

2. REPORTING

The Assemblies of Councillors are reported herewith.

The Local Government Act 1989 does not require a Council decision.

3. KEY INFORMATION

The following assemblies of Councillors have been held and are attached to this report:

- Councillor Briefing 13 May 2020
- Ordinary Council Meeting Preparation 27 May 2020

4. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.



Councillor Briefing

Meeting Rooms 1 and 2, COPACC

Wednesday, 13 May 2020

12:45pm

Assembly of Councillors

INVITEES: Cr Crook, Cr Hanson, Cr Hart, Cr McCracken, Cr Potter, Cr Schram, Cr Smith, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren			
ATTENDEES: Cr Crook, Cr Hart, Cr McCracken, Cr Potter, Cr Schram, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Frank Castles, Jason Clissold (by teleconference), Nick Howard, Melanie Duvé (by teleconference), Sarah McKew			
EXTERNAL ATTENDEES: Nil			
APOLOGIES: Cr Hanson			
ABSENT: Cr Smith			
Meeting commenced at 12:55pm			
Declarations of Interest		Item	Reason
Nil			
Councillor Briefing			
Time	Item	Attendees	
12:55pm – 1:05pm	Eastern Maar Native Title Claim	Sarah McKew	
1:05pm – 1:13pm	General Business: <ul style="list-style-type: none"> ▪ Provision of Multifunction Print Devices ▪ Wye River and Separation Creek Resettlement Leadership Group 		
1:13pm – 1:20pm	Quarterly Budget Report for 9 Months Ending 31 March 2020	Jason Clissold Nick Howard	



Councillor Briefing (continued)		
Time	Item	Attendees
1:20pm – 2:14pm	Contract 2006 - Waste Management Services	Frank Castles
2:14pm – 2:34pm	General Business: <ul style="list-style-type: none"> ▪ 2020/21 Budget 	
2:34pm – 2:36pm	Quarterly Performance Report - January to March 2020	Melanie Duvé Nick Howard Jason Clissold
2:36pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Cr Smith, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren, Sarah McKew, Lyndal McLean			
ATTENDEES: Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren, Sarah McKew, Lyndal McLean, Doug McNeill, Sean O’Keeffe, Jason Clissold (by teleconference), Nick Howard			
EXTERNAL ATTENDEES: Nil			
APOLOGIES: Cr Hanson			
ABSENT: Cr Smith			
Meeting commenced at 2:04pm			
Declarations of Interest		Item	Reason
Cr Crook	Having declared a conflict of interest, Cr Crook left the meeting at 2:05pm; returned at 2:08pm.	Item 10.1 - Amendment C90cola - Consideration of Planning Panel Report and Approval of Amendment.	Indirect interest – Section 78E I was a submitter to the amendment process and my property is impacted.
Time	Item	Attendees	
2:04pm – 3:14pm	Ordinary Council Meeting Preparation Having declared a conflict of interest, Cr Crook left the meeting at 2:05pm; returned at 2:08pm.	Doug McNeill Sean O’Keeffe Jason Clissold Nick Howard	
3:14pm	Meeting closed		

