

# Minutes

Meeting of Council

Tuesday 28 November 2023

Aireys Inlet Community Centre

Anderson Roadknight Reserve

6 Great Ocean Road Aireys Inlet

Commenced at 6:00 pm

**Council:**

Cr Liz Pattison (Mayor)

Cr Gary Allen

Cr Paul Barker

Cr Mike Bodsworth

Cr Kate Gazzard

Cr Rose Hodge OAM

Cr Adrian Schonfelder

Cr Libby Stapleton

Cr Heather Wellington

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# 1 Procedural Matters

## 1.1 Present

Cr Liz Pattison (Mayor)  
Cr Paul Barker  
Cr Mike Bodsworth  
Cr Kate Gazzard  
Cr Rose Hodge OAM  
Cr Adrian Schonfelder  
Cr Libby Stapleton  
Cr Heather Wellington

Chief Executive Officer - Robyn Seymour  
General Manager Placemaking and Environment - Chris Pike  
General Manager Community Life - Gail Gatt  
Acting General Manager Strategy and Effectiveness - Damian Waight  
Acting Executive Manager - Strategic Projects and Partnerships - Darryn Chiller  
Manager Integrity and Governance - Jake Brown  
Coordinator Governance - Liberty Nash  
Governance Officer - Jess Menzel

## 1.2 Opening

**Cr Pattison opened the meeting.**

I would like to acknowledge that here at the Aireys Inlet Community Centre, we are gathered on Wadawurrung Country and nearby, on the other side of the Paikalac Creek, is Gadubanud Country. I pay my respects to the Wadawurrung and Eastern Maar Elders, past, present and emerging. The First Peoples have nurtured and protected these lands and waterways for thousands of generations, and I am so grateful for the opportunity to live and work in such a beautiful part of the world. We also wish to acknowledge the Traditional Owners of the lands on which each person is attending and acknowledge any First Nations people who may be viewing the meeting tonight.

## 1.3 Pledge

**Cr Pattison recited the pledge.**

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

#### 1.4 Apologies

##### **Council Resolution**

**Moved Cr Hodge, Seconded Cr Gazzard**

That an apology be received from Cr Allen.

CARRIED 7|0

##### **For**

Cr Barker  
Cr Bodsworth  
Cr Gazzard  
Cr Hodge  
Cr Pattison  
Cr Schonfelder  
Cr Stapleton

##### **Against**

Nil

##### **Abstained**

Nil

#### 1.5 Confirmation of Minutes

##### **Council Resolution**

**Moved Cr Schonfelder, Seconded Cr Bodsworth**

That Council notes the minutes of the Council Meeting held on 24 October 2023 and Special Council Meeting held on 14 November 2023 as correct records of those meetings.

CARRIED 6|1

##### **For**

Cr Bodsworth  
Cr Gazzard  
Cr Hodge  
Cr Pattison  
Cr Schonfelder  
Cr Stapleton

##### **Against**

Nil

##### **Abstained**

Cr Barker

#### 1.6 Leave of Absence Requests

Nil.

#### 1.7 Conflicts of Interest

Nil.

## 1.8 Presentations

Cr Mike Bodsworth attended the Anglesea Community House annual general meeting recently and observed the reach of the Anglesea Community House and its services, returning a community value of almost \$2.4 Million from an income of \$305,000. Cr Bodsworth acknowledged a number of Anglesea Community and Volunteer groups including the Anglesea Community Garden, Anglesea and District Mens Shed, Anglesea Community Rock Choir, Anglesea Community Network, Anglesea Movie Club, Surf Coast Repair Café and Surf Coast Rubbish Rangers.

Cr Libby Stapleton also gave a presentation acknowledging the community who have dedicated significant time volunteering to improve the local area, and noted that the volunteers do so much to help the community and environment to thrive, which also aligns to Council's vision. Cr Stapleton also acknowledged the contribution of several community groups including the Community Garden, Friends of the Hooded Plover, Friends of the Painkalac Creek, Aireys Inlet Rural Australians for Refugees, the Uniting Church, AIDA, the Tourism and Traders Group, the Aireys Primary School Parents and Friends, the Aireys Hall Committee, the CWA, the CFA, and the Surf Life Saving Club.

Cr Mike Bodsworth read out on behalf of Cr Gary Allen: *Cameron and Skye Nugent. Cam's partner, Skye, more than eight years ago was diagnosed with breast cancer. Skye asked him to build their dream home in Lorne as a long-term passion project. Cam was not a builder and had no experience in the field. However, he was tasked with completing the project completely on his own.*

*The pair started the project together and completed the early planning stages before Skye's passing. Facing his grief head on, Cam took on the project and committed himself completely to the process. This included sleeping in tents and in his car for two years and taking up welding, sewing and bricklaying courses.*

*Eight years later Cam finished the project. He decided to honour Skye and raise money for cancer research by running from the place where he and Skye met in Prahran to Lorne, some 150km. He started the run on Wednesday, the 22nd and arrived the following day in Lorne at 5.15pm surrounded for the last leg by the boys of the Under 18 Lorne Football Team that he coaches on to the Stribling Reserve Oval to be greeted by the Lorne community. Cam set out on the day having raised \$50,000. He ended the day raising \$120,000. He is an amazing role model, not only to the boys that he coaches but to us all. Gary."*

CEO Robyn Seymour and General Manager Community Life Gail Gatt gave a brief presentation to advise viewers of the Painkalac Estuary opening.

**Cr Heather Wellington joined the meeting via video conference at 6:06pm.**

## 1.9 Public Question Time

### Question 1

#### **MAT HINES – TORQUAY - (Question 1 of 2)**

My question relates to Council's role in advocating for improvements to public transport. Over the past 12 months the Department of Transport has been reviewing the Torquay bus network. The final plan is yet to be released and we don't know when in 2024 it will be introduced.

What assurances has Council had that the new network will meet the needs of Surf Coast residents, workers and visitors. For example, that:

- the reduction in routes to Jan Juc will not result in a reduction of frequency,
- the requirement for passengers to interchange in Torquay or Marshall will not result in increased travel times,
- services will operate late into the evening to support our hospitality industry and shift workers,
- buses will be capable of carrying bikes, as exist elsewhere in Victoria,
- the Sands route will be retained
- a future direct link to Deakin/Epworth, an introduction of a summer timetable (with increase frequencies and additional routes to meet summer demand) and the introduction of a local route for Anglesea will not be ruled out,
- a review of VLine services will be undertaken, to increase frequency and hours of operation, to meet the needs of our coastal townships?

### Question 2

#### **MAT HINES – TORQUAY - (Question 2 of 2)**

Has Council been advised as to exactly when the new network will be introduced and how does council plan to promote the new bus network to residents, workers and visitors, in order to work towards Strategy 5 of the Council Plan - make it easier for raised in front of the Eagles Nest Gallery pathway which also has large puddles after a rainfall.

#### **Answer provided by CEO Robyn Seymour**

Thanks very much, Mat, and we understand that you've made inquiries directly to the Department of Transport and Planning and we hope that through those inquiries you've received some helpful responses.

Here at Council we're waiting for confirmation on the release of the final plan and the introduction of the service changes. We haven't had any specific assurances to those that you highlighted, but we've been told that the community and stakeholder feedback is still being considered along with the inputs of planning for future growth, road network constraints, network gaps, duplications, as well as the Victorian bus plan priorities. We know that funding for the reform has been allocated through the State Budget for the growth areas of Armstrong Creek and also for Torquay.

When the changes are announced, we'll be able to share any state communications through our communications channels, such as Facebook and also through our pages on the Surf Coast Times, and we'd welcome any other ideas you might have or that you've put to State Government as part of that process. We'll also continue our work to attract funding for active

transport infrastructure. We know, Mat, that this is a strong interest of yours and as such, providing a safe cycling connection between central to North Torquay as well as improvements to the Horseshoe Bend Road and Bell Street in Torquay to enable people to connect safely with our bus services.

### **Question 3**

#### **ANNE DANSICK - AIREYS INLET – (Question 1 of 2)**

A concern was sent to the Shire on behalf of the Tourism and Traders Association, a number of local residents and staff at Le Comptoir Restaurant in October regarding trucks turning into the "Top Shops" carpark. I was witness to a truck hitting the "No Standing" sign, very close to the front wall of Le Comptoir and since this incident have been contacted by other local residents with safety concerns here. A reply from Holly Martin on November 8 stated that "drivers maneuver many times in tight and restricted spaces, with the drivers of these vehicles being adept to these conditions".

This is a serious safety issue as large vehicles use the footpath to make the turn and with the busy holiday period approaching there will be many young children on this pathway which has no curbing to define it from the roadway. Customers stepping from the front door of Le Comptoir and the Gin Kitchen are also at risk if they are not vigilant. A wider entry to the carpark, removal of loading zone parks on the right hand side of the entry and some curbing to define the footpath would resolve this problem. Loading zone could be around the corner, at the side of Le Comptoir and the General Store.

#### **Answer provided by CEO Robyn Seymour**

Thank you very much, Anne, for your question and there's a number of questions on this topic tonight that we've got coming up, and just to reassure you, safety is absolutely a key priority for all of us as well.

I understand, Anne, that we have previously shared advice with you in relation to Blackwood Lane and so the advice I'll provide tonight is consistent with that previous advice. A road safety engineer has reviewed this location, including completing a vehicle turning movement assessment. This confirmed the current parking arrangements are suitable for trucks to access the loading zone.

We do, however, acknowledge your concerns with regards to the small amount of space for pedestrians. It is tight. However, this is not uncommon for large vehicles to manoeuvre in tight and restricted spaces and drivers of these vehicles are generally pretty skilled and adept to those sorts of conditions. We actually asked for our assessment to be reviewed externally by a risk assessor and they confirmed the same - came back with the same assessment as our engineers in relation to this matter.

Thank you for your suggested improvements and thought that's gone into them. They're really helpful. We looked into them and they too present some difficulties. Widening the entrance, removing the loading bays unfortunately won't assist with movements of vehicles, particularly trucks coming from the south and turning right, which require the full width of the road to turn into the carpark. Moving the loading bay to between Le Comptoir and the General Store would require any trucks parking here to reverse out across the footpath and



into the service road to exit, which we think would be considered even more dangerous a manoeuvre.

**Question 4**

**ANNE DANSICK - AIREYS INLET – (Question 2 of 2)**

Water is still puddling 50mm deep on the drivers' side of vehicles parked at the parallel car parks outside the Post Office and Pharmacy at the Top Shops car park in Aireys Inlet. This puddling after rain has been a concern for many years. Some work was done, however, there is now an inclination on the right side of the carpark to drain storm water, which has created this hazard for drivers exiting their vehicle. Concern has also been raised in front of the Eagles Nest Gallery pathway which also has large puddles after a rainfall.

**Answer provided by CEO Robyn Seymour**

Thanks, Anne, for your second question. With regards to the puddling of the water at the Top Shops, work was undertaken to reshape the asphalt in this location in recent years. We have a particular challenge here in that the lack of underground drainage infrastructure means that preventing any puddles would require the installation of significant new infrastructure that makes it very cost prohibitive.

We've got quite a large number of drainage challenges across the shire and as part of that, we're looking at how we address and how we prioritise the work that we do to address some of those priority issues and this one in the scheme of the broader drainage challenges we have is not a high priority in terms of our priority list and so we don't at this time have any plans to address this issue any further.

Thank you for raising the concerns, though, about the drainage issues at the front of Eagles Nest Gallery. We hadn't heard of these issues previously. So our stormwater infrastructure team will investigate this and contact you with a reply once they've been out to have a look at the site.

**Question 5**

**CAROLINE LAWREY - AIREYS INLET - (Question 1 of 1)**

My question relates to councils lack of recognition to a potentially significant and dangerous situation on the service road access from the Great Ocean Road left into the Aireys top shop parking and pedestrian area. Why is council not taking steps to remedy the danger when there has been a number of approaches by concerned residents and many close calls especially in light of recent tragic events involving casual seating and pedestrian areas and vehicles?

**Answer provided by Mayor Liz Pattison**

Caroline, thank you for your question. As you will have just heard, we've answered that extensively for Anne's and six questions, so I think that's been covered.

**Question 6**

**JACQUI LAMONT - AIREYS INLET - (Question 1 of 2)**

Aireys Inlet is a unique part of the surfcoast and people choose to live here for its beautiful bushland environment. How does the Council protect this through planning approvals and ensure compliance with planning permits, including land management, once they're issued and what are the penalties for non-compliance?

**Answer provided by CEO Robyn Seymour**

Thanks, Jackie. It's quite a technical response, but thank you for your question. The character of Aireys Inlet is well recognised within the Surf Coast Planning Scheme through various policies and planning controls. The Environmental Significance Overlay Schedules 1, 4 and 5 covers different parts of Aireys Inlet and requires a planning permit to remove vegetation that contributes to the Aireys Inlet environment. There are also some circumstances where vegetation may be removed without a permit, particularly under the requirements of the Bushfire Management Overlay. Some parts of Aireys Inlet are also managed by environmental land management plans that require the ongoing management of vegetation.

The built form is managed through the Neighbourhood Character Overlay Schedule number 1, which is a control covering Aireys Inlet, Fairhaven and Moggs Creek and specifically tailored to the character of the townships. These provisions include several objectives in regard to siting, height and site coverage to ensure new development is sympathetic to the bushland environment.

In deciding whether it's appropriate to grant a permit, Council considers the various objectives and policies in the scheme. Where our Planning Compliance team discovers non-compliance with a planning permit or agreement, we use the Planning & Environment Act 1987 to enforce compliance. Penalties can vary from infringements, Enforcement Orders, or even prosecutions in the Magistrate's Court. If you have any concerns about specific properties and their compliance, please report this to Council.

**Question 7**

**VAYIA KAMBOURIS - AIREYS INLET - (Question 1 of 2)**

Why is Blackwood Lane the only commercial street in the entire surfcoast shire that is an unsealed road? It services 26 individual residences and businesses. And Aireys Inlet Rate Holders pay as much rates as any other rate payer in the entire surfcoast shire.

**Answer provided by CEO Robyn Seymour**

Thanks very much for your question, Vayia. Which roads are sealed or unsealed is usually a quirk of history established over a really long period of time. It's worth noting that actually it's not the only street in a similar situation. There's actually one in Winchelsea, where there's a gravel laneway between and behind shops in Winchelsea.

Council does not currently have a program for upgrading existing gravel roads to sealed surface. Requests for such upgrades are usually delivered through special charge schemes where benefiting property owners contribute along with Council to the upgrade of the road.

You can find information on these by searching the Special Charge Scheme on Council's website. If you're interested in Council investigating the feasibility of a scheme, we suggest gauging interest with businesses and homeowners in the area and contacting Council to further discuss the issue.

**Question 8**

**VAYIA KAMBOURIS - AIREYS INLET - (Question 2 of 2)**

Why is Blackwood Lane not regularly maintained? Often full of pot holes and the dust that the dirt road generates blocks refrigeration motors and damages equipment within these businesses.

**Answer provided by CEO Robyn Seymour**

So Blackwood Lane is characterised as a "Secondary Access Road" in the Road Management Plan and is proactively inspected every six months. Over the past 12 months, our Civil Operations team have undertaken maintenance work on three occasions to fill potholes in the unsealed surface. Two of these occasions arose because of customer requests and the other was identified as part of the proactive inspections. This section of laneways also scheduled to be treated with dust suppression over the summer, which hopefully will help that other issue that you've raised.

**Question 9**

**KIM NEUBECKER (FRIENDS OF THE PAINKALAC ESTUARY) - AIREYS INLET - (Question 1 of 2)**

We welcome the active engagement Surf Coast Shire has had with residents regarding the Painkalac River. This has involved investigating the impact of estuary openings, and in the last year conducting water testing at four sites on the estuary to determine if enterococci is present. The results of this monitoring, and analysis by the (EPA) are now in and the Shire's one recommendation (based on only one part of the EPA advice), is to erect signage on two sites on River and Beach Roads advising people that it is a health risk to use the river after rain for recreation.

Is Council aware that the data in the results showed that at these two sites, enterococci levels were six times identified as far above the allowable standards in both wet and dry conditions (ie no recent rain)? Given this, does Council agree that it would therefore be misleading to put up signs implying that it was only unsafe to swim in the estuary/river after rain events? Is Council also aware that the EPA actually made a further recommendation in their report that microbial source testing needed to be done to establish the source of the contaminants and that this recommendation has been overlooked by the Shire?

**Answer provided by CEO Robyn Seymour**

Thank you for your question. This is a really complex topic and whilst I'll respond tonight, I also want to ensure you're provided with a more detailed written response because there's a lot of elements to this.

So yes, Council is aware that some of the results obtained exceeded their enterococci levels in both wet and dry conditions. The recommendation to erect signage to discourage fishing and primary contact recreation for 48 hours after rainfall was provided by a water scientist

expert within the EPA Victoria. Since the test findings we've reached out to all the stakeholders, including the CCMA, Barwon Water, DEECA and the EPA to determine the next steps.

The recommendation to do microbial source testing has not been overlooked by Council. Microbial source testing is an expensive exercise and a key consideration for Council prior to committing to costly investigative work is to better understand the cost versus the benefit. This needs to be carefully considered given that the estuary water testing undertaken this year provided results which are consistent with what would be expected to be found in a water system like this. Seeking information from key stakeholders will assist Council to determine the next steps. So when I say "key stakeholders", I'm talking about Barwon Water, CCMA, DEECA, so all of our partners in terms of the work that we do around the estuary and the river.

**Question 10**

**KIM NEUBECKER (FRIENDS OF THE PAINKALAC ESTUARY) - AIREYS INLET -  
(Question 2 of 2)**

We acknowledge that a number of agencies have responsibility for the Painkalac River. In its role as the agency responsible for the human health of its residents and visitors. Is Council aware that the Shire (with Barwon Waters support) initially agreed to microbial source testing of the Painkalac (Edna) to find out the origin of any potential contamination? Although promised this has not been implemented.

If the Edna test results show that the Ecoli is avian, human health is not at risk. On the other hand, if the results show human Ecoli it may indicate something like a sewage leak in which case action will be warranted. Can council commit as a matter of urgency (and in co-ordination with Friends of the Painkalac) to recommence this summer, and conduct ongoing regular testing both for enterococci and its microbial source until we can clearly establish the origins of the contamination? We are available to assist as volunteers in whatever way possible. This is important for residents, visitors and the economic brand of the town and the Shire. Council has a duty of care to determine the source of contamination and not knowingly allow the public to potentially be at a health risk.

**Answer provided by CEO Robyn Seymour**

So Council is aware that Barwon Water agreed to fund water sampling in the Painkalac last year. This was completed on 15 June 2022 and all results were satisfactory. Council made a commitment to undertake this preliminary sampling program with a potential outcome being to advocate to other State Government agencies for funding or support to do any further studies if they agree that it's needed.

The responsibility of the health of the estuary is a shared one and not Council's alone. Council has demonstrated a commitment to the testing undertaken. Seeking further assistance from other stakeholder agencies will be explored given Council's limited budget. Council officers will continue to engage with the other agencies to confirm what options are available.

**Question 11**

**ANTHONY TURNBULL - AIREYS INLET - (Question 1 of 2)**

The current state of certain streets/roads in Aireys Inlet is fairly average - would it be more financially logical to seal certain streets as opposed to constantly grading and doing repair work on an ongoing basis (has been the process for last 30 years)?

**Answer provided by CEO Robyn Seymour**

Thanks, Anthony, for your question. It's a really good question. Long-term maintenance costs of sealed roads is generally less than that of unsealed roads, but the upfront cost of sealing roads is a significant barrier given the long-term funding challenges that Council has. Council does not currently have a program for upgrading the existing gravel roads to a sealed surface, but as mentioned previously, we'd consider requests for upgrades through a Special Charge Scheme.

We also understand that there's strong views about sealed roads in Aireys and AIDA have shared the community survey results with us which suggest that most people support retention of the unsealed roads as a vital part of the character of the town. If the survey results don't reflect community views, it would be really useful to understand this.

**Question 12**

**ANTHONY TURNBULL - AIREYS INLET - (Question 2 of 2)**

Is there any other town in the Surfcoast Shire that has an unsealed section in its main shopping precinct (Blackwood Lane Aireys Inlet Top) shops)?

**Answer provided by CEO Robyn Seymour**

So I sort of mentioned this earlier, but there is a similar situation in Winchelsea, where there's a laneway between and behind the shops that's gravel. Similarly to Blackwood Lane, this Lane is primarily for service vehicles and doesn't have shops fronting on to it.

**Question 13**

**JANE GRANT - AIREYS INLET - (Question 1 of 2)**

The gravel roads in Aireys Inlet and Fairhaven are in a poor condition leading into the busy summer period. I have been advised that the maintenance schedule will allow for this maintenance to be done within 60 days - that is by January 25. This will mean some roads will be dangerous and very damaging to all vehicles. I am particularly concerned about the condition of Boundary Road and Gilbert Street but there are numerous other roads in a similar condition.

Can these roads be prioritised for much needed maintenance?

**Answer provided by CEO Robyn Seymour**

Jane, thank you for your question. You'll be pleased to hear that actually those roads are scheduled to be graded next week - yes. And that isn't just because we're coming here, just to be clear. They were already scheduled to be done next week. But you're right. Under the Road Management Plan, it defines hazards and defects for roads and specifies when

intervention is required. For corrugations in unsealed roads, intervention is required when the depth is greater than 35mm along a road length of greater than 300 metres. The timeframe in our Road Management Plan for works to be completed is 60 days.

When officers contact residents, they tend to advise that the Road Management Plan says it's 60 days that we've got that's the deadline for delivering the works. But generally they will endeavour to undertake the works as soon as possible prior to the deadline and currently we're doing pretty well with our grading and we've only got - we're only averaging about three to four weeks from when we find there's a problem to attend to grading jobs. But the average timeframe is subject to change due to weather conditions. So fingers crossed that with the weather events we've got coming in the next couple of days that our roads hold up well. But I guess because of that, it makes it really difficult to provide residents with an exact date for when the roads will be graded.

We've got an upcoming unsealed road management network review that's being undertaken with our civil operations service level review as part of that and we're hoping that through doing that review that will assist Council to balance our service levels and response times against the available funding. So we're hoping that will be really helpful in terms of informing any opportunities to adjust the way we currently manage our unsealed road network. But thanks for your question.

**Question 14**

**CORINNE NIGRO - ANGLESEA - (Question 1 of 2)**

The proposed Anglesea MTB trail network is expected to contribute many millions of dollars per year to the local economy. Can the Council advise what is being done to make the proposal a reality, and what Business Anglesea and the Anglesea community can do to help?

**Answer provided by CEO Robyn Seymour**

Thanks for your question, Corinne. So the Anglesea mountain bike trail network features as one of Council's advocacy priorities in recognition of the economic and social benefits of the project. In partnership with stakeholders, we've produced an investment prospectus which perhaps you've seen for the trails network and shared this with potential funding partners and bodies. We've also applied for several government grants to undertake the necessary planning work, but to date these applications unfortunately haven't been successful.

We're really grateful for the offer of assistance to advocate for the project. Letters of support detailing the in-kind support, trail maintenance, et cetera, and benefit to Anglesea businesses when applications are being submitted are always really well received by the funding bodies and officers will be in touch with you when the applications are being submitted because it would be great if you were able to provide some support for that.

In advocating for the project, it's important we're mindful of working in close collaboration with the other agencies as Council doesn't own or manage the land in question, but obviously we've been doing quite a lot of advocacy over the last number of years really to try to progress the trails. Thanks for your question.

**Question 15**

**CORINNE NIGRO - ANGLESEA - (Question 2 of 2)**

Budget 2023-2024 - Anglesea contributes 25% of rates and receives only 3% of Council Funding. Can you please explain how this funding is allocated in comparison to other Surf Coast Shire towns?

**Answer provided by CEO Robyn Seymour**

Thanks for your second question. An understanding of the rate contribution in a particular location is one of several important considerations when Council's budget is developed each year. It's also worth mentioning that the budget is allocated to new projects, asset renewal, programs and services such as arts, recreation and early years services. These service allocations are usually not described in our budget by ward, but they're an important investment we make in Anglesea Ward and you'll be aware of the kinder and other kind of services that we provide in Anglesea.

Another budget indicator is our asset distribution by ward, which indicates the proportion of Council assets relative to the rates and rates assessments in different wards at the end of a respective financial year. The indicator represents a good reflection of investments of funds over time and likely future demand for asset renewal. In Anglesea Ward it's 17% of Council assets.

An important piece of work that will inform future budgets in the development of our future budget is the community action plan for Anglesea, which will help us align investment with community aspirations. That work is on our current work plan for this year and subject to the engagement findings, that will really inform our future kind of prioritisation of the investment.

In addition to that, we're currently doing engagement on the community and health hub in Anglesea, which may also create, depending on the outcome of that consultation and where that project lands, a pathway of project funding worth \$40 million. Some of the projects completed recently or well under way in Anglesea ward include the Anglesea Netball Pavilion redevelopment, Sparrow Avenue drainage and road upgrade, Coogoorah Park Nature Reserve boardwalk renewal, a major drainage investigation program for Aireys Inlet and Anglesea, and improvements to the award-winning Anglesea Retail Shed that Councillor Bodsworth was talking about earlier. The current budget provides more than \$320,000 for new projects and \$347,000 for renewal projects in the Anglesea ward. But thank you for your question.

## 2 Petitions and Joint Letters

### 2.1 Acknowledgement of Petition - 310 Grossmans Road, Torquay Planning Permit application 23/0362

<b>Author's Title:</b>	Executive Assistant
<b>General Manager:</b>	Chris Pike, General Manager Placemaking & Environment
<b>Department:</b>	Placemaking and Environment
<b>Division:</b>	Placemaking and Environment
<b>Attachments:</b>	1. PETITION - 23 0362 - 310 Grossman Road Torquay Redacted [2.1.1 - 19 pages]

**Officer Conflict of Interest:** No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

#### Purpose

The purpose of this report is to receive and note the petition requesting that Council does not grant a Planning Permit 23/0362 for 310 Grossmans Road Torquay regarding native vegetation removal and the subdivision of the land into five lots. As this petition has been presented to Council in a format which does not conform with Council's Governance Rules, if Council accepts this petition, it will also need to resolve to accept the petition in a non-conforming format.

The petition consists of 722 signatures, and a redacted copy is provided with this report (**Attachment 1**). Councillors have been provided with an unredacted copy of the petition.

#### Background

In accordance with rule 23.2, petitions which do not meet the definition of a petition under the Governance Rules will only be accepted if Council so resolves. The definition includes a requirement that the petition be '*signed or electronically endorsed by at least 10 people whose names and physical addresses also appear, and on which each page of the petition bears the wording of the whole petition*'. This rule is designed to ensure that petitions are signed by individuals who are fully informed of content of the petition, and to verify that there has been no duplication. The petition as attached to this report (**Attachment 1**) does not comply with the above requirements, however officers have recommended that Council resolves to accept the petition in the interest of facilitating public participation in democratic process. Officers have assessed the petition and consider that it was completed in good faith, and any risks associated with non-conformity are low.



### **Recommendation**

That Council, in accordance with its Governance Rules:

1. Receives and notes the petition objecting to the planning permit application 23/0362 for the 310 Grossmans Road Torquay regarding native vegetation removal and the subdivision of the land into 5 lots.
2. Receives the petition in a non-conforming format.
3. Refers the petition to the General Manager Placemaking and Environment to be included as a formal submission to the planning permit process.
4. Informs the lead-petitioner of this resolution.

### **Council Resolution**

#### **Moved Cr Hodge, Seconded Cr Gazzard**

That Council, in accordance with its Governance Rules:

1. Receives and notes the petition objecting to the planning permit application 23/0362 for the 310 Grossmans Road Torquay regarding native vegetation removal and the subdivision of the land into 5 lots.
2. Receives the petition in a non-conforming format.
3. Refers the petition to the General Manager Placemaking and Environment to be included as a formal submission to the planning permit process.
4. Informs the lead-petitioner of this resolution.

CARRIED 7|1

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Cr Barker	Nil



[REDACTED]

7/11/23

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





[REDACTED]





[REDACTED]

/11/23



[REDACTED]

Congratulations on starting your petition! [Take steps to strengthen it.](#)

Petition strength

9 Good

Start an image test

Upload a few images and we'll find the one driving the most signatures.  
[Start smart image test](#)

## Prevent removal of old growth Messmate Woodland - 310 Grossmans Rd, Torquay



Started 6 November 2023  
Petition to Surfcoast Shire Council

722 Signatures 1,000 Next goal

people signed this week

Prevent removal of old growth Messmate Woodland - 310 Grossma...

Share on Facebook

Send an email to friends

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Tweet to your followers

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### Why this petition matters

Started by [Chalisa Morrison](#)

Attention: Surfcoast Shire Council

Native birds and animals rely on native woodlands and green belts for survival; hundreds (if not thousands) of animals rely on the native woodland and old growth Messmate trees at 310 Grossmans Road, Torquay. Animals include Black Cockatoo's, Echidna's, Tawny Frogmouth's and Kookaburra's.

Native woodlands and greenbelts are diminishing in Surfcoast and all over Australia; this is impacting animals and their ability to survive.

There is currently a notice (ref number 23/0362) for a planning permit to remove the native vegetation at 310 Grossmans Road, Torquay and subdivide into 5 lots and we object. This property is currently a 5 acre property with one dwelling with 4.5 acres of old growth Messmate trees and native woodland. This property is zoned as having 'environmental significance overlay' for a very good reason.

The old growth trees - found throughout this property - supports carbon emission absorption at far greater rates than younger trees; a function that we require to continue to support global climate challenges.

You can bat for the habitat by contacting the council personally (by emailing your objections to: [planningapps@surfcoast.vic.gov.au](mailto:planningapps@surfcoast.vic.gov.au)) and by signing this petition.

We have so many different birds that fly into and over this property as well as native animals that live on this property - It is special to be able to observe and hear the vast number of different birds and wildlife from my neighbouring property. We are slowly losing our native habitat and green belts in the name of development; animals are being left homeless and animal migratory habits are being interfered with.

Collectively we object to the 1) removal of native vegetation at 310 Grossmans Road, Torquay 2)subdividing the property into 5 lots.

Thank you for your support in caring about our native environment and animals in Surfcoast!

Report a policy violation

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## 2.2 Acknowledgement of Joint Letter - Traffic Control and Safety - Safe Crossing of the Great Ocean Road - Connection to the Ridgeline Trail - Strathmore Drive Jan Juc

<b>Author's Title:</b>	Executive Assistant
<b>General Manager:</b>	Chris Pike, General Manager Placemaking & Environment
<b>Department:</b>	Placemaking and Environment
<b>Division:</b>	Placemaking and Environment
<b>Attachments:</b>	1. Petition - Safe Passage Crossing and Ridgeline Trail Redacted [2.2.1 - 3 pages]

**Officer Conflict of Interest:** No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### Purpose

The purpose of this report is to receive and note the joint letter requesting Surf Coast Shire Council work with relevant authorities and entities to provide for safe passage for students from local schools (Christian College Geelong – Surf Coast Campus and Bellbrae Primary School) and community members to ride and walk safely to and from school including crossing the Great Ocean Road.

The joint letter comprises of 10 signatures.

It is noted that a petition is referenced in the attached documentation, which has been tabled at the Victorian Parliament. The petition can be accessed on the [Victorian Parliament Website](#).

### Recommendation

That Council, in accordance with its Governance Rules:

1. Receives and notes the joint letter requesting Surf Coast Shire Council work with relevant authorities and entities to provide for safe passage for students from local schools (Christian College Geelong – Surf Coast Campus and Bellbrae Primary School) and community members to ride and walk safely to and from school including crossing the Great Ocean Road (**Attachment 1**).
2. Notes that a petition addressing the same subject matter as the joint letter has been tabled at the Victorian Parliament.
3. Refers the joint letter to the General Manager Placemaking and Environment.
4. Requires a report on the joint letter be presented to a future Council meeting.
5. Informs the individual who presented this joint letter of this resolution.

## **Council Resolution**

### **Moved Cr Gazzard, Seconded Cr Hodge**

That Council, in accordance with its Governance Rules:

1. Receives and notes the joint letter requesting Surf Coast Shire Council work with relevant authorities and entities to provide for safe passage for students from local schools (Christian College Geelong – Surf Coast Campus and Bellbrae Primary School) and community members to ride and walk safely to and from school including crossing the Great Ocean Road (**Attachment 1**).
2. Notes that a petition addressing the same subject matter as the joint letter has been tabled at the Victorian Parliament.
3. Refers the joint letter to the General Manager Placemaking and Environment.
4. Requires a report on the joint letter be presented to a future Council meeting.
5. Informs the individual who presented this joint letter of this resolution.

CARRIED 8|0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Nil	Nil

Surf Coast Shire Council  
PO Box 350, Torquay Vic 3228  
To: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)  
cc: [JBrown@surfcoast.vic.gov.au](mailto:JBrown@surfcoast.vic.gov.au); [RHodge@surfcoast.vic.gov.au](mailto:RHodge@surfcoast.vic.gov.au); [LPattison@surfcoast.vic.gov.au](mailto:LPattison@surfcoast.vic.gov.au)

16 November 2023

**RE: Safe Passage of Students and Community Members – Great Ocean Road and Strathmore Drive – Jan Juc**

Dear Mayor and Councillors of Surf Coast Shire Council,

This joint letter draws the Councillors of Surf Coast Shire Council attention to the considerable safety issue of crossing the Great Ocean Road in the vicinity of Strathmore Drive.

We seek your support as a group of concerned parents and community members to encourage the Surf Coast Shire Council to work with relevant authorities and entities to provide for safe passage for students from local schools (Christian College Geelong - Surf Coast Campus and Bellbrae Primary School) and community members to ride and walk safely to and from school including crossing the Great Ocean Road.

There is currently no safe way to cross the Great Ocean Road near either school in any capacity, we fear that an accident or fatality – is only a matter of time (See Appendix 1).

In addition, there are no accessible pathways providing pedestrian or bike access to the east, west or south of this area. Students and community members are placed at risk on a daily basis.

A petition was tabled in the Legislative Assembly on 31 October 2023 calling on the Council, Department of Transport and School to work together on this issue, it sought awareness and commitment to the funding, design, and construction of a crossing, near the entrance to the school (Appendix 2).

Christian College Geelong are currently preparing a Stage 3 Planning application, the school are actively seeking to work with Council and DTP to determine the integration of pathways and the development and planning for a Crossing.

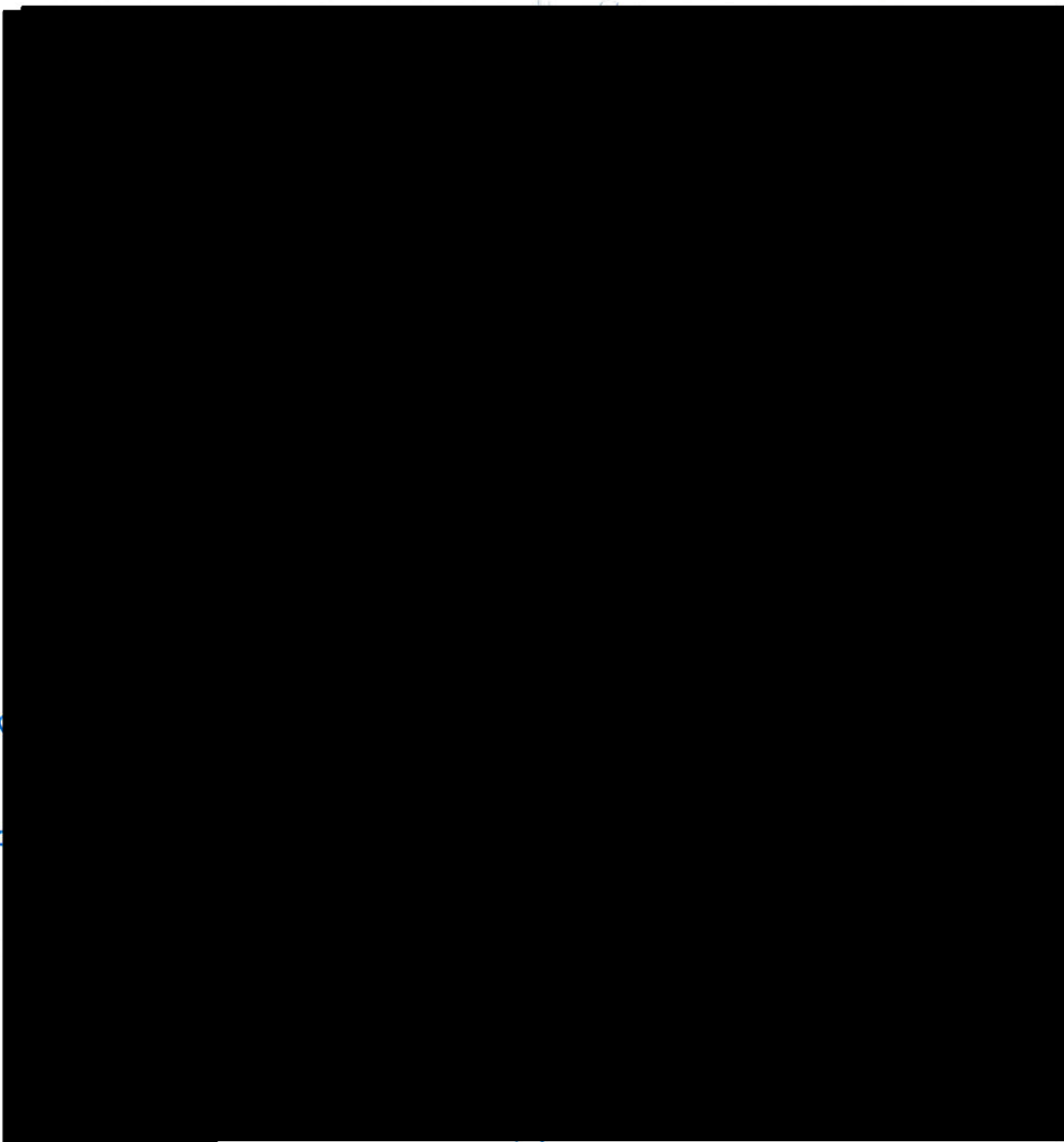
This would be an opportune time to review this issue holistically and connect pathways to the planned Ridgeline Trail that will run between the College and the Great Ocean Road on the south side.

The Council have been leaders on the Ridgeline Trail Project, and we seek your continued leadership now.

**Please support our students and community members to engage in active travel in our beautiful, natural environment. Please do not let an accident, fatality or near miss to be the catalyst for change.**

Yours Sincerely,

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.



16 November 2023 – signature page of *Safe Passage of Students and Community Members – Great Ocean Road and Strathmore Drive – Jan Juc*



## **Appendix 1 – Background and Overview of Key Stress Points**

### ***Background***

In Victoria, VicRoads (DTP) and local municipal councils share responsibility for school crossings, including the establishment of the crossing, training and employment of school crossing supervisors and the supply of flags, uniforms, and equipment. [School Crossings: Policy | education.vic.gov.au](https://www.legislation.vic.gov.au/in-force/acts/road-safety-act-1986) this is set out in the *Road Safety Act* (1986) <https://www.legislation.vic.gov.au/in-force/acts/road-safety-act-1986>. The *Safe Routes to Schools* (SRTS), April 2020 – by DTP sets out requirements for Councils to follow to make provision for children to be able to travel to and from school.

### ***Key Stress Points***



*Picture – Students riding home into Jan Juc across the Great Ocean Road Hwy, between CCG entry and Strathmore Drive West*

Key stress times: Between 8:20am to 9am, and 3:25pm to 4pm.

Near misses include:

- Drivers on the GOR still going 80km's heading Eastbound;
- Drivers using their phones while driving;
- Bellbrae and CCG students walking and riding across the Western entry of Strathmore Drive;
- Students riding their bikes toward oncoming traffic on the Highway shoulder when it is wet;
- Early learning kids exiting from the Kinder and running to greet their siblings, buses trying to navigate through all of this.

## 3 Notices of Motion

### 3.1 Notice of Motion 156 - Mayoral Taskforce Supporting People Seeking Asylum

Notice of Motion Reference Number: 156

- Attachments:**
1. Local Government Mayoral Taskforce Supporting People Seeking Asylum Terms of Reference - Updated Apr [3.1.1 - 3 pages]

I, Councillor Liz Pattison, gave notice on 26 October 2023, of my intention to move the following motion:

#### Motion

That Council joins the Mayoral Taskforce Supporting People Seeking Asylum as a General Member council fulfilling the requirements of such membership as outlined in the Terms of Reference (**Attachment 1**).

#### Council Resolution

**Moved Cr Hodge, Seconded Cr Bodsworth**

That Council:

1. Joins the Mayoral Taskforce Supporting People Seeking Asylum as a General Member Council Fulfilling the requirements of such membership as outline in the Terms of Reference (**Attachment 1**); and
2. Supports Aireys Inlet Rural Australians for Refugees (AIRAR) in its advocacy, calling on the Federal Government to stop the Fast Track refugee determination process and establish a thorough and fair review process.

CARRIED 6|2

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton	Cr Barker Cr Wellington	Nil

#### Rationale

Since 2018, the Local Government Mayoral Taskforce Supporting People Seeking Asylum has been collaborating across Australian Local Government councils and advocating for the rights of people seeking asylum.

The Mayoral Taskforce Supporting People Seeking Asylum is currently made up of 38 councils nationwide advocating for a fairer and swifter Refugee Status Determination process and access to appropriate supports.

Applications for asylum are clearly stuck in a broken system and in Australia there are close to 100,000 people waiting for their application for protection to be finalised. This includes people who have waited for over ten years.

This overly slow approach prevents individuals and families gaining the stability that refugee status provides. The result is vulnerable people living on the edge for years, without access to critical support service such as Centrelink, Medicare, public housing, education, mental health, and food.

The notice of motion is supported by the following two Councillors in accordance with Section 32 of the Governance Rules.

**Cr Liz Pattison**

**Mayor**

Date: 24 October 2023

**Cr Rose Hodge**

**Councillor**

Date: 24 October 2023

## **CEO Information Report**

While Council does not currently have a strategic commitment to specifically support people seeking asylum, Council has taken the following steps:

1. The council resolved in November 2004 to be a 'Refugee Welcome Zone', signing a declaration to express a commitment to the spirit of embracing cultural diversity in local Communities. The Council subsequently installed signs to make it clear that Surf Coast Shire is a Refugee Welcome Zone.
2. Council has also awarded the following community grants:
  - 2.1. \$2,500 to AIRAR (Aireys Inlet Rural Australians for Refugees) for an initiative that will bring the community together to learn new skills and break down stigmas around refugees; and
  - 2.2. \$2,500 to the Aireys Inlet Uniting Church Outreach 'Giving Hope on the Coast' for the provision of living support to assist establishing a refugee family on the Surf Coast as part of the Community Refugee Integration and Settlement Pilot (CRISP) program.

While it is noted that there are some technical distinctions between a 'refugee' and an 'asylum seeker,' the Terms of Reference (**Attachment 1**) appear to be aimed at supporting refugees and asylum seekers.

It is also noted that the Terms of Reference, at point 9, state that there will be an officer working group. Officers have enquired with the Taskforce as to whether each member Council is required to provide officers to participate in the working group and have been informed that this is likely to form via an Expression of Interest process, and while officer participation would be encouraged it would not be mandatory.

Surf Coast Shire has no strategic commitment or focus in this area, so participation in an officer working group at this point is unlikely to be possible without adjustments in priorities or allocation of additional resources.

## Terms of Reference

**Version:** 2.0

**Endorsed By Executive Minute Ref:** Meeting 26, Friday 21 April 2023 Section 3

**Commencement Date:** Friday 21 April 2023

### 1. Definition of Terms

Wherever "Taskforce" is mentioned below, it is referring to the Local Government Mayoral Taskforce Supporting People Seeking Asylum.

### 2. Purpose

- i. Coordination of joint state-wide advocacy by Australian Local Government Councils to address policies and guidelines affecting humanitarian arrivals. This is achieved in collaboration with peak refugee and people seeking asylum organisations.
- ii. Other issues relating to humanitarian arrivals where collaboration by Councils would be of benefit.

### 3. Strategic Priorities

The Taskforce calls on the Federal Government to:

- i. Replace the existing 'Fast Track' system with a single Refugee Status Determination (RSD) process and an independent, timely and fair merits review.
- ii. Abolish temporary visas like Temporary Protection Visas and Safe Haven Enterprise Visas and replace them with permanent protection visas and pathways to citizenship for all humanitarian arrivals.
- iii. Invest resources to urgently clear the backlog of asylum applications/appeals in order to create an efficient system.
- iv. Provide access to Medicare, income support, employment support, mental health, National Disability Insurance Scheme and other vital services.
- v. Ensure people seeking asylum have work and study rights, including access to local fees for university and TAFE.

### 4. Duration

When Member Councils decide that the:

- i. need to continue advocating against the Federal Government humanitarian policy and guidelines has ceased.
- ii. that there are no other issues affecting humanitarian arrivals where collaboration by Member Councils would be of benefit.

## 5. Membership

The composition and responsibilities of the different membership are described as follows:

### a) *Executive Member Council*

- i. Drive the implementation of the strategic priorities of the Taskforce.
- ii. Actively participate in the activities of the Taskforce, including providing feedback, endorsing motions and facilitating advocacy and campaign activities as required.
- iii. Make key decisions on strategic matters of the Taskforce in a timely manner, including the expenditure of funds collected from Member Councils.
- iv. Report decisions back to Member Councils including the acquittal of funds received.
- v. Always have a representative or delegate attend meetings - Mayors, Deputy Mayors, interested Councillors or senior officers.

### b) *General Member Council*

- i. Assist the Executive in setting and implementation of the strategic priorities of the Taskforce.
- ii. Provide resources where needed to help achieve the strategic priorities.
- iii. Contribute to decision-making on strategic matters of the Taskforce.
- iv. Participate in the activities of the Taskforce where appropriate, including attendance at meetings, providing feedback, endorsing motions and supporting other campaign activities.
- v. Advise the Executive on best practice examples of community engagement.

### c) *Supporter Council*

- i. Support the purpose of the Taskforce.
- ii. Supply organisational logo for use in promotional activities of the Taskforce.
- iii. Encouraged to promote the Taskforce, campaign and associated activities.

### d) *Councillor Friends*

- i. Support the purpose of the Taskforce.
- ii. Encouraged to promote the Taskforce, campaign and associated activities.

### e) *Secretariat*

- i. Must be an Executive Member Council.
- ii. Arrange meetings as called by the Executive or upon request by Member Councils. Ensure the timely preparation and distribution of meeting agendas and minutes to Member Councils.
- iii. Maintain a current Member Council contacts database.
- iv. Facilitate activities of the Taskforce as agreed by all Executive Member Councils.
- v. Commit a minimum 0.5 EFT officer resourcing to the role.

## 6. Membership Transition

Member Councils can nominate for transition to a different membership tier at any point in time however the following recommendations should be noted:

- i. General Members are encouraged to nominate for Executive membership with the expectation to fulfil the requirements as an Executive Member Council after a membership duration of two years.

**Local Government Mayoral Taskforce  
Supporting People Seeking Asylum**

**BACK YOUR  
NEIGHBOUR**

- ii. Supporter Members are encouraged to nominate for General membership with the expectation to fulfil the requirements as a General Member Council after a membership duration of two years.
- iii. Nominations are to be submitted for approval by Executive Member Councils at the next scheduled meeting.

#### **7. Meetings**

- i. Meetings will be called by the Executive or upon request by Member Councils for a general duration of two hours.
- ii. Meeting agendas will be prepared in consultation with Member Councils and all Member Councils can submit agenda items for consideration at meetings.
- iii. All meetings will have minutes recording attendees, apologies, decisions and actions.
- iv. Under special circumstances a meeting may be cancelled or re-scheduled.
- v. All meetings shall be held online or in a Council venue, rotated between the offices of Member Councils.
- vi. Decisions at meetings should be by consensus but if a vote is required there would be two votes per Executive Member Council and one vote per General Member Council, regardless of how many participants there are from any one Council at a particular meeting. The Chair may exercise a casting vote where appropriate.

#### **8. Role of the Chair**

The current Mayor of the Council performing the Secretariat function would be the Chair of the Taskforce.

On the occasion that the Mayor of the Secretariat Council is not available to Chair, the role of the Chair would default to the Mayor of another Executive Council Member.

The role and function of the Chair will be:

- i. to chair meetings of the Taskforce, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Taskforce.
- ii. to act as the default spokesperson of the Taskforce, except in the case where specific campaign spokespeople are used.

#### **9. Officer Working Group**

- i. The purpose of the officer working group would be to facilitate the implementation of joint actions agreed at meetings.
- ii. The officer working group would be composed of Council officers of Member Councils.

#### **10. Conflict of Interest**

Any matter deemed by a member to represent a Conflict of Interest shall be reported to the Chair either prior to a meeting or before the specific item is discussed.

## 4 Reports

### 4.1 Reconciliation Action Plan - Reflect

#### Council Plan

#### Theme One - First Nations Reconciliation

Strategy 1 - Work with Traditional Owners and other Aboriginal and Torres Strait Islander people in our community to achieve reconciliation.

Strategy 2 - Ensure Council decisions consider and respect Traditional Owner perspectives, culture and knowledge.

#### Author's Title:

Coordinator Community Health and Development

#### General Manager:

Gail Gatt, General Manager Community Life

#### Division:

Community Life

#### Department:

Community Support

#### Attachments:

1. Surf Coast Shire Reflect RAP Dec 23- Dec 24 (low res) [4.1.1 - 24 pages]

#### Purpose

1. The purpose of this report is for Council to consider adopting the Reflect Reconciliation Action Plan (December 2023 - December 2024).

#### Recommendation

That Council:

1. Adopts the Reflect Reconciliation Action Plan (December 2023 – December 2024) (**Attachment 1**); and
2. Notes that there is no longer a requirement to hold a citizenship ceremony on 26 January, and future ceremonies will be scheduled in accordance with direction from the Department of Home Affairs.

### Council Resolution

#### Moved Cr Stapleton, Seconded Cr Bodsworth

That Council:

1. Adopts the Reflect Reconciliation Action Plan (December 2023 – December 2024) (**Attachment 1**); and
2. Notes that there is no longer a requirement to hold a citizenship ceremony on 26 January, and future ceremonies will be scheduled in accordance with direction from the Department of Home Affairs

CARRIED 6|2

For	Against	Abstained
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton	Cr Barker Cr Wellington	Nil



### **Outcome**

2. If Council accepts this recommendation, Council would be taking further tangible and meaningful steps towards First Nations Reconciliation, as outlined in its formal Statement of Commitment to Reconciliation made in May 2021.

### **Key Considerations**

3. The Reflect Reconciliation Action Plan (RAP) has been carefully developed to accurately reflect the journey towards Reconciliation embarked upon by Council since it made a formal Statement of Commitment to Reconciliation in May 2021.
4. Officers have consulted with, and incorporated feedback from, Traditional Owners from both Eastern Maar Aboriginal Corporation (EMAC) and Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) on this Reflect RAP.
5. This Reflect RAP has received conditional endorsement from Reconciliation Australia.
6. This Reflect RAP will enable the delivery of specific actions from many different divisions across Council. This will further strengthen Council's commitment to Reconciliation in real, tangible ways that will enrich Council's service to the community, both for First Nations and non-Indigenous people.
7. The actions in this Reflect RAP are achievable within the current resourcing and budget allocations, and within the allocated timeframe. Many of these actions may also be built upon over time in subsequent Reconciliation Action Plans as per Reconciliation Australia's prescribed RAP Framework.
8. The Department of Home Affairs requires local government councils to hold a citizenship ceremony on Australia Day, or three days prior or after Australia Day.

### **Background**

9. The Reflect RAP was first drafted and intended to be presented to Council in October 2021. However, following consultation with Traditional Owners from both EMAC and WTOAC, it was decided to put the Reflect RAP on hold and not to proceed with adoption of the plan at that time in order to build new and strengthen existing relationships between Council and Traditional Owners.
10. This was to address the imbalance in consultation and engagement that existed between Council and the two Registered Aboriginal Parties that operate within the Surf Coast Shire area.
11. In the interim, officers have developed individual and departmental relationships, and importantly listening and learning has progressed. This has been further enhanced and facilitated by a concerted program of Cultural Awareness training opportunities offered to staff and Councillors.
12. In September 2021, Council resolved to affirm the importance of Reconciliation, as expressed in The Council Plan 2021-25 Theme One: First Nations Reconciliation, in the following ways:
  - i. *Agrees to fly the Aboriginal and Torres Strait Island flags at half-mast on the Front Entrance and Ceremonial Flag Poles at the Council Civic Centre on 26 January each year.*

#### 4.1 Reconciliation Action Plan - Reflect

- ii. No longer participates in celebratory events on 26 January each year.*
  - iii. Notes the Australian Government requires Council to conduct a citizenship ceremony on 26 January each year.*
  - iv. Continues to conduct a citizenship ceremony on 26 January while it remains a requirement of the Australian Government.*
  - v. Advocates to the Australian Government to change the requirement for councils to hold a citizenship ceremony on 26 January each year.*
  - vi. Engages with the Wadawurrung Aboriginal Corporation and the Eastern Maar Aboriginal Corporation regarding the potential of future mourning or survival events on 26 January and establishes how it can provide support if Traditional Owners determine it is appropriate for events to be delivered.*
13. It was previously a requirement of the Department of Home Affairs for Council to conduct a citizenship ceremony on 26 January 2023. However, given recent changes to requirements – being that citizenship ceremonies may be conducted on 26 January or three days immediately prior or following 26 January – Council will hold its required citizenship ceremony on Thursday 25 January 2024 and continue to schedule other citizenship ceremonies throughout the year as required.

#### **Options**

14. **Alternative Option 1** – That Council does not adopt the Reflect Reconciliation Action Plan.

This option is not recommended by officers as it is not in line with Council's formal Statement of Commitment to Reconciliation made in May 2021. In this Statement Council committed to following Reconciliation Australia's Reconciliation Action Plan Framework.

15. **Alternative Option 2** – That Council does not adopt the Reflect Reconciliation Action Plan and requests changes to the document.

This option is not recommended by officers as the draft has been carefully prepared in consultation with Traditional Owners and has received conditional endorsement from Reconciliation Australia.

#### **Council Plan (including Health and Wellbeing Plan) Statement**

##### **Theme One - First Nations Reconciliation**

Strategy 1 - Work with Traditional Owners and other Aboriginal and Torres Strait Islander people in our community to achieve reconciliation.

Strategy 2 - Ensure Council decisions consider and respect Traditional Owner perspectives, culture and knowledge.

16. The Reflect RAP relates directly to both Strategy 1 and Strategy 2 of Theme One of the Council Plan. It directly contributes to Reconciliation with First Nations people. This Reflect RAP has been developed in direct consultation with Traditional Owners and further informed by engagement with First Nations consultants, organisations and individuals within and beyond the Surf Coast community.

#### **Financial Considerations**

17. The actions in this Reflect RAP are achievable within the current resourcing and budget allocations, and within the allocated timeframe.

### **Community Engagement**

18. This Reflect RAP has been developed in direct consultation with Traditional Owners from both WTOAC and EMAC; and further informed by engagement with First Nations consultants, organisations and individuals within and beyond the Surf Coast community.

### **Statutory / Legal / Policy Considerations**

19. This Reflect RAP has been developed by considering the principles and recommendations outlined in the Victorian Aboriginal Local Government Strategy (2021-2026).
20. Council has consulted on this Reflect RAP with Traditional Owners from both of the Registered Aboriginal Parties of the Surf Coast Shire. Registered Aboriginal Parties are appointed by the Aboriginal Heritage Council and recognised under the *Aboriginal Heritage Act 2006* as “the primary guardians, keepers and knowledge holders of Aboriginal Cultural Heritage”.

### **Risk Assessment**

21. This report aligns with Council’s risk framework and strategies.
22. There is a risk if the Reflect RAP is not adopted, Council will not be in line with its formal Statement of Commitment to Reconciliation made in May 2021. In this Statement Council committed to following Reconciliation Australia’s Reconciliation Action Plan Framework.
23. The Reflect RAP has been carefully prepared in consultation with Traditional Owners and has received conditional endorsement from Reconciliation Australia. If Council chooses not to adopt the Reflect RAP there is a risk that the relationship between Council and Traditional Owners will be fractured, which may undermine the trust built with First Nations community and stakeholders.

### **Sustainability Considerations**

24. The sustainability implications of working with Traditional Owners through actions contained in the Reflect RAP are positive. This is because the traditional knowledge-based approaches of First Peoples focuses on caring for Country and waterways, as expressed clearly in the Country Plans of both EMAC Meerreengeeye Nyakeepoorryeeyt (Our Country, Far Seeing) and WTOAC Paleert Tjaara Dja (Let’s Make Country Good Together). This may include, for example: coastal erosion, indigenous planting, pest management, cultural burning practices, etc.

### **Conflict of Interest**

25. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

26. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

27. This report is not within the scope of the Audit and Risk Committee.

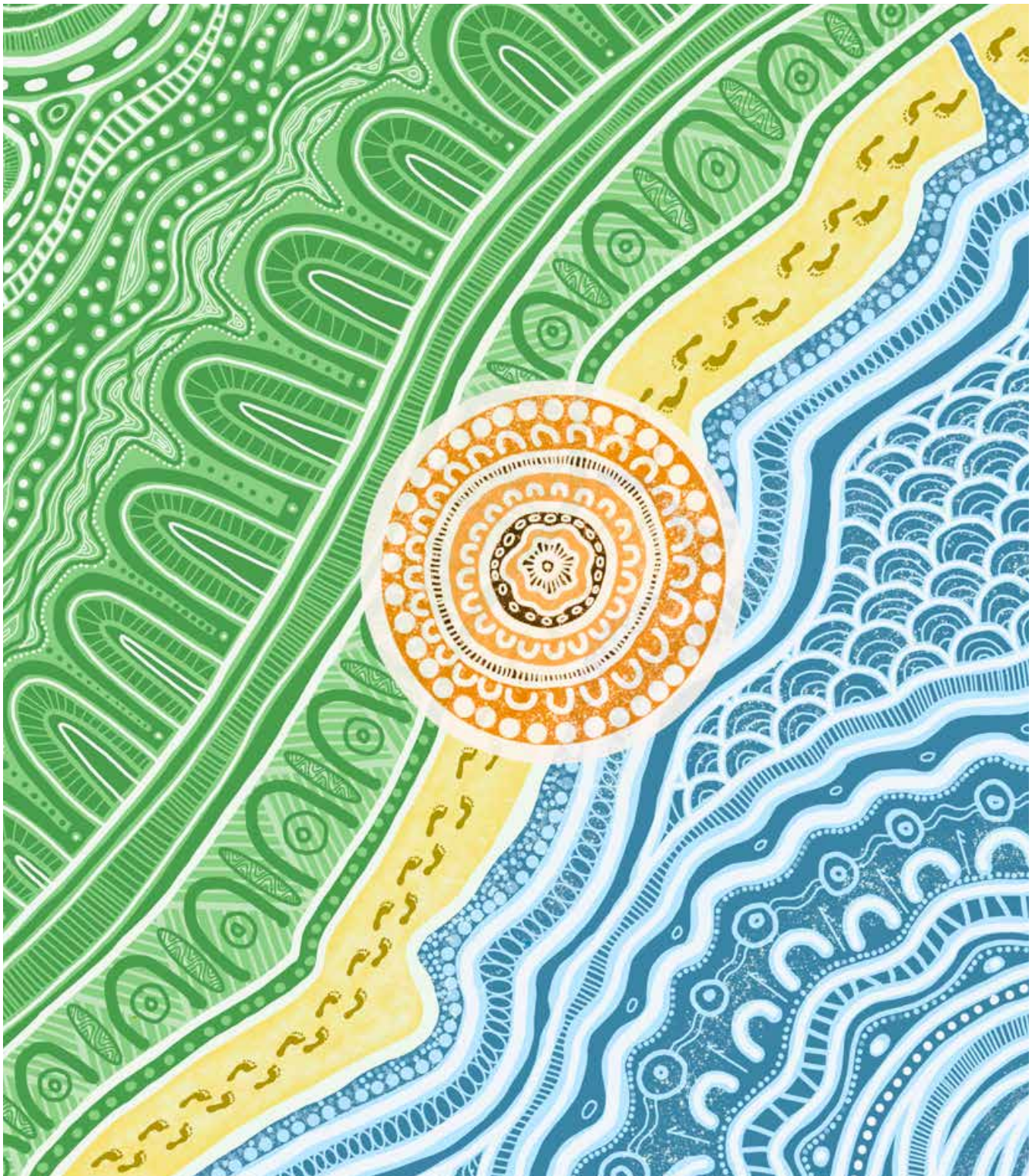
**Councillor Briefings**

28. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 3 October 2023

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>Y</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.



# Reflect

Reconciliation Action Plan December 2023 – December 2024  
Surf Coast Shire Council



# Acknowledgement

Surf Coast Shire Council Acknowledges the Wadawurrung People, and the Gulidjan and Gadubanud Peoples of the Eastern Maar, their Elders and leaders past, present and emerging as the Traditional Owners of the skies, land, waters and sea country across our municipality.

We acknowledge their care and custodianship for more than 60,000 years, which continues today.

We walk with them as we respectfully care for and tread lightly on these lands.

We also extend that respect to all First Nations people who are part of the community.



Torquay, Wadawurrung Country  
Photo courtesy of Avaivilla Group

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## DISCLAIMER

Every effort has been made to ensure the information in this document is true and correct at the time of publication.

Aboriginal and Torres Strait Islander people should be aware that this document may contain images and names of deceased persons.

# Koling Wada-Ngal

## Let us walk together

### Firstly, we would like to Acknowledge all Wadawurrung Traditional Owners, our Ancestors and pay respect to our Elders past, present and emerging.

We Acknowledge all Gadubanud and Gulidjan of Eastern Maar and all First Nations people who live across the municipality of the Surf Coast.

We are Wadawurrung People, We speak Wadawurrung Language.

Wadawurrung refers to 'Country of the people who belong to the Water'.

Wadawurrung Traditional Owners Aboriginal Corporation was appointed in May 2009 as a Registered Aboriginal Party under the Victorian Aboriginal Heritage Act 2006. The Corporation represents Wadawurrung Traditional Owners.

Our connection to Culture and Country continues to provide us with the obligation, responsibilities, and strength to care, connect, practice and pass on tens of thousands of years of knowledge, as Wadawurrung People.

Torquay was known as *Doonmarnwaring*, a place where the *warri* (salt water) and *lakorra* (clouds) meet.

Our names that traditionally belong to areas across the Surf Coast are:

- ◇ Point Impossible – *Kurrak Panyul* (sandhills)
- ◇ Bells Beach – *Djarrak* (arm)
- ◇ Point Addis – *Good-a-kut*
- ◇ Jan Juc – *Jan Jook* (wattle resin)

- ◇ Moriac – *Mor-ro-yok* (native raspberry bramble)
- ◇ Anglesea – *Kuarka-darla* (place of fishing mullet)
- ◇ Thompsons Creek – *Pert Piang Yellami* (mullet creek)
- ◇ Deep Creek – *Merrin Kunning* (valley of the stream)
- ◇ Modewarre (place of musk duck)

We hope one day to see the rightful names returned as we continue to work towards this with the Surf Coast Shire.

Wadawurrung knowledge, language and footprints have been embedded in these lands for tens of thousands of years. From our Ancestors who walked before us, our Elders of today, and continuing generations committed to our present and future.

We had two *Balug* clan groups in this area. The *Mon Mart* and *Tjuraltja* groups who were responsible for holding the knowledge and maintaining care of their *Balug* group and Country.

The boundary of the two groups was Deep Creek, its original name is *Merrin Kunning*, meaning the valley of the stream.

We had many places of permanent living across our salt water Country, one of the largest living places was at Point Impossible. We have places of Women's Business. Places of Men's Business and places where we held *baierr* (a big gathering) where all would come here to this beautiful part of Wadawurrung Country.

We lived via cultural seasons. In our hot sun season many came here gathered, danced, traded and feasted on seafood, the Country told us time through the

change of season. This Country provided wealth and sustainability. The care our people gave is why we all get to enjoy and live on this Country today.

Caring for our Country, lands, skies, and waters, is our continual cultural practice, and core to our identity and connection as the Traditional Owners of Wadawurrung Country. Our people have endured trauma, violence and dispossession since invasion and have demonstrated an innate ability of resilience to continue their cultural practices which has provided the strength to ensure our survival.

In 2020 we released *Paleert Tjarra Dja* (*Let's Make Country Good Together*) our Wadawurrung Country Plan. A 10-year vision, 2020-2030 of the aspirations and goals of Wadawurrung people. This was achieved with Wadawurrung Elders and families of the many generations sharing knowledge through gatherings and collaboration together on Country.

The Plan provides a guidance for all stakeholders to embed into their responsibilities, Governance, and strategic planning to strengthen their relationships with Wadawurrung Traditional Owners Aboriginal Corporation. Wadawurrung people are committed to working together with key stakeholders like Surf Coast Shire Council to ensure we have strong partnerships, engagement, and collaboration to achieve our aspirations and goals, and that our living Cultural heritage, language, stories and Cultural values are protected, conserved and Wadawurrung people and Country is respected.

We look forward to continuing our partnership and presenting a voice for our Traditional Owners and the aspirations of the Country Plan with the endorsement of the Reconciliation Action Plan.

Koling wada-ngal (Let us walk together)

Wadawurrung Traditional Owners Aboriginal Corporation



# Ngootyoon Meerreeng, Ngootyoon Maar Healthy Country, Healthy People

**The Eastern Maar are a collective of several Indigenous language groups and their descending family groups that work together for the greater good of Meerreeng (Country).**

We acknowledge Eastern Maar Citizens: From Elders to infants. Those that have gone and those to come.

The Eastern Maar Aboriginal Corporation (EMAC) is the Prescribed Body Corporate and the Registered Aboriginal Party that represents the Cultural Obligations, Rights and Assertions of the Eastern Maar as described in the Country Plan *Meerreengeeye Ngakeepoorryeeyt* (Our Country, Far Seeing).

The Eastern Maar comprises five major Maar/Mara language groups, being Gulidjan, Gadubanud, Keeray, Djargurd and Dauwurd wurrung. Additionally, Eastern Maar include Djab Wurrung, a West Kulin speaking group.

Eastern Maar is our self-descriptive in context as outlined above. Maar/Mara is translated to the English word "People".

The Surf Coast Shire's Reflect Reconciliation Action Plan (RAP) is a comprehensive piece of work and for what it is, should be commended.

Eastern Maar's position on RAPs, as previously stated does not favour RAPs over other policy and procedure works such as Aboriginal Employment strategies for example.

That said, the RAP as presented to us is good and we extend an invitation to Surf Coast Shire to continue working with the Eastern Maar Society to continue strengthening our relationship going forward.

*Ngootyoon Meerreeng, Ngootyoon Maar*  
(Healthy Country, Healthy People)

**Eastern Maar Aboriginal Corporation**



Cumberland River, Gadubanud  
Country - Eastern Maar nation





*Wadawurrung woman Nikki McKenzie welcomes new Australian citizens to Country, accompanied by Kurnai/Wotjabluk man Norm Jirrawaa Stanley, Council Chambers, Torquay, Wadawurrung Country*



## Statement from Reconciliation Australia

### Reconciliation Australia welcomes Surf Coast Shire Council to the Reconciliation Action Plan (RAP) program with the formal endorsement of its inaugural Reflect RAP.

Surf Coast Shire Council joins a network of more than 2,500 corporate, government, and not-for-profit organisations that have made a formal commitment to reconciliation through the RAP program.

Since 2006, RAPs have provided a framework for organisations to leverage their structures and diverse spheres of influence to support the national reconciliation movement. The program's potential for impact is greater than ever, with close to 3 million people now working or studying in an organisation with a RAP.

The four RAP types – Reflect, Innovate, Stretch and Elevate – allow RAP partners to continuously develop and strengthen reconciliation commitments in new ways. This Reflect RAP will lay the foundations, priming the workplace for future RAPs and reconciliation initiatives.

The RAP program's strength is its framework of relationships, respect, and opportunities, allowing an organisation to strategically set its reconciliation commitments in line with its own business objectives, for the most effective outcomes.

These outcomes contribute towards the five dimensions of reconciliation: race relations; equality and equity; institutional integrity; unity; and historical acceptance.

It is critical to not only uphold all five dimensions of reconciliation, but also increase awareness of Aboriginal and Torres Strait Islander cultures, histories, knowledge, and leadership across all sectors of Australian society.

This Reflect RAP enables Surf Coast Shire Council to deepen its understanding of its sphere of influence and the unique contribution it can make to lead progress across the five dimensions. Getting these first steps right will ensure the sustainability of future RAPs and reconciliation initiatives, and provide meaningful impact toward Australia's reconciliation journey.

Congratulations Surf Coast Shire Council, welcome to the RAP program, and I look forward to following your reconciliation journey in the years to come.

Karen Mundine  
Chief Executive Officer  
Reconciliation Australia



Worimi man, artist Gerard Black. Photo courtesy of Peter Foster

## About the artist and the artwork

**Surf Coast Shire Council would like to acknowledge proud Worimi man and Surf Coast Shire resident Gerard Black, whose artwork appears on the cover and throughout this document. We thank Gerard's ongoing support of Council's Reconciliation journey. A framed version of Gerard's artwork also hangs proudly in the foyer of the Surf Coast Shire Council offices in Torquay.**

*"This artwork represents the journey of taking the first steps of Reconciliation and coming together as a community. This is shown by the footprints walking towards each other in the sand, sitting together, and having important conversations. It's about creating a safe place where we can share, communicate and learn from one another.*

*We become stronger together with knowledge, represented by the centre meeting place circles. I started the artwork by looking at a map of the Surf Coast and overlaid the work over the top. The work shows our beaches, ocean, farmlands, and forests.*

*Represented, are the ocean warriors from all parts of our community, who protect the sea and beaches. I have also portrayed the land warriors, who protect the grassy plains and beautiful forests.*

*I believe that at the heart of reconciliation lies the discovery that we all truly share the same common goal of protecting, healing, and connecting our Wadawurrung, Gulidjan and Gadabanud Countries. Returning to becoming one with our natural environment, and ensuring a sustainable future for generations to come." – Gerard Black, 2023*

Gerard Black is a proud Worimi man. After a 10 year career as a tattoo artist Gerard is now focusing on his painting, drawing and digital art. His work reflects his Indigenous background, storytelling and his love of nature and draws on his strong design background from tattooing to produce a unique style of art. This together connects ancient Indigenous art with modern design and medium, bringing them together into the future, creating a new modern style promoting reconciliation and connection.

Gerard's work establishes a link between landscapes, reality and the spirit within, as Gerard often uses actual topographic maps as the basis for his artwork. He uses the physical colours, shapes and landmarks as a jumping off point. He then uses ancient designs and patterns to symbolise the different aspects of his art, tap into his Indigenous heritage with designs, shapes, colours and themes.

## Council's Commitment to Reconciliation

**The following statement was adopted by Council on 25 May 2021. The adoption of this statement represented a symbolic launching of Council's Reconciliation journey and a commitment to following the four stages of Reconciliation Australia's Reconciliation Action Plan framework – Reflect, Innovate, Stretch and Elevate.**

Surf Coast Shire Council wishes to Acknowledge the Wadawurrung People, and the Gulidjan and Gadubanud Peoples of the Eastern Maar, as the Traditional Owners of the lands, waters, seas and skies we now call Surf Coast Shire.

We Acknowledge their custodianship, caring for Country and continuous connections to Culture over tens of thousands of years. We pay our respects to their Elders past and present.

Further, we Acknowledge all other Aboriginal and Torres Strait Islander Peoples who are also part of today's Surf Coast Shire community.

Our Council Acknowledges that past and current laws, government policies, actions and attitudes have caused and continue to cause great pain, grief and suffering for Aboriginal and Torres Strait Islander Peoples.

We feel and express deep sorrow that these actions and attitudes have occurred and continue to occur, and we are determined to work with the Registered Traditional Owner Corporations and Aboriginal and Torres Strait Islander Peoples within the community to acknowledge truths, address wrongs and bring about positive change towards true Reconciliation, ensuring they are not repeated.

We are committed to Reconciliation. That commitment is founded on respect, and we recognise a need to grow our understanding of Aboriginal and Torres Strait Islander culture, one of the oldest living cultures in the world.

This Reconciliation Action Plan is the beginning of a journey as we walk together, and with the Traditional Custodians of the land and water.



## Message from the Mayor and CEO



**We are extremely proud to present Council's first Reflect Reconciliation Action Plan (RAP), on behalf of our fellow Surf Coast Shire Councillors, staff and volunteers.**

Our journey to this point has been a long and winding one. Our work on the Reflect RAP began back in May 2021, when Council made a formal commitment to Reconciliation.

We then began preparing a draft Reflect RAP. Central to this process was us undertaking a period of deep listening with Traditional Owners and First Nations people in our community.

By taking the time to learn from those that would generously give their knowledge and perspectives so that we could grow our understanding, Council has been able to truly reflect on its journey so far. We feel that we are now in the right place to present this Reflect RAP.

This doesn't mean that we have been resting on our laurels. Our commitment to walk with First Nations people towards Reconciliation has been stronger than ever over these past two years.

The Surf Coast Shire Council Plan 2021-2025, which sets the strategic direction for all of Council's work, places First Nations Reconciliation as Theme One.

Respectful consultation with Registered Aboriginal Parties, Reconciliation Victoria and other key First Nations partners, will continue to be paramount across all facets of Council's work.

We have stepped up to our role as a leader in Reconciliation in our community, firstly by acknowledging that 26 January is not a date to celebrate; and in April this year, Council declared its support for the Voice to Parliament.

There is much work to be done, and this Reflect RAP provides us the road map to progress on our path. We will continue to be guided by the principles in our Community Vision; Council Plan; Commitment to Reconciliation; and be informed by the Victorian Aboriginal and Local Government Strategy 2021-2026.

As an organisation we look forward to continuing to listen and deepen our understanding of First Nations perspectives, history and culture. Together, we can achieve a more equal and respectful future.

*Liz Pattison*

Cr Liz Pattison  
Mayor

*Robyn Seymour*

Robyn Seymour  
CEO

## Our Reconciliation Vision

To promote unity, respect, and understanding by walking together with Traditional Owners and all First Nations people in our community towards genuine Reconciliation.



Boonwurrung Elder and children's author Aunty Fay Muir visits with children at Helen M Kininmonth Pre-School, Winchelsea, Gulidjan Country – Eastern Maar nation

## Our business

### Surf Coast Shire Today

Surf Coast Shire was proclaimed on 9 March 1994 and is home to some of the world's most spectacular coastline, scenic rainforests and magnificent beaches.

It is among the fastest growing regional municipalities in Victoria and covers an area of 1,560 km<sup>2</sup> stretching along the coast from Torquay to Lorne, and inland to Inverleigh, Winchelsea and Deans Marsh.

Council works across 18 different locations which includes kindergartens, visitor information centres and works depots. Council employs approximately 430 people and enlists the help of approximately 200 volunteers across all its divisions and services.

The role of the Surf Coast Shire is constituted under the Local Government Act (Vic) 2020, to provide leadership for the good governance of the municipal district and the local community.

### The Invasion of Victoria

Surf Coast Shire is a local government area that operates as part of the wider democratic system of legislature and governance in Australia. This structure is known as the Westminster model, which originated in England and since colonisation has been used to govern in Australia as well as other Commonwealth countries such as New Zealand and Canada.

The invasion and subsequent colonisation of Victoria started in the early 1800s. John Batman and his expedition party arrived on the Bellarine Peninsula in 1835. With the Europeans came cattle, sheep, rabbits; land clearing, fences and roads, which they called "settlement" and later "development".

In the preceding time this beautiful and prosperous place had different boundaries – those that occur naturally such as rivers, creeks and mountains. These lands were occupied, carefully managed and cared for by three distinct Traditional Owner groups: the Wadawurrung People; the Gulidjan People; and the Gadubanud People.

Since time immemorial – or using conservative scientific estimation, for at least 60,000 years – the First Peoples had thrived here. The evidence of how they prospered is everywhere. The Surf Coast Shire, as we now call it, has always been a desirable place to live, work and play.

The "settlement" of this region of Victoria was a brutal, lawless and immoral period. Settlers, troopers and police, emboldened by racist policies and a concerted campaign of misinformation, employed unjust practices to claim property rights and "settle" this land, predominantly for farming.

Murders and massacres, forced removal of children, forced resettlement of the First Peoples onto missions and reserves, theft and the desecration of cultural heritage ensued. The south west of Victoria was amongst the hardest hit places for the Aboriginal population.

That their bloodlines, language, culture and heritage survives today is testament to the resilience and ingenuity of the First Peoples of this region.

### Protecting Cultural Heritage

Council has a responsibility to work with the applicable Registered Aboriginal Parties to ensure that we abide by the legislation contained in the Aboriginal Heritage Act (2006), in order to protect the invaluable Cultural Heritage of this region, both tangible and intangible.

For works, developments, infrastructure and facilities on Wadawurrung Country, Council engages with the Wadawurrung Traditional Owners Aboriginal Corporation; while on Gulidjan or Gadubanud Countries, Council engages with the Eastern Maar Aboriginal Corporation.

Registered Aboriginal Parties are appointed by the Aboriginal Heritage Council and are the primary source of advice; and the primary guardians, keepers and knowledge holders of Aboriginal Cultural Heritage.



Murrin Garrang tree sculpture launch, Kuarka-dorla (Anglesea), Wadawurrung Country

### Our Community

As reflected in our Council Vision, Council Plan and Statement of Commitment to Reconciliation, a large and growing section of the Surf Coast Shire community has a growing interest in celebrating the rich and unique history and culture of the Country where they live.

Through community engagement conducted to inform projects, policies and action plans; along with feedback surveys from Council events, we know that an increasing number of people in the Surf Coast community are passionate, active allies for First Nations people and issues.

Community groups and individuals across the Shire are increasingly engaging with Council to gain support. Whether through grants, programs, events or seeking direct advice, there is a strong appetite to collaborate with Traditional Owners or First Nations artists and practitioners on exciting projects that help our community and environment thrive.

Surf Coast Shire has 38,610 residents.

**0.6%** identified as being of Aboriginal or Torres Strait Islander descent.

(2021 Census)

### Our Environment

The natural environment is a strong part of the identity of Council and its community. It is something that we value highly and are committed to protecting and enhancing. From individuals paving the way in environmental and climate action, to residents across the coastal and hinterland areas connecting to nature, the natural environment is integral to us.

Council recognises this, with our purpose stating "we exist to help our environment and community to thrive" and our Climate Emergency declaration. Both Council and community alike have been involved in programs, activities, and initiatives responding to complex environmental and climate issues, to safeguard our diverse landscapes and plant and animal species.

The environment and climate emergency response being such an integral part of who we are in the Surf Coast Shire gives non-First Nations people a unique opportunity to understand and respect the perspective of Traditional Owners as they care for Country. "Country to an Aboriginal person means both a place of belonging and a way of believing, it includes both the physical place but also the people, the culture and the nature of a place."

**Reconciliation Australia**

## Our Reconciliation Action Plan

**This Reflect RAP has been more than two years in the making. We have taken the necessary time to listen and learn, so that we can present a plan that accurately reflects where we are as an organisation, and where we want to be.**

To **reflect** is to:

- think deeply and carefully to better understand ourselves
- embody the values of the community that we serve
- influence attitudes and actions in a positive way

We are doing this by:

- Working closely with Traditional Owner partners
- Listening to First Nations people from our community
- Consulting with our staff
- Being informed by the Victorian Aboriginal and Local Government Strategy
- Partnering with Reconciliation Victoria

The actions contained in this Reflect RAP include a number of mandatory actions supplied by Reconciliation Australia.

The RAP Framework was developed by Reconciliation Australia and has been utilised by a wide range of organisations nationwide since its introduction in 2006.

There are four types of RAP to allow organisations to build on and progress their Reconciliation journey – beginning with Reflect, followed by Innovate, Stretch and finally Elevate.

These are based around three core pillars: Relationships, Respect and Opportunities. The purpose of RAPs is to “provide tangible and substantive benefits for Aboriginal and Torres Strait Islander peoples, increasing economic equity and supporting First Nations self-determination.”

**Reconciliation Australia**

Council has integrated the actions mandated by the Reflect RAP Framework and expanded on this with a number of further actions informed by our work in direct consultation with Traditional Owners and RAP partners, and influenced by the Victorian Aboriginal and Local Government Strategy (VALGS).

The VALGS has seven pillars: Culture, Respect and Trust; Awareness and Engagement; Accountability and Direction; Governance and Participation; Economic Participation; Health and Wellbeing; Resourcing and Funding.

By taking a more holistic approach to our first RAP, Council aims to address both national and broader societal aims of the Reconciliation movement; and local, focused assertions of Traditional Owners as outlined in the respective Country Plans of the Registered Aboriginal Parties: Eastern Maar Community’s Country Plan *Meerreengeeye Ngakeepoorryeyt* (Our Country, Far Seeing) 2015 and Wadawurrung Traditional Owners Aboriginal Corporation’s *Paleert Tjaara Dja* (Let’s Make Country Good Together) 2020-2030.

Furthermore, this Reflect RAP aims to align with the actions and aims outlined in other current Council plans, policies and strategies, in order to strengthen our collective resolve and be accountable for the promises we make as we continue on this path towards Reconciliation.

For example, Theme One of our Council Plan 2021-2025 is First Nations Reconciliation. Our commitment is for Reconciliation with Traditional Owners and other Aboriginal and Torres Strait Islander People in our community through respectful engagement, acknowledgement and collaboration.



Yorta Yorta man, Surf Coast Shire resident Anthony. Photo courtesy of Zoe Strapp

This is further reflected in our Community Vision:

**From the hinterland to the coast, from the First Peoples to the children of the future, we are an active, diverse community that lives creatively to value, protect and enhance the natural environment and our unique neighbourhoods. We will leave the Surf Coast better than we found it.**

The vision also contains the specific principle: “Respectful engagement and consultations with First Nations”.

This approach is necessary to ensure that we are including actions in this plan that will make positive progress, however imperfect, towards Reconciliation. This is preferable to a “tick the box” administrative approach which would run counter to the aims of the Reflect RAP.

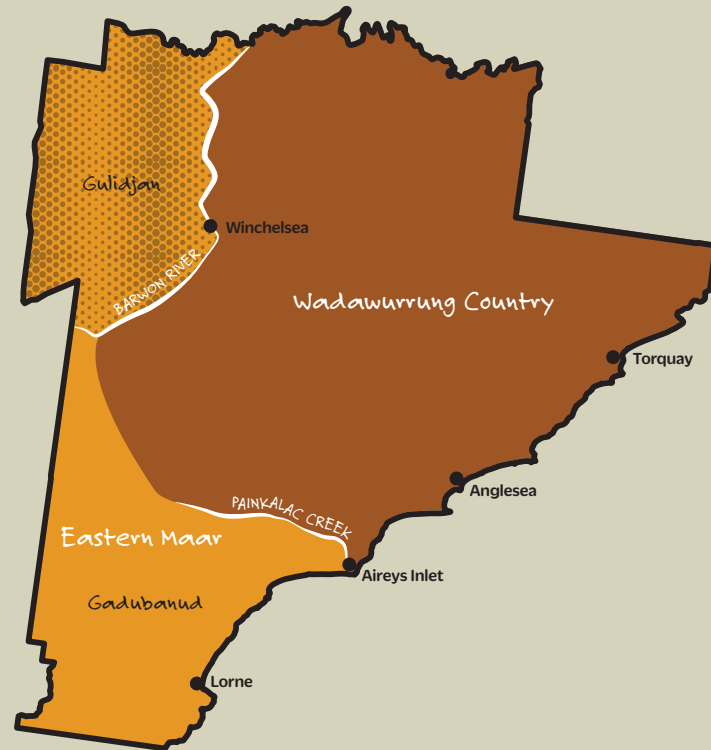
In 2021, we committed to developing a Reconciliation Action Plan and this Reflect RAP is the beginning of a journey to strengthen engagement through respectful partnerships and consultations with the Traditional Owners and all First Nations people in our community. To listen and learn, and to walk together. Council intends to use the RAP framework, focusing on relationships, respect, governance, and opportunities to implement this RAP from December 2023–December 2024. We also intend to continue our firm commitment to advance Reconciliation through the development of future Reconciliation Action Plans.

## Our RAP Partners

### Traditional Owners

Council continues to work closely with both of the Registered Aboriginal Parties for this municipal area, the Wadawurrung Traditional Owners Aboriginal Corporation and the Eastern Maar Aboriginal Corporation. Aboriginal Cultural Heritage matters, ceremonial services and cultural education are just a few of many ways we engage and consult with Traditional Owners and other specialist staff on a regular basis under the *Aboriginal Heritage Act 2006*.

We recognise the increasing demand for guidance and knowledge that the Registered Aboriginal Parties are experiencing from all sectors. Council will continue to explore ways to improve its engagement processes and to work with other local government entities to address this issue.



Barwon river walk, Gwidjan Country – Eastern Maar nation

### What is a Registered Aboriginal Party?

The *Aboriginal Heritage Act 2006* recognises Registered Aboriginal Parties as “the primary guardians, keepers and knowledge holders of Aboriginal Cultural Heritage”. Registered Aboriginal Parties perform a number of important functions, including managing and protecting Aboriginal Cultural Heritage on Country. Currently, there are 11 Registered Aboriginal Parties that cover approximately 75 per cent of Victoria.

Further information: [Aboriginal Heritage Council](#)

### What is Native Title?

Native Title is the recognition in Australian law under the *Native Title Act 1993* that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. For Native Title to be recognised, the Aboriginal and Torres Strait Islander people’s laws and customs must have been observed in a substantially uninterrupted way from the time of European settlement until now.

Further information: [Auditor-General's Department](#)

'The contemporary Eastern Maar nation traces an unbroken line of descent back to our ancestors over many thousands of years. We have survived as our Country's First People and, despite the well documented colonial history, continue to maintain economic, traditional, cultural, familial and spiritual ties to our homeland.

Through the leadership and authority of our Elders, we are practicing our laws and customs, strengthening our system of governance and nurturing our connection to Country. We know our Country and are part of it, and maintain our role and desire to continue to care for Country and all of its important values.

Being here defines us, and coming home makes us feel accomplished, purposeful and positive.'

**Meerreegeeye Ngakepoorryeeyt**

(Our Country, Far Seeing)

Eastern Maar Community Country Plan (2015)

'As Wadawurrung Traditional Owners today we have fought hard to survive the impacts of colonisation and dispossession and maintain this connection with Dja. Our Elders suffered deeply, and these impacts continue to be felt across the generations. With our Elders strength and resilience from knowing Country wasn't ceded, they ensured our cultural connections, knowledge and responsibilities for Country continued. Our Elders voices were silenced due to fear and protection for their children, as assimilation policies threatened to break us up, but we survived, and their voice and spirit is strong again. It is through their leadership the next generations of Wadawurrung are standing up proud, practicing and sharing culture and caring for Country. Having learnt from our Elders the ability to adapt to the changing circumstances of colonialization, has helped us to be resilient and maintain our cultural identity and practices within contemporary society.'

**Paleert Tjaava Dja**

(Let's Make Country Good Together)

Wadawurrung Traditional Owners Aboriginal Corporation Country Plan (2020-2030)



Lorne, Gadubanud Country – Eastern Maar nation



Torquay, Wadawurrung Country



### First Nations Community

Council aims to continue developing relationships and fostering communication with First Nations people in our community. We know that many Aboriginal and Torres Strait Islander people call this region home, while maintaining their cultural ties to other Countries throughout this nation. We want to ensure First Nations people in our community feel represented by Council; and create opportunities for those interested to engage with us.

Council aims to further develop its relationship with the Wathaurong Aboriginal Co-operative, which provides culturally appropriate programs, support and services for all First Nations people living in Surf Coast Shire, as well as the wider Geelong, Bellarine and Colac regions.

### Reconciliation Victoria

Council is embarking on an exciting partnership with Reconciliation Victoria through its Moodji Partnerships Program. Reconciliation Victoria is the state-wide body promoting Reconciliation across Victoria, and works with organisations and individuals on developing respectful and meaningful relationships with First Peoples, while deepening respect and awareness for culture and Country.



Wadawurrung woman Corrina Eccles speaks to a group of children during "Beach Kinder" at Kuarka-dorla (Anglesea), Wadawurrung Country

## Our Journey

**Councillors, teams, and individual officers have been respectfully consulting, collaborating and developing strong relationships with First Nations organisations and individuals for many years. While we have seen wonderful outcomes from this work, we also recognise that a more considered and cohesive approach will greatly benefit everyone.**

In this section we will explore some examples of recent and ongoing programs, projects and activities undertaken on Council's Reconciliation journey to date. The adoption of this Reflect RAP will provide us with a clear direction and, importantly, the opportunity to embed our Reconciliation goals throughout the organisation, ensuring we follow through on our commitments.

Wadawurrung woman Jenna Oldaker, Wunggurrwil Ba-gurrk Murrup (Strong Woman Spirit), that was reproduced as a mural at Wurdi Baierr stadium.

### Kindergartens

Council operates six kindergartens across the Shire area. Four are located on Wadawurrung Country: Anglesea Kindergarten, Kurrabee Myaring Children's Centre at Torquay, Jan Juc Pre-School and Torquay Kindergarten; one on Gulidjan Country: Helen M Kininmonth Pre-School at Winchelsea; and one on Gadubanud Country: Lorne Kindergarten.

Kindergartens have been incorporating First Nations perspectives, culture and language into their curriculum for many years. Generations of young children are reaping the benefits of these programs and experiences, which is complemented by the services' bush kinder program.

Some examples of the many First Nations experiences over the past two years have been: Wadawurrung man and local resident, artist Billy-Jay O'Toole completed murals at both Jan Juc and Anglesea Kindergartens; Boonwurrung Elder and author Aunty Fay Muir OAM story time visits with four year-old groups at each Shire kinder for National Reconciliation Week 2022; and kinder staff enjoyed a unique professional development experience with a Walk on Wadawurrung Country cultural education session for its annual staff day.

### Acknowledgement of Country

In September 2022, Council adopted an Acknowledgement of Country Policy in order to ensure respectful recognition is given to Traditional Owners and all First Nations people who are part of the Surf Coast Shire community by way of either verbal or written Acknowledgement of Country.

The policy explains why it is necessary to Acknowledge Country and the guiding principles behind the practice of Recognition, Respect and Understanding. Further guidance around the cultural protocols and wording specific to our region will be provided in guidelines which are currently in development.

In June 2023, participants in Council's Developing Leaders Program took part in an Acknowledgement of Country workshop with First Nations consultants from Arranyinha Pty Ltd, which explored their own connection to Country and the intent of acknowledging as a gesture of respect. Those developing leaders are now examples to their colleagues and community.

Council installed a new Acknowledgement of Country display at the main Civic Office in Torquay for National Reconciliation Week 2023. Positioned immediately in the public entrance to Customer Service, the striking display includes Council's Acknowledgement of Country; Commitment to Reconciliation; the framed Reflect RAP artwork by Worimi man Gerard Black and original painting by

## Reflection #1:

Raising First Nations Voices via Council Events



Pilk Purriyn (sunrise) Truth-telling Event  
26 January 2023  
Torquay, Wadawurrung Country

**Council has utilised its annual Community Events calendar to highlight First Nations issues and raise the voices of both established and emerging First Nations leaders. A range of diverse issues and topics have been presented such as the Voice to Parliament, Survival Day, truth-telling about our colonial history, art as a medium for truth-telling and cultural practice; how to be an ally to First Nations people; and the difference between equality and equity are some of the topics that have been explored.**

This approach is in line with Council's strong commitment to Reconciliation as embedded in our Council Plan, while also recognising the growing appetite within our community to hear from First Nations speakers and engage on topics related to Reconciliation. Moreover, this yearning for understanding is reflective of the national zeitgeist as Australia reckons with its cultural identity and colonial history in response to the 2017 Uluru Statement from the Heart which calls for Voice, Treaty and Truth.

In addition to the annual observance of NAIDOC Week (the only annual First Nations event observance prior to 2022) Council added National Reconciliation Week as a Tier One event in 2022. The inaugural NRW event featured a keynote address by Adnyamathanha woman Marsha Uppill on the topic of "How to be an Ally" followed by an interview with Worimi man and artist Gerard Black – with the then Mayor Cr Libby Stapleton – about his artistic journey, hopes for Reconciliation and the artwork he created for this Reflect RAP.

The inaugural Pilk Purriyn truth-telling event at sunrise on 26 January took Council's First Nations community events scope to a new level. Following careful consideration and direct engagement with First Nations community members via a focus group, Council had resolved to no longer engage in celebrations marking Australia Day. Instead Council embarked on a unique collaboration with Wadawurrung Traditional Owners Aboriginal Corporation to mark Survival Day with deep listening at a sunrise gathering of First Nations people and allies at Cosy Corner beach.

An initial expectation of 200 people was soon surpassed by registrations of more than 1,800 individuals, swelling to more than 2,000 on the day. The feedback from Pilk Purriyn event surveys was overwhelming in its positivity and gratitude for the opportunity this event had provided to our community. Feedback such as this from a First Nations person: "For the first time in my life on this

*day, I felt heard. I felt seen. I felt respect. I felt connected, and I felt the tiniest glimmer of hope for our mob as more and more people arrived and stood beside me and my people in silence and respect."* While this comment was indicative of the many hundreds of responses from allies in the community: "Wise, solemn, uplifting and profound in its message of truth telling and reconciliation. A nuanced, honest and vital step forward."

International Women's Day on 8 March saw the launch of Wadawurrung woman and artist Jenna Oldaker's mural Wunggurrwil Ba-gurrk Murrup (Strong Woman Spirit) which adorns the inside wall of Torquay's Wurdi Baier stadium. Then to mark National Reconciliation Week 2023, Council heard a call to action from Wadawurrung woman Corrina Eccles on her people's history and the importance of a Voice to Parliament; followed by a keynote address from one of the most sought-after First Nations speakers in Australia with From the Heart: An Evening with Thomas Mayo.

In July, Council's NAIDOC Week 2023 event was held, for the first time, on Gulidjan Country at Winchelsea. This was an important milestone for Council, as we engaged with Eastern Maar Aboriginal Corporation for the Welcome to Country and Smoking Ceremony to be delivered at the Winchelsea Shire Hall. The in-conversation event and accompanying exhibition on the work of Yorta Yorta/Baraparapa artist and academic Aunty Dr Jenny Murray-Jones was a simultaneously intellectual and artistic feast centred on truth-telling in the distinctly colonial surrounds of the historic hall.

While the appetite for these events continues to grow, Council is working to balance the resources requirements placed on the delivery of these important artistic, cultural and social justice occasions for the community. We also must continue to understand our role as community leaders in bringing First Nations voices into the spotlight; and the opportunities for inclusion and self-determination that these events provide.

2023 First Nations Events



**Pilk Purriyn (Sunrise) Truth-telling Event**  
Survival Day: 26 January 2023  
Cosy Corner Beach, Torquay  
Wadawurrung Country



**Wunggurrwil Ba-gurrk Murrup (Strong Woman Spirit)**  
International Women's Day: 8 March 2023  
Wurdi Baierr Stadium, Torquay  
Wadawurrung Country

Wadawurrung woman, artist Jenna Oldaker  
with Wadawurrung Elders



**An Evening with Thomas Mayo**  
National Reconciliation Week: 29 May 2023  
Council Chambers, Torquay  
Wadawurrung Country

First Nations residents of Surf Coast Shire  
meet with Thomas Mayo



**NAIDOC Week: 6 July 2023**  
Winchelsea Shire Hall, Winchelsea  
Gulidjan Country – Eastern Maar nation

Yorta Yorta/Baraparapa woman, artist  
Aunty Dr Jenny Murray-Jones in  
conversation with Harriet Gaffney

## Reflection #2:

Council engages Wadawurrung land management on Country



Uncle Norm Eccles, Acting CEO Wadawurrung Traditional Owners  
Aboriginal Corporation Liam Murphy, Surf Coast Shire Council Mayor  
Liz Pattison and Wadawurrung woman Corrina Eccles  
Djarrak (Bells Beach), Wadawurrung Country



Gobata Dja team members at Djarrak (Bells Beach), Wadawurrung Country

**There is a distinct irony to celebrating an occasion when Traditional Owners are formerly engaged to care for their own Country. Nevertheless, it was with great pride and Reconciliation spirit that Council and Wadawurrung Traditional Owners Aboriginal Corporation worked together to achieve just that.**

WTOAC's Gobata Dja (Caring for Country) Natural Resource Management team were engaged to carry out revegetation and erosion management works at Djarrak (Bells Beach). The milestone arrangement was the first of its kind for both Council and WTOAC and plans are underway for these services to be undertaken at other sites of cultural significance to Wadawurrung People managed by Council.

The first day spent caring for and helping to heal this very special place was 7 June 2023. The day was attended by Wadawurrung Elders and leaders, commencing with a Welcome to Country and Smoking Ceremony. Surf Coast Shire Mayor, Cr Liz Pattison also attended and the day was celebrated by both Council and WTOAC via social and local print media. The collaboration of the respective communications teams built on the joint communications approach developed during the Pilik Purriyn truth-telling event.

Operationally, this opportunity was championed by members of Council's Environment team with support from Procurement and Workplace Health and Safety staff. The positive example of working with WTOAC to navigate and complete the procurement and administrative requirements in order for the Gobata Dja team to be added to Council's Approved Supplier list was then shared by members of those teams with a Network of Councils on Wadawurrung Country. The knowledge sharing example was described by another council's procurement coordinator as a "valuable information exchange".

## Reflection #3:

### Moriac's Structure Plan with a difference



Moriac, Wadawurrung Country

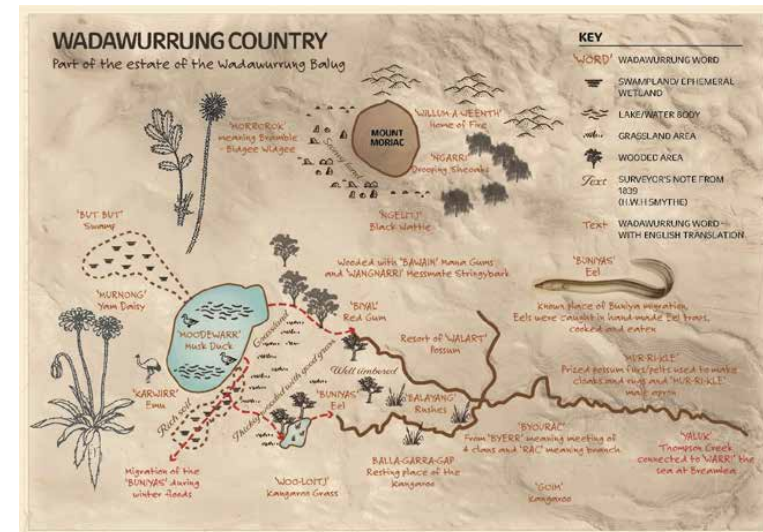
**A determination to do things differently in order to Acknowledge the First Peoples and the history of place beyond European settlement, has seen the recently developed Moriac Structure Plan emerge as a new model in Strategic Planning at Council.**

The creation of a Structure Plan is an important undertaking as it maps the plan for a town's future. Considering how and where the town should grow, the Structure Plan aims to protect the town's unique features and characteristics. It is prepared through a rigorous consultation and community engagement process that allows community members to share their aspirations and concerns for both the natural and built environments.

When drafting the Moriac Structure plan, members of Council's Strategic Planning team consulted with Wadawurrung Traditional Owners Aboriginal Corporation. Through these discussions an idea emerged to engage an independent historian, with experience working with Registered Aboriginal Parties in the region, with a view to incorporating cultural knowledge and understanding of the landscape prior to colonisation.

The result is a unique and beautiful abstract map of Moororok (Moriac) unlike anything Council has produced before, that forms an important part of the plan's Part A. A History of Landscape. The map presents the information shared by Wadawurrung Traditional Owners, combined with features, details and language rediscovered through the historian's research.

Wadawurrung language describes the natural features, plants and animals; and these are juxtaposed with the surveyor's notes from 1839 which lists the land's desirable attributes such as "rich soil" and "good grass" as if they had occurred by some happy accident, failing to acknowledge or even consider the First People's land management practices were the reason.



Moororok (Moriac)  
A History of Landscape

## Reflection #4:

Staff training builds Cultural Awareness



Surf Coast Shire Council staff on Wadawurrung Country

Council has undertaken a concerted campaign of cultural education and awareness raising for Councillors and staff via a series of training opportunities offered over the past two years. These experiences are often emotional, sometimes confronting, but always embraced with positivity and enthusiasm by the participants. Some staff have described their Cultural Awareness Training experiences with Council as “the best training experience I’ve ever had”.

We are proud to have offered a wide variety of training opportunities directly with local Traditional Owners through both Registered Aboriginal Parties, Wadawurrung Traditional Owners Aboriginal Corporation and Eastern Maar Aboriginal Corporation, as well as several other First Nations consultants and educators including Arranyinha Pty Ltd, Mirriyu Cultural Consulting and the Awaivilla Group.

In the past two years, staff training days, workshops and forums have provided more than 450 opportunities for Councillors and staff to develop their personal cultural awareness and thus apply that learning in their work. These opportunities have included Traditional Owner-led On Country

experiences, Unconscious Bias and Privilege: First Nations, Working in Two Worlds and Allyship, Acknowledgement of Country, Reconciliation, Aboriginal Cultural Heritage, Racism, Foundational Cultural Respect and Women’s Wellness: First Nations.

Participation has been offered to most Councillors and staff, however there is still work to be done to ensure these valuable experiences are offered widely to different teams and units, as well as different levels of management. Also to be addressed are participation barriers for staff who may have accessibility issues, work part-time or shift hours, or those working remotely or at one of our depots.

### Eastern Maar Cultural Awareness and On Country Immersion



June 2023  
Mantra Hotel, Lorne  
Gadubanud Country – Eastern Maar nation



June 2023  
Teddy's Lookout, Lorne  
Gadubanud Country – Eastern Maar nation

### Participants' comments

*Don't act first, then inform. Involve Traditional Owners from the beginning, just as you would any partner. This resonated with me as I have already implemented this thinking into my work.*

*What an incredible experience. I have learnt more about Traditional Owners, Aboriginal culture, heritage and history in the 18 months I have been at Surf Coast Shire Council than I have in my 40 years of life.*

*Overall an outstanding day which has informed me both personally and professionally.*

*I felt very privileged to hear directly from Indigenous representatives about their culture, stories, truths, experience and knowledge.*

### Wadawurrung 'Walk on Country' Cultural Education Sessions



Quarterly from November 2021-August 2023  
Freshwater Creek, Breamelea, Jan Juc and Anglesea  
Wadawurrung Country

### Participants' comments

*I'm looking forward to embedding learning from this session in the workplace.*

*We only just scratched the surface in a day – we have so much to learn!*

*The biggest takeaway is that the work we do in Planning does have direct impacts.*

*We need to protect and respect and continue to educate ourselves about the significance and history we have in our region.*

*It is amazing to be able to understand Aboriginal culture and history at a local level.*

*I believe we, as individuals, need to gain an understanding and awareness of the Country we live in – what's happened in the past; our knowledge now; and looking to a better future.*

# Our Touchstone – the Victorian Aboriginal and Local Government Strategy

Forward thinking and practical, the Victorian Aboriginal and Local Government Strategy 2021-2026 (VALGS) is an enormously valuable resource that Council is using to help inform this Reflect RAP. It is a road map of where Council wants to go on its Reconciliation journey. It also illustrates a bigger picture of how the State and Local Governments collectively should be partnering with First Nations people to achieve self-determination and Reconciliation.

## Seven Strategic Pillars

In this Reflect RAP, Council is concentrating the majority of its actions on the first Strategic Pillar: Culture, Respect and Trust.

- Culture, respect and trust
- Awareness and engagement
- Accountability and direction
- Governance and participation
- Economic participation
- Health and wellbeing
- Resourcing and funding

## Pathway Stages

The Strategy's seven pillars follow recommended pathways with three stages in which to measure success: **understand**, **embrace** and **embed**. The pathways are cyclical by design, so that once work is embedded, it will return back to the understand phase. Thus deepening engagement and encouraging continuous growth and improvement.

## The Strategy on Cultural Safety

Culturally safe and racism-free services are those in which people feel safe, where they can freely affirm their identity, and where their needs are met. Local programs and services that Aboriginal people access must be inclusive, respectful, responsive, and relevant – and culturally safe practice frameworks must inform them.

Whether through Aboriginal organisations or mainstream services, it is vital Aboriginal Victorians can access culturally safe and culturally responsive services whenever they need them.

It is also important that local councils are culturally safe places for Aboriginal people to work. The Local Government Koorie Staff Network (the Network) is a staff-led network for Aboriginal and Torres Strait Islander Staff employed within the Local Government Sector. The Network provides a culturally safe forum for staff to collaborate and provide peer support. The Network is positioned as a strong advocacy voice for Aboriginal staff and can feed both challenges and opportunities back to State and Local Government. (source: **VALGS**)

## The Strategy on Self-Determination

Self-determination is a fundamental human right. In the more than two centuries since colonisation, Aboriginal Victorians have strived for this right to make decisions about matters affecting their lives and communities.

Aboriginal Victorians still face many barriers to self-determination. Reconciliation can't be achieved until shared history is understood, barriers to self-determination are identified and removed, and Aboriginal people have control of decisions that affect their lives(...)

Self-determination is enabled through cultural strength – cultural strength is enabled through cultural practice, kinship ties, connection to land and country, art, song, dance, healing, spirituality,



Anglesea kindergarten mural by Wadawurrung man, artist Billy-Jay O'Toole – Wadawurrung Country

empowerment, heritage, identity (belonging) and self-determination.

Self-determination is necessary for Aboriginal Victorians to achieve social, economic, political, and cultural equity based on their cultural values and ways of life. (source: **VALGS**)

## The Strategy on Boundaries

Several boundaries apply across Victoria affecting Aboriginal Victorians and local councils, including but not limited to:

- Registered Aboriginal Parties' boundaries;
- boundaries of Recognition and Settlement Agreements (RSAs) under the Traditional Owner Settlement Act 2010;
- boundaries of Indigenous Land Use Agreements (ILUAs) under the Native Title Act 1993 (Cth), where these are not also the boundaries of a RSA;

- community-controlled service areas;
- Gathering Place boundaries;
- Treaty voting boundaries;
- local government municipal boundaries;
- state boundaries; and
- government department boundaries.

Traditional Owner Group boundaries don't align with state borders or local government areas. Dealing with multiple jurisdictions and municipalities lengthens processes and strains resources, creating complications for Traditional Owners and councils.

To support sustainable engagement and uphold self-determination principles, the Strategy encourages a Country-based approach. This means Aboriginal Victorians determine the engagement, informed by Country boundaries rather than local council boundaries. (source: **VALGS**)





Action	Deliverable	Timeline	Responsibility
<b>1. Establish and strengthen mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders and organisations.</b>	Identify Aboriginal and Torres Strait Islander stakeholders and organisations within our local area or sphere of influence.	December 2023	Manager Community Support
	Research best practice and principles that support partnerships with Aboriginal and Torres Strait Islander stakeholders and organisations.	December 2023	Manager Community Support
	Establish annual meeting with CEO of EMAC, WTOAC and Wathaurong Co-operative	December 2024	CEO
	Develop an EOI process for commissioning First Nations artists for Council projects.	August 2024	Manager Economic Development
<b>2. Build relationships through celebrating National Reconciliation Week (NRW).</b>	Circulate Reconciliation Australia's NRW resources and reconciliation materials to our staff.	April-May 2024	Manager Community Support
	RAP Working Group members to participate in an external NRW event.	27 May-3 June 2024	RAP Working Group
	Encourage and support staff and senior leaders to participate in at least one external event to recognise and celebrate NRW.	April-May 2024	General Manager Community Life
	Promote Council and local region's NRW events and activities internally via Shire Wire (staff intranet) and externally via Council social media and Reconciliation page of Council's website	May 2024	Manager Community Support
<b>3. Promote Reconciliation through our sphere of influence.</b>	Communicate our commitment to Reconciliation to all staff.	December 2023	CEO
	Identify external stakeholders that our organisation can engage with on our Reconciliation journey.	April 2024	Manager Community Support
	Identify RAP and other like-minded organisations that we could approach to collaborate with on our reconciliation journey.	April 2024	Manager Community Support
	Integrate local First Nations culture into regular plan for Child & Family Health Services.	December 2024	Manager Community Strengthening
	Maintain a dedicated Reconciliation page on Council's website with information about Council's commitment, activities, events and resources.	December 2023-December 2024	Manager Community Support
	Develop a Reconciliation page on Council's staff intranet The Shire Wire.	October 2024	RAP Working Group
	Host a community awareness-raising event (tier 1) at a location within Surf Coast Shire to recognise and celebrate NRW.	27 May-3 June 2024	Manager Community Support
<b>4. Promote positive race relations through anti-discrimination strategies.</b>	Research best practice and policies in areas of race relations and anti-discrimination.	July 2024	Manager People and Culture
	Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs.	July 2024	Manager People and Culture



Action	Deliverable	Timeline	Responsibility
<b>5. Increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning.</b>	Conduct a review of cultural learning needs within our organisation.	October 2024	Manager People and Culture
	Conduct annual cultural self-reflection assessment of all staff.	May 2024	General Manager Community Life
	Develop a tailored training and accessible program to build knowledge, understanding and cultural competency of staff at induction and beyond.	October 2024	Manager of People and Culture
<b>6. Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols.</b>	Develop an understanding of the local Traditional Owners as Custodians of the lands and waters within our organisation's operational areas.	May 2024	Manager Community Support
	Increase staff's understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country, Welcome to Country protocols.	May 2024	Manager Community Support
	Develop guidelines for practicing Acknowledgement of Country and protocols for Welcome to Country for Councillors, staff and volunteers.	May 2024	Manager Community Support
<b>7. Build respect for Aboriginal and Torres Strait Islander cultures and histories by celebrating NAIDOC Week.</b>	Raise awareness and share information amongst our staff about the meaning and importance of NAIDOC Week.	July 2024	Manager Community Support
	Introduce our staff to NAIDOC Week by promoting external events, activities in our local area.	June/July 2024	Manager Community Support
	RAP Working Group to participate in an external NAIDOC Week event.	First week in July 2024	RAP Working Group
<b>8. Support Early Years services to embed First Nations culture in their curriculum.</b>	Conduct audit of Early Years services to gauge current First Nations cultural programming.	October 2024	Manager Community Strengthening
	Support Early Years services to work with applicable Traditional Owners via Registered Aboriginal Party to integrate cultural programming.	October 2024	Manager Community Strengthening
	Support Early Years services to develop a RAP with <a href="#">Narragunnawali</a> .	October 2024	Manager Community Strengthening
	Develop and display Acknowledgement of Country plaques at each service.	August 2024	Manager Community Strengthening



Action	Deliverable	Timeline	Responsibility
<b>9. Improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development.</b>	Develop a business case for Aboriginal and Torres Strait Islander employment within our organisation.	October 2024	Manager People and Culture
	Build understanding of current Aboriginal and Torres Strait Islander staffing to inform future employment and professional development opportunities.	May 2024	Manager People and Culture
	Research flexible, supporting and cultural inclusive models of employment to attract and retain Aboriginal and Torres Strait Islander employees.	May 2024	Manager People and Culture
<b>10. Increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes.</b>	Investigate Supply Nation membership.	August 2024	Manager Integrity and Governance
	Investigate Kinaway and Ngarrimili websites and services, and other First Nations businesses and services.	August 2024	Manager Integrity and Governance
	Research how other LGAs and government organisations are developing new procurement strategies to support First Nations owned businesses.	August 2024	Manager Integrity and Governance
<b>11. Work in partnership with local Registered Aboriginal Parties in the management of Council land and protection of cultural sites.</b>	Develop high end principles and staff process to recognise and protect culturally significant sites on land which Council maintains.	December 2024	Manager Assets and Engineering & Manager Operations
	Explore opportunities for co-management of land, including vegetation management, protection of registered Cultural Heritage Sites and incorporation of Country Plan principles, on Council managed land.	December 2024	Manager Environment and Sustainability & Manager Operations
	Advocate for and build capacity to use cultural burning practices.	December 2024	Manager Community Safety
	Take action to enable a collaborative trial of fire burning practices on Council managed land.	December 2024	Manager Community Safety
	Develop and ensure implementation of a protocol to include relevant Registered Aboriginal Party in early consultation and engagement when developing a new growth strategy or structure plan.	May 2024	Manager Integrated Planning
<b>12. Work with Registered Aboriginal Parties to incorporate dual naming of places across the Shire.</b>	Develop language agreement with WTOAC for towns and parishes located on Wadawurrung Country within the Shire.	August 2024	Manager Assets and Engineering
	Produce signage of dual-naming in collaboration with WTOAC of towns and parishes located on Wadawurrung Country within the Shire.	October 2024	Manager Assets and Engineering
	Explore opportunities for dual-naming of places, towns and parishes on Gulidjan and Gadubanud Countries with EMAC.	April 2024	Manager Community Support
	Develop dedicated page of Council website to include Aboriginal language, translation and meaning of Council buildings, streets and places currently in use in collaboration with Registered Aboriginal Parties.	May 2024	Manager Community Support



Action	Deliverable	Timeline	Responsibility
<b>13. Establish and maintain an effective RAP Working Group to drive governance of the RAP.</b>	Form a RAP Working Group to govern RAP implementation, a formal process.	February 2024	Manager Community Support
	Draft a Terms of Reference for the RAP Working Group.	May 2024	Manager Community Support
	Establish Traditional Owner or Aboriginal and Torres Strait Islander community representation on the RAP Working Group.	July 2024	Manager Community Support
<b>14. Work in partnership with Reconciliation Victoria through the Moodji Partnerships program</b>	Develop Memorandum of Understanding (MOU) for RAP Working Group with Reconciliation Victoria.	May 2024	Manager Community Support
	Collaborate with Reconciliation Victoria on Reconciliation strategies and actions within this Reflect RAP.	October 2024	Manager Community Support
<b>15. Provide appropriate support for effective implementation of RAP commitments.</b>	Define resource needs for RAP implementation.	May 2024	Manager Community Support
	Engage senior leaders in the delivery of RAP commitments on a quarterly basis.	February 2024 May 2024 August 2024 November 2024	CEO
	Define appropriate systems and capability to track, measure and report on RAP commitments.	March 2024	Manager Community Support
<b>16. Build accountability and transparency through reporting RAP achievements, challenges and learnings both internally and externally.</b>	Complete and submit the annual RAP Impact Measurement Questionnaire to Reconciliation Australia.	30 September annually	Manager Community Support
<b>17. Continue our Reconciliation journey by developing our next RAP.</b>	Register via Reconciliation Australia's <a href="#">website</a> to begin developing our next RAP.	August 2024	Manager Community Support

For further information regarding Council's Reflect Reconciliation Action Plan please contact:

Manager Community Support  
p. 03 5261 0600  
e. [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

[surfcoast.vic.gov.au](http://surfcoast.vic.gov.au)



## 4.2 Safer Cycling Strategy and action plan 2022-2027 - Year One Progress Report

### Council Plan

### Theme Two - Healthy Connected Community

Strategy 5 - Make it easier for people to move around our towns and in nature without relying on cars

### Author's Title:

Coordinator Design and Traffic

### General Manager:

Chris Pike, General Manager Placemaking & Environment

### Division:

Placemaking and Environment

### Department:

Assets and Engineering

### Attachments:

1. Safer Cycling status to Council meeting November 2023 [4.2.1 - 4 pages]
2. Safer Cycling Strategy - Year 1 Report [4.2.2 - 7 pages]

### Purpose

1. The purpose of this report is to update Council on the first-year progress of the Safer Cycling Strategy Action Plan and implementation of the Safer Cycling Strategy recommendations.

### Recommendation

That Council:

1. Receives and notes the Year One progress report on the Surf Coast Safer Cycling Strategy and Action Plan 2022-2027 (**Attachments 1 and 2**).
2. Approves the CEO (or delegate) applying for grant opportunities to deliver Safer Cycling Strategy and Action Plan 2022-2027 initiatives where they have a total project cost of no more than \$500,000 and Council's contribution is either zero or can be funded from Council budget allocations.

### Council Resolution

#### Moved Cr Bodsworth, Seconded Cr Schonfelder

That Council:

1. Receives and notes the Year One progress report on the Surf Coast Safer Cycling Strategy and Action Plan 2022-2027 (**Attachments 1 and 2**).
2. Approves the CEO (or delegate) applying for grant opportunities to deliver Safer Cycling Strategy and Action Plan 2022-2027 initiatives where they have a total project cost of no more than \$500,000 and Council's contribution is either zero or can be funded from Council budget allocations.

CARRIED 7|1

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Cr Barker	Nil

### **Outcome**

2. This report provides an update on Council's progress within the first year of the Safer Cycling Strategy Action Plan outlining some positive achievements and some delivery challenges. If supported, the recommendation also positions Council officers to efficiently attract external funding in seeking to deliver on Council's safer cycling objectives.

### **Key Considerations**

3. There is a community benefit by providing safer pedestrian and cycling links connecting to key activity precincts.
4. Excellent progress on actions has been made over the first year of the plan's implementation in designing and/or delivering safer infrastructure, speeds, and signs on the highest cyclist risk council roads.
5. 22% of actions within the strategy have been delivered within the first year.
6. Officers have secured over \$2.4 million of external funding for active transport related infrastructure planned for delivery in 2024-25 to support cycling safety infrastructure related actions.
7. Several key goals within the strategy (namely goals 3, 4, 5 & 6) are unlikely to successfully progress without additional investment by Council in a dedicated Active Transport Officer.
8. Actions relating to process change, education, collaborative relationships, and advocacy are most at risk.

### **Background**

9. In 2020, a Transport Accident Commission (TAC) grant opportunity became available for funding to support a project focussed on reducing cycling and/or pedestrian crash incidents on the road network within the Shire.
10. Officers identified this as an opportunity to deliver on the action from Council's 2016-2021 Road Safety Strategy with regards to cycling accidents and submitted an application to develop a Safer Cycling Strategy. This application to develop a standalone Safer Cycling Strategy would guide planning and help prioritise cycling infrastructure in the Shire to improve safety for all road users was successful.

11. A steering committee was established including key internal and external stakeholders to guide the Safer Cycling Strategy project and a consultant was engaged to develop Council's first Strategy focusing on cycling safety in the region.
12. At its meeting in August 2022, Council adopted Surf Coast Shire's first Safer Cycling Strategy and Action Plan.
13. A resolution from this Council meeting was for officers to provide a progress report on the delivery of the strategy action plan on a yearly basis.

### **Options**

14. **Alternative Option 1** – That Council does not approve authorisation for the CEO (or delegate) to apply for grant opportunities up to \$500,000.

This option is not recommended by officers as projects and actions within the Strategy and Action Plan have been endorsed. Not providing approval to apply for funding on projects up to \$500k where no Council contributions is required or can be funded through existing budgets could reduce the potential to gain much needed grant funding to deliver all the action recommendations within the Strategy.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Two - Healthy Connected Community**

Strategy 5 - Make it easier for people to move around our towns and in nature without relying on cars.

15. The projects and strategy action plan will support improving the safety and efficiency of our road network, which supports our community to move around safely and connect and participate in community life.

### **Financial Considerations**

16. Several of the actions identified in the Strategy will have financial and resource implications over the next 12 months.
- 17.
18. The Strategy identifies funding an Active Transport Officer to ensure all actions within the strategy are progressed. Officers will develop a business case for the Council 2024-25 budget for consideration.
19. Depending on the extent of success in attracting external funding, Council may need to consider contributions within its future budgets should it wish to achieve full delivery of identified actions.

### **Community Engagement**

20. Throughout the Safer Cycling Strategy development, officers held several engagement activities with the community, internal and external stakeholders, and Council partners. This engagement has included online surveys and feedback requests, stakeholder meetings and a community meeting. For projects completed within the first year of the Strategy, officers have consulted and engaged with directly affect residents in circumstances where they have been impacted.

### **Statutory / Legal / Policy Considerations**

21. The Safer Cycling Strategy and Action Plan 2022-2027 supports the current State strategies: - Victorian Road Safety Strategy 2021-2030 and Victorian Cycling Strategy 2018-2028 and aligns with the long-term vision of the current Council Plan 2021-2025.
22. The actions proposed within Safer Cycling Strategy, refer to developing and maintaining a safe and connected road network.

### **Risk Assessment**

23. Standard risk assessment has been undertaken in accordance with engineering principles and practice as part of the Strategy development and for each of the projects within the Action Plan, including incorporation of contingency into estimates.

### **Sustainability Considerations**

24. Projects and actions within the Strategy support a transition to more active transport and support a reduction in vehicle emissions.

### **Conflict of Interest**

25. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

26. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

27. This item has not been considered by the Audit and Risk Committee.

### **Councillor Briefings**

28. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 8/11/2023.

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.





## Safer Cycling Strategy 2022-2027- Status

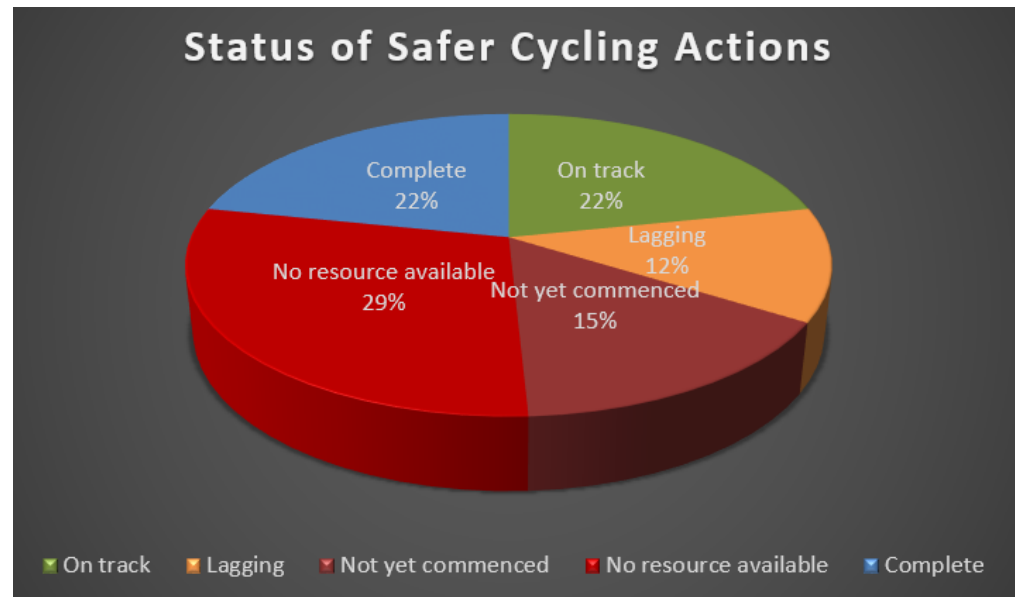
Council Meeting  
28 November 2023

## Action Plan Status Summary

### Overview

The Safer Cycling Strategy has been in operation for one year.

- Approximately 22% of the total number of actions including sub-actions within the strategy have been completed.
- The majority of these actions have been lower cost, easily implemented changes.
- Significant work has been undertaken to break down and develop a delivery strategy for actions within the plan and a further 22% of actions are tracking well for delivery within timeframes, while 12% are lagging behind the agreed timeframes.
- The remaining 44% of actions are either not yet commenced or do not have any resourcing allocated to allow them to commence/progress.



### **Key Concern:**

***Just under 30% of the actions within the strategy have no resourcing allocated to allow progression of actions or commencement.***

***The impact of the lack of resourcing is disproportionate for different goals within the strategy.***

## Highlights: Year One Delivery

### Snapshot of the highlights: Year 1

*Design and investigation projects* undertaken:

- Torquay to Torquay North Cycling Connect
- Bristol Rd Cycle Lanes
- Great Ocean Rd to Bellbrae shared pathway
- **Successful/ in progress funding bids** to support future cycling infrastructure – some examples:
  - Fischer St Black Spot
  - Grossmans Rd cyclist improvements (TAC)
  - Bell St Black Spot
- Installation of improved cyclist **safety signs/ line-marking** on high priority existing routes:
  - South Beach Road
  - Blackgate Road
  - Jarosite Road
- **Speed Limit changes** on cyclist priority routes:
  - Coombes Rd & Grossmans Rd
  - Cape Otway Road
- **Safe cycling infrastructure** on cyclist priority routes:
  - Horseshoe Bend Rd - cycle lane widening & roundabout works
  - Raised crossings connecting shared paths



## Recent and Upcoming Related Active Transport Projects

### Recent Active Transport Projects

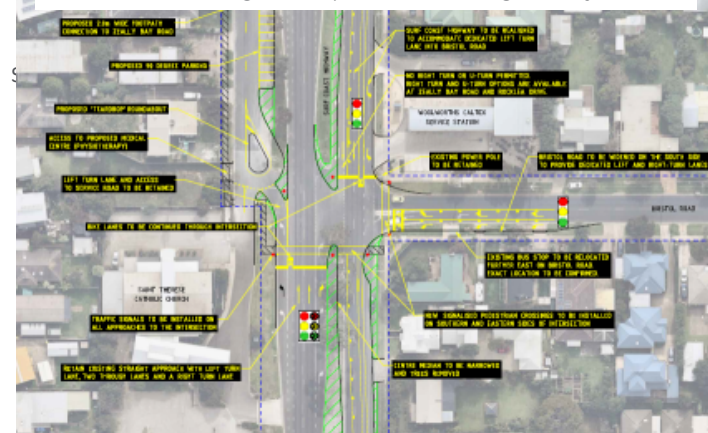
There have been a significant number of active transport projects delivered or under development in recent years which are not direct actions of the safe cycling strategy but which link to the infrastructure in strategy, examples include:

- Torquay Town-Centre Pedestrian Improvements saw new raised pedestrian crossings and local area traffic management installed in town centre– complete.
- Pearl Street/ Bristol Road Roundabout – complete.
- Beach Road Pedestrian Upgrade (blackspot) – in design phase.
- Development funding obtained for IP43 project to improve pedestrian connection along the east side of Fischer Street - currently under design.
- Moriac Township blackspot includes new cycle lanes on Cape Otway Rd through Moriac and a speed limit reduction through the town to 50kph.
- The Esplanade blackspot in design phase includes pedestrian crossing and cycle lane upgrades.
- Council have successfully obtained funding through the Safer local roads and streets program which is earmarked to support a number of active transport projects.
- Bristol Rd signalization is progress which will deliver a safe pedestrian crossing on Surf Coast Highway

Torquay Towncentre Pedestrian Improvements



Bristol Road Traffic lights with pedestrian crossing and bicycle boxes



**Safer Cycling Strategy Status Reporting**

CYCLING STRATEGY LEADERSHIP		
	ACTION	Status
L.1	Develop a business case for provision of an active transport officer on a part-time basis. This officer would be responsible for implementation and monitoring of actions identified in the Safer Cycling Strategy.	No resource available
L.2	Ensure Safe System principles are incorporated into planning and delivery of both Council and developer funded cycling infrastructure.	No resource available
L.3	Develop an overall business case for investment to priority cycling routes to support grant applications where required	On Track
L.4	Evaluate implementation of Action Plan and overall effectiveness of the Safer Cycling Strategy	On Track

GOAL 1: A CONNECTED, ACCESSIBLE AND INTEGRATED CYCLING NETWORK		
	ACTION	Actual Costs
1.1	Develop funding applications and/or advocate to state/federal government for provision of high priority shared pathways, cycle pathways and on-road cycle lane connections as listed in 1.3, 1.6 and 1.11.	On Track
1.2	Develop business cases to fund provision of cycling network improvements as recommended by the Strategy.	Lagging
1.3	Provide new shoulders according to the width criteria provided in Table 3, in conjunction with upcoming renewal/upgrade/rehabilitation works where possible, to complete the missing link at the following high priority fitness/training cycling routes: - Cape Otway Road – Buckley Road South to Marshmans Outlet (approx. 1.3km) - Cape Otway Road – Parish Lane to Winchelsea-Deans Marsh Road (approx. 4km) - Forest Road – south of Gum Flats Road (approx. 6.9km)	Not yet Commenced Not yet Commenced Not yet Commenced
1.4	Advocate to DoT for provision of new shoulders according to the width criteria provided in Table 3 to complete missing links at the following high priority fitness/training cycling routes: - Hendy Main Road – Anglesea Road to Greenfield Drive (approx. 13.5km) - Hendy Main Road – Princes Highway to Cape Otway Road (approx. 3.1km).	Lagging
1.5	Leverage existing proposed capital works at the following high priority fitness/training cycling routes for provision of on-road cycling infrastructure according to the width criteria provided in Table 3: - Coombes Road (Surf Coast Highway to Ghazeepore Road) - Cape Otway Road (Lloyd Mews to Lowndes Road) - Grays Road (Hendy Main Road to Flaxbournes Road)	On Track Complete Complete
1.6	Provide wider shoulders according to the width criteria provided in Table 3 in conjunction with upcoming renewal/upgrade/rehabilitation works where possible, at the following high priority fitness/training cycling routes: - Coombes Road – Ghazeepore Road to Anglesea Road (approx. 3km). - Cape Otway Road – Church Road/Hortips Road to Buckley Road South (approx. 6km).	Complete No resource available

	Consider options to reallocate road space to provide additional space for cycling facility (i.e. reduce traffic lane width) where funding for road widening is not available. For roads with speed limit of 60 km/h or less, traffic lane width could be reduced to 2.9 m. For roads with speed limit of 70 or 80 km/h or less, traffic lane width could be reduced to 3.1m where AADT is up to 1,000 vehicles per day or 3.3m where large trucks are present.	Not yet Commenced
1.7	Advocate to DoT for the inclusion of the following priority commuter routes as Strategic Cycling Corridors with upgrades recommended to reach target of low stress cycling environment:  - Fischer Street – South Beach Road to Bristol Road.  - Horseshoe Bend Road – Mt. Duneed Road to The Esplanade.	Lagging  Lagging
1.8	Seek funding to deliver a strategic low-stress cycling link to Armstrong Creek via a shared pathway or separated cycle lanes along Horseshoe Bend Road from The Esplanade. The section north of South Beach Road is to be prioritised to enable both commuter and recreational connection to the City of Greater Geelong.	On Track
1.9	In collaboration with GORCAPA, seek funding to deliver a strategic low-stress and multi-purpose cycling link to the Thirteenth Beach bike trail from Torquay comprising:  - a sealed and shared road (with a 30 km/h speed limit) for cars and cycles in the unsealed section of The Esplanade with separated pedestrian path.  - a sealed shared pathway from The Esplanade to Pt Impossible Road.  - a sealed and shared road (with a 30 km/h speed limit) for cars and cycles on Pt Impossible Road.  - a sealed shared pathway or separated/protected cycle lanes along Blackgate Road from Pt Impossible Road to Breamlea Road, or a shared pathway across Thompsons Creek and Karaaf wetlands .	No resource available  No resource available  Not yet Commenced  Not yet Commenced
1.1	Seek funding to deliver a strategic low-stress and multi-purpose cycling link between Surf City and Torquay Town Centre via a shared pathway or separated/protected cycle lanes along Bristol Road.	On Track
1.11	Provide a shared pathway or protected cycle lanes according to the width criteria provided in Table 1 or Table 2 at the following high priority commuter and/or school cycling routes:  - Eton Road/Beach Road to the Spring Valley bike park, including bridge across Spring Creek, Torquay (DCP funded project).  - Great Ocean Road to the Spring Valley bike park in drainage reserve.  - Spring Creek bridge to Surf Coast Highway along the northern boundary of Spring Creek Recreation Reserve.  - Darian Road – Surf Coast Highway to Fischer Street.  - Beach Road – Eton Road to Fischer Street.  - Eton Road – Beach Road to Grossmans Road.  - Noble Street – McMahon Avenue to River Reserve Road.  - Camp Road – Anglesea shops to Primary School/bike park (also catering for recreation cyclists).  - Fairhaven to Aireys Inlet Primary School.	On Track  On Track  On Track  Not yet commenced  Lagging  Not yet Commenced  Not yet Commenced  Lagging  Not yet Commenced
1.12	Advocate to DoT or seeking funding for provision of a shared pathway according to the width criteria provided in Table 1 to complete a missing link at the following high priority commuter cycling routes:	

	- Surf Coast Highway – Spring Creek Recreation Reserve to Grossmans Road. Consider leveraging the service roads with appropriate traffic management treatments as part of this network connection.	Lagging
1.13	Review movement and place classification of priority cycling routes to ensure they reflect appropriate desirable cyclist classifications.	No resource available
1.14	Advocate to DoT for provision of safe crossing points at the following priority locations: - The Great Ocean Road / Strathmore Drive (West), Jan Juc. - The Great Ocean Road at Spring Creek, Torquay.	Lagging
1.15	Ensure provision of a safe cyclist crossing at the Surf Coast Highway/Bristol Road intersection through signalisation.	On Track

GOAL 2: SAFE CYCLING INFRASTRUCTURE		
	ACTION	
2.1	Submit funding applications (TAC, state or federal) for upgrades to priority cycling facilities, provision of safe crossing points and/or intersection treatments listed in 2.2-2.5, 2.7 and 2.8.	On Track
2.2	Develop and provide consistent Shared Path signage and/or pavement markings where pathways meet minimum standards outlined in Table 1. Priority paths from the cycling network maps (refer to Appendix A) for provision of signage/pavement markings are: - Nautical Rise, Torquay. - South Beach Road, Torquay. - North Torquay fronting Surf Coast Highway. - Deep Creek Reserve west of Fischer Street, Torquay. - Coogoorah park, Anglesea. - Anderson Street, Winchelsea. - Main Street, Winchelsea.	On Track Complete Complete Complete Complete On Track On Track
2.3	Advocate to GORCAPA for provision of consistent Shared Path signage and/or pavement markings where Surf Coast Walk meets minimum standards for shared paths as outlined in Table 1. Priority sections of path from the cycling network maps for provision of signage/pavement markings are: - Torquay Foreshore Deep Creek Reserve to Beach Road. - Little Rock lookout point to Bells Beach. - Hurst Drive/Edgewater Crescent to Anglesea Caravan Park.	No resource available No resource available No resource available
2.4	Establish and install consistent signage (W6-V11), messaging boards, pavement marking (Share Road with Cyclists), etc. on the following rural roads if/when separation of cyclists and drivers (with cycle lane, shoulder, etc.) cannot be achieved due to physical or funding constraints: - Cape Otway Road between Hendy Main Road and Winchelsea-Deans Marsh Road. - Horseshoe Bend Road between Blackgate Road and Mt Duneed Road. - Forest Road north of the Great Ocean Road. Jarosite Rd & Bells Beach Rd - Blackgate Road between Horseshoe Bend Road to Pt Impossible Road.	On Track Complete Complete Complete Complete
2.5	Provide bicycle 'sharrow' pavement symbols at roundabouts on the following high priority cycling routes where cycle lanes are terminated prior to the roundabouts: - Bell Street, Torquay. - Fischer Street, Torquay. - Horseshoe Bend Road, Torquay. - Grossmans Road/Eton Road, Torquay. - Noble Street/Murray Street, Anglesea.	Lagging On Track Complete On Track On Track
2.6	Advocate DoT to provide painted cycle lanes and bicycle boxes on priority cycling routes at the following signalised intersections: - Great Ocean Road/Duffields Road, Jan Juc - Great Ocean Road/Hoylake Avenue, Jan Juc	No resource available

2.7	Review 100km/h speed limits on key fitness cycling routes and seek a reduction in speed limits to a maximum of 80km/h where appropriate. The following list of routes should be reviewed as a priority:	
	- Grossmans Road.	Complete
	- Cape Otway Road.	On Track
	- Ghazepore Road.	Complete
	- Coombes Road.	Complete
	- Blackgate Road west of Horseshoe Bend Road.	On Track
	- Atkins Road.	Complete
	- Buckley Road South. - Grays Road.	Complete Complete
2.8	Develop and implement a shared road zone and LATM treatments to encourage lower speeds (30 km/h or less) on priority cycling routes as follows:	
	- River Reserve Road, Anglesea.	Complete
	- Strathmore Drive West, Jan Juc.	Not yet Commenced
	- Pt Impossible Road, Torquay. - Unsealed section of The Esplanade, Torquay.	Not yet Commenced Not yet Commenced
2.9	Seek changes to Road Management Plan to set criteria for intervention actions targeted to shoulders and cycle lanes on priority cycling routes as identified in the network maps to mitigate hazards/defects such as spillage/obstruction, potholes, rutting and water across roads and vegetation clearance if detected during reactive or proactive inspections.	No resource available
2.1	Seek changes to Road Management Plan to classify all shared paths in road, park and recreation reserves as identified in the network maps as Primary Pathway, and apply related inspection program and intervention actions.	Not yet Commenced
2.11	Seek changes to Road Management Plan to add intervention criteria for lateral vegetation clearance for primary pathways.	Not yet Commenced
2.12	Advocate increased maintenance of the following priority cycling routes on roads managed by DoT, including:	Lagging
	- Hendy Main Road. - Great Ocean Road.	
2.13	Establish level of service agreement with DELWP/GORCAPA for maintaining priority cycling routes and mountain bike trails to a consistent standard.	On Track
2.14	Encourage community to report maintenance issues through Council's website.	No resource available
2.15	Seek funding through Federal Blackspot Program or alternate funding source to implement the following along Horseshoe Bend Road:	
	- Protected on-road cycle lanes between South Beach Road and Quay Boulevard.	Complete
	- Raised threshold or wombat crossings on Merrijig Drive, Quay Boulevard and Pacific Drive approaches to Horseshoe Bend Road.	Complete
	- The 50 km/h speed limit south of South Beach Road. - Sharrows pavement marking on each approach to and within roundabouts south of South Beach Road.	On Track Complete
2.16	Seek funding through Federal Blackspot Program or alternate funding source to implement the following treatments along Bell Street, Torquay between Surf Coast Highway and The Esplanade:	
	- Green surface treatment to cycle lanes.	Complete
	- Install removable speed cushions at regular intervals.	
2.17	Review all road reconstruction and upgrade projects on priority cycling routes including new roundabouts for implications to cyclist safety.	On Track



GOAL 3: AN ATTRACTIVE CYCLING DESTINATION		
	ACTION	Actual Costs
3.1	Develop and promote Surf Coast cycling video.	Complete
3.2	Develop/refresh maps of cycling routes for fitness and recreational cyclists that can be promoted/accessed on Council's website and GPS-enabled mobile/fitness devices with hardcopies available at Visitor Centre and major tourist destinations.	No resource available
3.3	Identify and prioritise key locations (e.g. at trailheads) where supporting facilities are desirable, such as toilets, water taps, information boards, shelters, etc.	No resource available
	Develop a business case for provision of facilities.	No resource available
3.4	Provide cycling safety messaging on VMS, potentially with warning lights on targeted fitness cycling routes during holiday periods.	On Track
3.5	Review existing cycling safety messaging coinciding with cycling events to find opportunities for improvements.	No resource available
3.6	Review messaging and locations for improvements, to reduce disruption and improve safety and continue to provide event access and traffic management.	On Track

GOAL 4: INTEGRATED PLANNING FOR CYCLING		
	ACTION	Actual Costs
4.1	When planning for growth and new development consideration of the provision for cycling within and through the development to be incorporated into the planning process. This should include consideration of cycling connections to services, recreational spaces, key destinations and connect to the overall cycling network. This may occur at various stages in development planning, including but not limited to the preparation of Precinct Structure Plans, Structure Plans and Development Plans, and the consideration of planning permit applications including applications for subdivision.	No resource available
4.2	Adopt the minimum criteria set within Austroads Guide to Road Design Part 6A; Paths for Walking and Cycling and within IDM standard drawings for provision of shared cycling facility on designated cycling routes through new subdivisions i.e. currently: - 2.5m (minimum width) wide shared primary pathway with 0.5m clearance on each side of path on one side of proposed primary and secondary access roads as described in Council's Road Management Plan. - 2.5m shared primary pathway with 0.5m clearance on each side of path within proposed parks and recreation reserves.	Complete
4.3	Adopt the following minimum criteria for provision of cycling infrastructure in new subdivisions on all of the proposed primary and secondary collector roads as described in Council's Road Management Plan:  - 1.5m wide on-road cycle lane in each direction.  - Shared path to be provided on one side of the road. The shared path width to be in accordance with table 5.4 in Austroads Guide to Road Design Part 6A; Paths for Walking and Cycling taking into consideration projected pedestrian and cyclist volumes. A minimum clearance of 0.5m to be provided on each side of path.	Complete
4.4	Prepare submission to the Local Government Infrastructure Design Association to adopt modified minimum criteria for provision cycling facilities in new subdivisions in the Infrastructure Design Manual (IDM) to align with Austroads Guide to Road Design Part 6A; Paths for Walking and Cycling. Consideration should be given within the submission to increasing the offset from the property boundary from 500mm to 1m.	No resource available
4.5	Consider provision of cycling infrastructure in township place-making/urban renewal projects.	No resource available

4.6	Advocate to DT/ state and federal government or seek funding for provision of low-stress shared use path along the Great Ocean Road between Bellbrae and Spring Creek to cater for commuter and recreational cyclists, and children riding to school. Consider leveraging Old Great Ocean Road and the Great Ocean Road Service Road (with appropriate traffic management treatments) as part of this connection.	On Track
4.7	Advocate to DELWP / GORCAPA to investigate width upgrades to Surf Coast Walk or complete missing links identified in infrastructure mapping (refer to Appendix A) according to the width criteria provided in Table 1 at high priority locations as follows: - New sealed cycling path – Torquay Playground/Zeally Bay Road to Sand Boulevard. - Wider pathway or separate cycling path – Spring Creek to Torquay Playground/Zeally Bay Road (where required). - Wider pathway – Jan Juc to Spring Creek (where required). - New cycling path – southern side of Bells Beach Road between Jarosite Track and eastern end of the Bells Beach car park. - Wider pathway – Pt Roadknight to Anglesea shops.	No resource available
		No resource available
		Lagging
		No resource available
4.8	Advocate to DELWP / GORCAPA to investigate width upgrades to Shipwreck Trail in Lorne as identified in infrastructure mapping (refer to Appendix A) according to the width criteria provided in Table 1.	No resource available
4.9	Advocate to DEWLP / GORCAPA and DoT to investigate formalisation of an off-road cycling link between Anglesea bike park at Camp Road and Surf Coast Walk at Pt Addis via Firebreak track, Ixodia track, Great Ocean Road path and Jarosite track for recreational purposes, as shown in priority cycling route mapping (Refer to Appendix E).	No resource available
4.1	Seek funding for the investigation of safe crossing points at Merrijig Drive in Torquay North.	On Track
4.11	Seek funding for the investigation of safe and low-stress cycling connection options along Fischer Street.	Complete
4.12	Advocate to DoT to undertake a cyclist safety study along Great Ocean Road in Surf Coast Shire to identify opportunities to improve safety including the development of Safe System treatments to reduce fatal and serious injury crashes.	Lagging

**GOAL 5: IMPROVED CYCLING PARTNERSHIPS AND COLLABORATION**

	ACTION	Actual Costs
5.1	At regular meetings with DoT, include 'Safer Cycling Strategy' as an agenda item to discuss strategy updates, Principal Bicycle Network (PBN) and Strategic Cycling Route (SCC) planning, infrastructure provision, safety programs and funding opportunities.	On Track
5.2	Collaborate with adjacent road authorities to share ideas in the cyclist safety space and alignment of messaging, education and promotion campaigns.	No resource available
5.3	Facilitate meetings every six months between planning, asset management, economic development, tourism, open space, social infrastructure and traffic departments to discuss the upcoming work and collaboration opportunities in the cycling space.	No resource available
5.4	Include cycling safety as an agenda item in regular road safety liaison meetings between G21 Councils, DoT, TAC and police to improve safety of cyclists in Surf Coast.	No resource available
5.5	At regular meetings with DELWP and GORCAPA, include cycling safety as an agenda item to discuss cycling issues, opportunities and upcoming works.	Lagging
5.6	Collaborate with community groups to support and promote cycling participation.	No resource available

**GOAL 6: A SAFE AND INCLUSIVE CYCLING CULTURE TO ENCOURAGE PARTICIPATION**

	ACTION	Actual Costs
6.1	Develop a strategy to educate all road users on cyclist safety and to educate cyclists on safe interactions with other road and path users.	No resource available

6.2	Support and develop a targeted program to increase awareness of cycling laws among all road users, including rules for riding on footpaths, and provide safe cycling messaging (such as, 'shared the road' and 'share the path') in partnership with cycling advocacy groups, partner land and road managers.	No resource available
6.3	Work with schools to encourage students and parents to safely ride to school and participation in Bike Ed programs.	No resource available
6.4	Continue to implement Active Paths to Schools program.	No resource available
6.5	Identify priority locations and deliver supporting infrastructure such as bicycle rails, drinking taps, repair stations and e-bike charging stations. Ensure bicycle parking is accessible and conveniently located at key destinations, e.g. shopping centres, recreation centres, schools, tourist attractions and bus stops, and is provided in accordance with Australian Standard AS2890.3.	Lagging
6.6	Seek funding to deliver cycling wayfinding signage for destination-based route guidance at the following high priority recreational/tourist routes: - Surf Coast Walk, Pt Impossible to Bells Beach. - Bells Beach to Anglesea shops via Ironbark Basin, Pt Addis Road, Great Ocean Road path, Firebreak track and Camp Road. - Surf Coast Walk, Anglesea shops to Pt Roadknight. - Shipwreck trail, Lorne.	Not yet Commenced Not yet Commenced Not yet Commenced Not yet Commenced
6.7	Continue police presence on popular cycling routes during peak periods (e.g. holidays, during events).	No resource available
6.8	Include questions relating to cycling in State's annual survey to gauge cycling participation and highlight Council's commitment to cycling.	No resource available
6.9	Consult with local cycling clubs, shops and event organisers to identify opportunities to distribute safe and considerate cycling information developed through Actions 6.1 and 6.2.	No resource available
6.1	Develop and implement trial programs, such as pop-up cycleways, shared streets and active transport streets to promote cycling culture and improve acceptance and interactions between cyclists and other modes. Align with community road safety program.	Lagging

### **Council Resolution**

**Mover and Seconder not recorded due to technical issues.**

That Council suspend Standing Orders at 8.00pm.

CARRIED 8/0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Nil	Nil

### **Council Resolution**

**Moved Cr Barker, Seconded Cr Stapleton**

That Council resume Standing Orders at 8.15pm.

CARRIED 8/0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Nil	Nil

## 4.3 Response to a Petition for an LGBTQIA+ Advisory Committee

<b>Council Plan</b>	<b>Theme Two - Healthy Connected Community</b> Strategy 4 - Improve access to local services and programs that support people to be healthy and well. Strategy 6 - Enable communities to strengthen their social connections and participate in community life.
<b>Author's Title:</b>	Coordinator Community Health and Development
<b>General Manager:</b>	Gail Gatt, General Manager Community Life
<b>Division:</b>	Community Life
<b>Department:</b>	Community Support
<b>Attachments:</b>	Nil

### Purpose

1. To respond to a petition received from the Rainbow Local Government team seeking an LGBTQIA+ advisory committee.

### Recommendation

That Council:

1. Conducts further targeted engagement with members of the local LGBTQIA+ community to identify their need and interest in participating in a Reference Group, which would meet as matters arise, to provide advice to Council.
2. Approves the establishment of a Reference Group, subject to evidence of clear support being provided through the engagement process.
3. Advises the lead petitioner of the petition titled LGBTQIA+ Advisory Committee of this resolution.

### Council Resolution

**Moved Cr Gazzard, Seconded Cr Hodge**

That Council:

1. Conducts further targeted engagement with members of the local LGBTQIA+ community to identify their need and interest in participating in a Reference Group, which would meet as matters arise, to provide advice to Council.
2. Approves the establishment of a Reference Group, subject to evidence of clear support being provided through the engagement process.
3. Advises the lead petitioner of the petition titled LGBTQIA+ Advisory Committee of this resolution.

CARRIED 6|2

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton	Cr Barker Cr Wellington	Nil

### **Outcome**

2. If this recommendation is accepted, Council would be endorsing a localised response to supporting the needs of the local LGBTQIA+ community.
3. Following an in-depth and targeted engagement process, Council’s consequent actions would be informed and driven by the local LGBTQIA+ community, so that member’s voices and concerns are heard, and that they have the opportunity to provide input into decisions about issues that directly affect them. This would align with Council’s commitment to community development, recognising that knowledge, skills and expertise exist within communities, that activities should be placed-based, and people centred, and central to the notion of ‘doing with’ not ‘doing to’ or ‘doing for’.

### **Key Considerations**

4. In June 2022, Council engaged with the local LGBTQIA+ community to seek its views on whether Council should establish an LGBTQIA+ advisory committee. Data collected through this process revealed that at that time, the local LGBTQIA+ community would not participate in a Council led advisory committee. The reasons provided included a lack of resourcing, budget and clear purpose/project assigned to the committee, and a need for Council to take further steps to create safe and inclusive spaces for people who identify as LGBTQIA+.
5. Officers’ experience to date has shown that an issues-based Reference Group that meets and provides advice to Council when the need arises is an effective model and would be a logical next step in our support for the LGBTQIA+ community. The difference between an Advisory Committee and Reference Group is that Advisory Committees assist Council to achieve strategic priorities through the provision of technical advice, usually with regular scheduled meetings whereas Reference Groups assist Council to achieve strategic priorities through the provision of consumer or local knowledge on a needs basis. Officers are of the view the latter would be an appropriate way forward but would test this idea with targeted local engagement.
6. In August 2023, Council received a petition from the Rainbow Local Government team to establish an LGBTQIA+ advisory committee. In response, officers propose that Council re-engage with the local LGBTQIA+ community to identify whether the feelings expressed previously remain, or whether the group’s needs and interests have changed in the past 12 months. If there is an expressed desire to participate in a reference group, officers will explore with members which model/approach would best suit the group’s needs (e.g. community led, reference group, Council led). This would be a targeted engagement and is achievable within existing resourcing, and therefore would not require specific financial support.
7. If Council chooses not to engage further with the local LGBTQIA+ community, and instead responds to the petition by enacting a Council led LGBTQIA+ advisory

#### 4.3 Response to a Petition for an LGBTQIA+ Advisory Committee

committee, benchmarking data indicates that a minimum of 0.5 FTE, and a \$20,000 budget, would be required to effectively establish and facilitate the advisory committee.

8. Benchmarking with other Victorian councils who have established an LGBTQIA+ advisory committee highlights the importance of such a committee having a clear purpose and project to work on, having adequate resourcing (both FTE and budget) to deliver actions that come out of the committee, and setting clear and realistic expectations when working with the local LGBTQIA+ community.

#### **Background**

9. In June 2022, Council engaged with the local LGBTQIA+ community to seek feedback on whether members of this community would participate in a Council led LGBTQIA+ advisory committee. The results of the engagement revealed that the local LGBTQIA+ community would not participate in an advisory committee without a number of specific conditions.
10. Council would need to take further steps to create safe and inclusive spaces for people who identify as LGBTQIA+. Furthermore, there would need to be a clear purpose or project for committee members to actively work on, sufficient officer resourcing and a budget specifically dedicated to facilitating an LGBTQIA+ advisory committee and funding any activities and actions that arise from the committee.
11. In August 2022, following analysis of the data, a decision was made not to establish an LGBTQIA+ advisory committee at that time. This was taken with a view to re-assessing in the future when Council had taken further steps to create safe and inclusive spaces, and when the local LGBTQIA+ community expressed interest in participating in an advisory committee.
12. In August 2023, Council received a petition from the Rainbow Local Government team, to establish an LGBTQIA+ advisory committee. Rainbow Local Government is a campaign coordinated by the Victorian Pride Lobby. The petition received 29 signatures.
13. It is important to consider the previous findings of Council's consultation with the local LGBTQIA+ community in the context of this current petition from the Rainbow Local Government team, to ensure that any decision that is made by Councillors, is driven by local LGBTQIA+ community voice.
14. It is also important to consider Council's current initiatives and achievements including:
  - 14.1. Adopted Council's Gender Equality and Diversity Action Plan 2021-2025.
  - 14.2. Created a new 0.4 FTE Gender Equity Advisor role (January 2023) to work on Council's Gender Equity Impact Assessments and other Gender Equality and Diversity Plan 2021-2025 actions.
  - 14.3. Created a new 0.2 FTE Gender Equity Officer role in HR (October 2023) to work on Council's Gender Equality and Diversity Plan 2021-2025 actions.
  - 14.4. Delivered contextualised gender equity training for 80 Council staff to support the implementation of Gender and Equity Impact Assessments on all new and up for review policies, programs and services.
  - 14.5. Completed 8 Gender and Equity Impact Assessments including:

4.3 Response to a Petition for an LGBTQIA+ Advisory Committee

- 14.5.1. Torquay Aquatic Centre.
  - 14.5.2. Place Naming Policy.
  - 14.5.3. Community Amenity Local Law.
  - 14.5.4. Deans Marsh Community Hub.
  - 14.5.5. Engagement Policy.
  - 14.5.6. Health and Wellbeing grants and Minor Capital Works grants.
- 14.6 Climate Emergency Response Plan 2021-2031 and Action Plan 2023-2025.
- 14.7 Further 12 Gender and Equity Impact Assessments currently in progress.
- 14.8 Embedded gender equity triggers into our systems and processes including Council briefing reports, templates, and training request forms.
- 14.9 Actively contribute to regional networks and forums including:
- 14.9.1. Women's Health and Wellbeing Barwon South West.
  - 14.9.2. Municipal Association of Victoria.
- 14.10. Celebrated IDAHOBIT day with a flag raising ceremony and \$1,000 community grants for projects that go rainbow and be visible, host a pride event or work to build inclusion.
- 14.11. Support gender equity and inclusion community initiatives through Council's grants program:
- 14.11.1. DIIGG Men's Wellbeing group.
  - 14.11.2. Workshop for local businesses on how to create safe and inclusive spaces (SurfCoast for Equality).
  - 14.11.3. Colour Run and purchase of rainbow flags (Surf Coast Secondary College).
  - 14.11.4. Diversity and Inclusion program with candle and flag making activities (Torquay Scouts).
  - 14.11.5. Age-appropriate books, resources, toys, and dress ups that celebrate diversity and inclusion (Anglesea Community House).

**Options**

15. **Alternative Option 1** – That Council does not engage further with the local LGBTQIA+ community but establishes a Reference Group that meets as matters impacting the LGBTQIA+ community arises, monitoring any additional resources required to resource this approach.

This is not recommended because Council's SCS-017 Community Engagement Policy principles require that council consult with the community when community input can enhance decision making or project outcomes, and to not do so could cause reputational damage to Council.



## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Two - Healthy Connected Community**

Strategy 4 - Improve access to local services and programs that support people to be healthy and well.

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

16. Listening to and being driven by the needs of the LGBTQIA+ community aligns with the goals and objectives of the Municipal Public Health and Wellbeing Plan, particularly Pillar 2 'Prevent Family Violence and Promote Gender Equity' and Pillar 3 'Improve Mental Health and Social Connection' and supports Council's approach to delivering place-based and people-centred health and wellbeing actions.
17. This is further aligned to Theme Two of the Council Plan 'Healthy Connected Community,' particularly Strategy 4 'Improve access to local services and programs that support people to be healthy and well' and Strategy 6 'Enable communities to strengthen their social connections and participate in community life'.

### **Financial Considerations**

18. Further engagement with members of the LGBTQIA+ community in response to the petition, is achievable within existing resourcing and would not require any additional financial contributions. This process will allow Council to check in with the local LGBTQIA+ community to see if their needs and interest in participating in an advisory committee has changed in the past 12 months and will inform the next steps in creating safe and inclusive spaces for the LGBTQIA+ community.
19. If a Reference Group is supported, this being a model where the group is consulted as specific issues arise, the level of resourcing can be monitored and re-prioritised as required.
20. Based on the benchmarking conducted with other Victorian councils who have established an LGBTQIA+ advisory committee, a minimum of 0.5 FTE and \$20,000 budget is required to effectively establish a Council led LGBTQIA+ advisory committee

### **Community Engagement**

21. Targeted community engagement with the local LGBTQIA+ community was undertaken 12 months ago to gauge local views on whether Council should establish an LGBTQIA+ advisory committee.
22. This engagement revealed that the local LGBTQIA+ community would not participate in an advisory committee until Council had taken further steps to create safe and inclusive spaces for people who identify as LGBTQIA+. In addition, the LGBTQIA+ community expressed concerns around there not being a clear purpose/project for the committee to actively work on at the time, and a lack of resourcing and budget specifically dedicated to delivering projects and actions that would arise from the committee.
23. If Councillors endorse the proposed recommendation, officers will re-engage with the local LGBTQIA+ community to identify whether the community's needs and interest have changed in the past 12 months, and if so, explore whether a reference group would best meet their current needs.

**Statutory / Legal / Policy Considerations**

24. This report and recommendation reflect the requirements of Council's Community Engagement Policy.

**Risk Assessment**

25. The risk of not engaging with our local community to identify their desire to participate in an LGBTQIA+ reference group, is that the response to the petition would not be supported by the local community.
26. Establishing an LGBTQIA+ advisory or reference group without a clear purpose and appropriate resourcing, could have a negative impact on people from the LGBTQIA+ community, could damage relationships, result in loss of trust, disengagement on future projects and a negative reputation for Council.
27. The resolution aligns strongly with Council's Gender Equality and Diversity Action Plan 2021-2025

**Sustainability Considerations**

28. No sustainability considerations have been identified as applicable to this report.

**Conflict of Interest**

29. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

**Confidentiality**

30. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

31. This is not in scope of the Audit and Risk Committee.

**Councillor Briefings**

32. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 8 November 2023.

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

## 4.4 MAV Free From Violence Grant Application

**Council Plan**

**Theme Two - Healthy Connected Community**

Strategy 4 - Improve access to local services and programs that support people to be healthy and well.

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

**Author's Title:**

Coordinator Community Health and Development

**General Manager:**

Gail Gatt, General Manager Community Life

**Division:**

Community Life

**Department:**

Community Support

**Attachments:**

Nil

**Purpose**

1. For Council to ratify an application to MAV (Municipal Association of Victoria) for the Free From Violence 2023-2026 grant program.

**Recommendation**

That Council:

1. Ratifies the submission of a funding application for \$260,000 to the 'MAV Free From Violence 2023-2026 grant program'.
2. Authorises the Chief Executive Officer to execute a funding agreement on behalf of Council should the application be successful.

**Council Resolution**

**Moved Cr Schonfelder, Seconded Cr Gazzard**

That Council:

1. Ratifies the submission of a funding application for \$260,000 to the 'MAV Free From Violence 2023-2026 grant program'.
2. Authorises the Chief Executive Officer to execute a funding agreement on behalf of Council should the application be successful.

CARRIED 7|1

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Cr Barker	Nil

### **Outcome**

2. If Council accepts this recommendation, it will be aligning with the process requirements for Non-Recurrent Grants.

### **Key Considerations**

3. Officers submitted an application to the MAV Free From Violence 2023-2026 grant program. The submission was for a total of \$260,000. The breakdown of the funding applied for is as follows:
  - 3.1. \$200,000 for 0.8 FTE Gender Equity Officer for 3 years.
  - 3.2. \$50,000 for an external organisation to deliver Gender Equality and Intersectionality training for staff, executive management and Councillors.
  - 3.3. \$10,000 for an external organisation to deliver community workshops on Gender Equality and Intersectionality and to conduct consultation (specifically with the LGBTQIA+ community).
  - 3.4. The contribution required from Council for this grant is: \$10,000 monetary contribution for campaigns and initiatives (e.g. 16 Days of Activism against Gender Based Violence and International Women's Day), and \$52,861 from in-kind contributions (this is the existing Gender Equity Advisor role 0.4 FTE for 12 months as well as overhead expenses).
4. If successful, the funding will support the goals and aspirations of the Municipal Health and Wellbeing Plan, particularly Pillar 2 - 'Prevent Family Violence and Promote Gender Equity' and Pillar 3 – 'Improve Mental Health and Social Connection'.
5. Further, the training for staff will support a sustainable model for the implementation of Gender and Equity Impact assessments as required by the *Gender Equality Act 2020*. This will result in programs, policies and services that are more inclusive, safe and equitable for the community.

### **Background**

6. The organisation submitted the application to the MAV on 26 September 2023. 10 Victorian councils will be funded through the program. As yet, no announcements have been made from MAV regarding outcome notifications or when successful recipients of the grants will be notified. Officers will provide Councillors with an update when this notification has been received.
7. Applications opened in August and were due the same day as the September Council meeting, which is why the report has been brought to Council to ratify this decision.

### **Options**

8. **Alternative Option 1** – That Council does not support this application and directs the Chief Executive Officer to withdraw the application.

This option is not recommended by officers as it is not consistent with current practice.

## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Two - Healthy Connected Community**

Strategy 4 - Improve access to local services and programs that support people to be healthy and well.

Strategy 6 - Enable communities to strengthen their social connections and participate in community life.

### **Financial Considerations**

9. Total funds applied for: \$260,000.
10. Total council contribution: \$62,861 (\$10,000 monetary and \$52,861 in-kind, existing position).

### **Community Engagement**

11. Not Applicable. Community engagement is not applicable to this report.

### **Statutory / Legal / Policy Considerations**

12. The *Gender Equality Act 2020* came into effect on 31 March 2021. It requires councils to take positive action towards achieving workplace gender equality and to consider and promote gender equality in their policies, programs and services.
13. As a defined entity under the Act, council has several obligations. If successful, this funding will help council to meet these obligations.

### **Risk Assessment**

14. The MAV Free from Violence grant application aligns strongly to Council's Municipal Public Health and Wellbeing Plan 2021-2025, particularly pillar 2 'Prevent Family Violence and Promote Gender Equity', as it actively works towards building the competency and skills of staff to better understand what gender equality is, and how to embed changes into our practices and procedures to better support gender equality both in the workplace and across the community.
15. In addition, the grant funding would be used to support Council in achieving its legislative requirements and new obligations under the *Gender Equality Act 2020* that were introduced by the Commission for Gender Equality in 2020. This includes the delivery of Council's Gender Equality and Diversity Action Plan 2021-2025, workplace gender audits and the rollout of Gender and Equity Impact Assessments on all new and up for review policies, programs and services that have a direct and significant impact on the community.

### **Sustainability Considerations**

16. Sustainability considerations are not applicable to this report.

### **Conflict of Interest**

17. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

18. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

19. This is not in scope of the Audit and Risk Committee.

### **Councillor Briefings**

20. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 9 November 2023

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

## 4.5 SCS-032 Complaint Handling Policy Review

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Coordinator Customer Experience

### General Manager:

Gail Gatt, General Manager Community Life

### Division:

Community Life

### Department:

Community Support

### Attachments:

1. SCS 032 Complaint Handling Policy Review 2023 - Clean Draft [4.5.1 - 11 pages]
2. SCS 032 Complaint Handling Policy Review 2023 - Marked Up Draft [4.5.2 - 15 pages]

### Purpose

1. The purpose of this report is to present the reviewed SCS-032 Complaint Handling Policy to Council for adoption.

### Recommendation

That Council adopts the reviewed SCS-032 Complaint Handling Policy (**Attachment 1**).

### Council Resolution

#### Moved Cr Barker, Seconded Cr Gazzard

That Council adopts the reviewed SCS-032 Complaint Handling Policy (**Attachment 1**).

CARRIED 8|0

For	Against	Abstained
Cr Barker	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. If Council accepts this recommendation, the policy will continue to commit Surf Coast Shire Council to maintain an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

### Key Considerations

3. The review recommends minor changes to improve the existing policy and continues to be based on sound guidance for Councils from the Victorian Ombudsman.



4. The intention is to provide an increased level of community confidence, in that Council recognises people's right to complain, and considers complaint handling to be part of the core business of serving the community and improving service delivery.

### **Background**

5. Council first adopted the Complaint Handling Policy SCS-032 in June 2017. The policy has been reviewed three times since 2017 and with a continuous improvement mindset has produced positive advances in a number of process improvements within Council, particularly around communication with customers, timelines of action and helping staff understand their obligations.
6. Since 2015 the Victorian Ombudsman has released several complaints guidance documents on how councils should handle complaints, with the most recent 'Good practice guide' released in April 2023.
7. Proposed changes in Council's policy reflect the Victorian Ombudsman's most recent recommendations and remains compliant with all requirements of the *Local Government Act 2020* in relation to complaint handling.
8. Since the implementation of complaint handling in the *Local Government Act 2020* there is now consistency across Victorian councils in how they receive, handle and respond to complaints.
9. Officers will continue to provide customer experience reports to Council bi-annually. Reporting will provide analysis of complaint trends and suggested responses to help Council continuously learn and improve.
10. Council investigated 282 complaints under the existing Complaint Handling Policy in the last twelve months.

### **Options**

11. **Alternative Option 1** – That Council does not adopt the revised Complaint Handling Policy

This option is not recommended by officers as the *Local Government Act 2020* requires Council to adopt a Complaint Handling Policy and the policy is consistent with the Victorian Ombudsman's guidelines.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

12. The policy will continue to commit Surf Coast Shire Council to maintain an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

### **Statutory / Legal / Policy Considerations**

13. Development and adoption of this policy provides good governance in handling complaints helping achieve the requirement of the *Local Government Act 2020*.

### **Risk Assessment**

14. It is important that Council has a contemporary policy and practices to respond to complaints in a consistent and timely manner to manage reputations risk. Adopting a revised policy and consistent processes helps strengthen Council's reputation and helps manage risks should any complaints be escalated to external bodies.

### **Conflict of Interest**

15. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

16. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

17. This report is not within the scope of the Audit and Risk Committee.
18. This policy is underpinned by the principles of fairness and transparency. No human rights are impinged by this report. The policy recognises access to complain is a human right.

### **Councillor Briefings**

19. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 8 November 2023

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.



## SCS-032 Complaint Handling Policy

TRIM Reference: D23/150504 Due for Review: November 2027  
Responsible Officer: Coordinator Customer Experience

### Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

### Policy

The policy commits Surf Coast Shire Council to deal effectively with complaints and guides how complaints handling procedures are implemented.

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies.

We are committed to:

- enabling members of the public to make complaints about the Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services.

We treat every complaint we receive on its individual merits, through clear and consistent processes.

People making complaints will be:

- provided with information about our complaint handling process
- provided with multiple and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

The policy is maintained in accordance with section 107 of the Local Government Act 2020 and includes best practice recommendations made to local government by the Victorian Ombudsman.

### Scope

This policy applies to complaints from members of the public about Council services, staff, volunteers, Council contractors and decisions made at Council meetings. This policy does not apply to complaints about individual Councillors.



This policy is not applicable to:

- Complaints about third parties (unless it involves contractors carrying out work on Council's behalf), except when Council has a legal responsibility to report complaints, for example Child Safe Standards.
- A request for service or reporting infrastructure damage in the first instance.
- Comments or submissions received during formal consultation, which has a specific process for receiving community feedback and comments.
- Lodging an appeal in accordance with other policies, procedures and legislation, or otherwise subject to statutory review, examples include:
  - complaints/objections relating to a planning application decision
  - complaints/appeals relating to parking infringements
- A petition to Council about a certain matter.
- Complaints that have already been reviewed by an external agency.
- Complaints considered frivolous, vexatious or not made in good faith.
- Complaints that relate to a decision awaiting determination by Council.
- Complaints relating to the appointment or dismissal of any employee or an industrial or disciplinary issue.

The above issues are still valid and are managed separately from the complaint handling process.

For the purposes of this policy, an issue that is resolved at the first point of contact is not recorded as a complaint.

### **What is a 'complaint'?**

A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:

- the quality of an action, decision or service provided by the Council staff (including volunteers) or a Council contractor
- a delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service
- a policy or decision made by the Council, Council staff or a Council contractor.

### **How to make a complaint**

Any person can make a complaint. Council will deal with all complaints it receives. Complaints can be made by:

- Telephone: 03 5261 0600
- Online: [www.surfcoast.vic.gov.au/complaint](http://www.surfcoast.vic.gov.au/complaint)
- Email: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)
- Post: PO Box 350, Torquay, 3228
- In person: Customer Service Desk 1 Merrijig Drive, Torquay or a council satellite office

The complaint form on our website is designed to make it easy for customers to lodge complaints by collecting the necessary information required to resolve matters. We understand that not everyone has access to or is able to use digital technology. For this reason, customers can contact us by telephone to make a complaint.



It is helpful if customers provide the following information when making a complaint:

- name and contact details (phone and email preferred). You can complain anonymously, but this may limit how Council can investigate the matter
- identify the action, decision, service or policy you are complaining about, and why you are dissatisfied
- give us relevant details, such as dates, times, location or reference numbers, name of any witnesses or employees that have assisted you previously and documents that support your complaint
- the outcome you are seeking from making your complaint
- whether you have any particular communication needs.

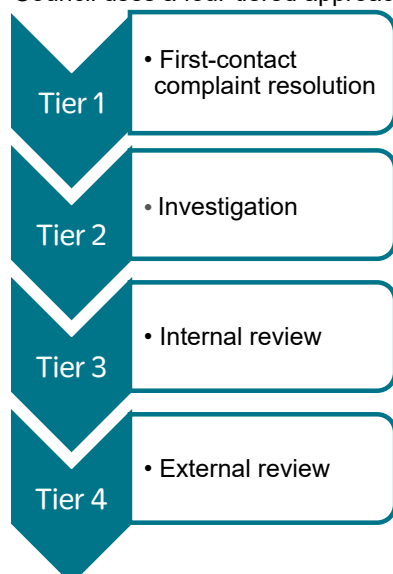
We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- using an assistance service, such as an interpreter (refer to website for language services) or Teletypewriter (call National Relay Service 133 677) for free
- talking with you if you have trouble reading or writing
- communicating with another person acting on your behalf if you cannot make the complaint yourself.

Staff may escalate a matter of customer dissatisfaction with a service, outcome or decision of council to a complaint. The complaint will in turn provide the customer with a way forward to review the matter.

## Our Complaints Process

Council uses a four-tiered approach to investigating and resolving complaints.



### Initial assessment and first actions (Tier one)

When you complain to us, we will record and acknowledge your complaint within five business days.



We will initially assess your complaint to decide how we will handle it. After our initial assessment, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant team or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT)
- decline to investigate complaints that are considered frivolous, vexatious, concern a trivial matter or are not made in good faith.

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

Early resolution of a complaint may involve providing advice or explaining why we are not going to take action on your complaint.

Timelines of resolution will vary depending on what service(s) or resolution is required for rectification.

It may not be possible to resolve your complaint when you first contact us if your complaint requires deeper consideration, investigation by a particular team or employee or must follow a statutory process.

#### **Investigation (Tier two)**

If we have not been able to resolve the complaint when you first contact us, or your complaint is about the conduct of an employee, we will refer your complaint to a team, a manager or a specialist complaint handler to investigate and resolve. The investigative actions taken will depend on the nature of the complaint.

A complaint investigation may include speaking with other council employees, contractors, external agencies, inspecting case notes and documents, conducting site inspections, assessment of relevant legislation, policies and procedures and allocating investigative tasks to employees.

We aim to complete investigations of Tier two complaints within 20 working days, and will tell you if the investigation will take longer. We will update you every 20 working days about progress until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

#### **Internal Review (Tier three)**

If you remain dissatisfied with our decision or how we responded to your complaint, you can request an internal review.

The officer conducting the internal review of your complaint will be independent of the initial investigation.

The internal review is the final part of the internal complaint process. The same matter will not be re-considered once the review is completed.



*We exist to help our community and environment to thrive*

## COUNCIL POLICY

We aim to complete investigations of Tier three complaints within 20 working days and will tell you if the investigation will take longer.

It is not compulsory to complete an internal review before seeking an external review. It is however mandatory the council has investigated your complaint in the first instance.

### External review (Tier four)

If you remain dissatisfied with Council's response, we will inform you of which external agency you can approach to have the matter reviewed.

Resolution timelines will depend on responsible organisation.

It is not compulsory to complete an internal review before seeking an external review. It is however mandatory the council has investigated your complaint in the first instance.

### How to request an external review

There are external bodies that can deal with different types of complaints about us.

It is likely that the organisation you contact will direct you back to us for an initial complaint investigation before they will consider a complaint.

You can request an external review from the following organisations:

Complaint	Organisation to contact for external review
Actions or decisions of a Council, Council employees and contractors. This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006	Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Breaches of the Local Government Act 2020	Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a>
Breach of privacy. Complaint about a freedom of information application	Office of the Victorian Information Commission <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>
Discrimination	Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>

### Customers whose conduct is unreasonable

We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same of you when you communicate with our staff.



We may change the way we communicate with you if your behaviour or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.

Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the organisation, staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviour

Unreasonable persistence

Is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

Unreasonable demands

Are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources.

Unreasonable lack of cooperation

Is an unwillingness and/or inability by a complainant to cooperate with the organisation, staff, or complaints system and processes that result in a disproportionate and unreasonable use of services, time and/or resources.

Unreasonable arguments

Include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon the organisation, staff, services, time, and/or resources.

Unreasonable behaviour

Is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of staff, other service users or the complainant them self.

Surf Coast Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards Councillors, staff, contractors or volunteers. Any conduct of this kind will be dealt with under this policy (via management policies and procedures) and in accordance with Council's duty of care and occupational health and safety responsibilities.

**Actions for unreasonable complainant conduct**

- UCC will be identified and the complainant will be notified accordingly





- As a result of the UCC there may be a warning, ban, limit or restriction on the way a complainant can communicate with, or receive services from the council.

### Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	The policy affirms council's commitment to achieve the best outcomes and seek continuous improvement opportunities for the community in our complaint handling management.
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	Adopting the policy in a Council meeting provides transparency about how Council will continue to handle complaints. The Complaint Handling Policy is available on Council's website. Council's complaint handling performance will be reported bi-annually to Council.
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes	This policy aligns to the service principles under the <i>Local Government Act 2020</i> to account for council's service performance and provide an avenue of recourse for dissatisfied customers.

### Definitions

In this policy the following definitions apply:

<b>Acknowledgement</b>	Receipt of your complaint. Including a brief explanation of what will happen next and by when, and a reference number for your records.
<b>Complainant</b>	A person, organisation or their representative making a complaint
<b>Complaint</b>	An expression of dissatisfaction with: <ul style="list-style-type: none"> <li>• the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or</li> <li>• the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or</li> <li>• a policy or decision made by Council or a member of Council staff or a contractor.</li> </ul>
<b>Complaint handling system</b>	The way individual complaints are dealt with by Council, including the policy, procedure, technology, reporting, evaluation and improvement



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## COUNCIL POLICY

<b>Council</b>	<p>A Council consists of Councillors who are democratically elected by the residents and ratepayers of a municipality in accordance with the Local Government Act 2020, to set the overall direction for the municipality through long-term planning and decision making.</p> <p>In the context of this Policy, the Council refers to Surf Coast Shire Council</p>
<b>Customer</b>	An individual, business organisation that utilizes a service or asset of the Council.
<b>Days</b>	Any references to days in this document are business days.
<b>Decisions</b>	Are decisions made by the Council, or an officer under delegated authority (on behalf of the Council).
<b>Feedback</b>	<p>Feedback may take the form of positive and negative comments about a service, product, experience or process of Council.</p> <p>The feedback may not require corrective action.</p> <p>Feedback may be used to inform or influence future service reviews and delivery methods.</p>
<b>First Contact staff</b>	Any staff member who takes initial receipt of a complaint.
<b>Request for service</b>	<p>A request for service is when a customer asks the Council to provide something, generally information or a service, or asks for an action to be taken to address a problem.</p> <p>The following are examples of service requests:</p> <ul style="list-style-type: none"> <li>• an insurance claim</li> <li>• a request for information or explanation of policies or procedures</li> <li>• reports of damaged or faulty infrastructure (i.e. potholes)</li> <li>• reports of hazards (e.g. fallen trees)</li> </ul>
<b>Resolved complaints</b>	A resolved complaint refers to a complaint that has been finalised, regardless of the process used to finalise it or the outcome of the process.
<b>Simple complaint</b>	Straight-forward expressions of dissatisfaction which may be managed and resolved at the first point of contact by frontline staff or the subject matter expert. Where possible concerns will be raised directly with the council officer or contactor involved in the first instance to resolve the matter. If the complaint is not resolved, the complaint can be escalated for investigation.
<b>Statutory Review</b>	Means a decision that is able to be reviewed by an independent statutory body set up for that purpose such as the Victorian and Civil Administrative Tribunal (VCAT).

Unlike a complaint, a service request is raised when a customer wants Council to provide something, generally information or a service, or similarly report a fault by a maintenance request.

A complaint, on the other hand, deals with a failure (in the eyes of the customer) to satisfactorily respond to a request or expectation that a service will be provided.

### Roles and Responsibilities

<b>Chief Executive Officer (CEO)</b>	<ul style="list-style-type: none"> <li>• Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.</li> </ul>
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## COUNCIL POLICY

	<ul style="list-style-type: none"> <li>Supporting service improvements that arise from complaints.</li> <li>Reviewing and publishing complaint data.</li> <li>Manages complaints about Councillors in accordance with the Councillor Code of Conduct.</li> <li>Manages complaints about General Managers.</li> <li>Legislation requires the CEO must notify the Independent Broad Based Anti-Corruption Commission (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct.</li> <li>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</li> </ul>
<b>Councillors</b>	<ul style="list-style-type: none"> <li>Familiarising themselves with this policy and Council's complaint process.</li> <li>Guide customers to lodge complaints directly with Council.</li> <li>Councillors may be contacted as part of an investigation.</li> <li>In some instances Councillors will be advised of the outcome of the complaint, if it is not a personnel related matter.</li> </ul>
<b>General Managers</b>	<ul style="list-style-type: none"> <li>Deal with complaints escalated to them, generally complex in nature and unable to be resolved by others.</li> <li>For complex complaints across multiple departments will determine the most appropriate officer to take the lead investigation role.</li> <li>Responsible for internal review of complaints, provided they do not have a significant connection to the subject matter of the complaint.</li> <li>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</li> <li>Will consider requests from investigating officers to extend a complaint investigation beyond 20 days in extenuating circumstances.</li> <li>Exercise discretion on matters subject to statutory review (Section 107 of the Local Government Act 2020).</li> <li>Reporting on and identifying improvements from complaint data.</li> <li>Supporting staff who deal with complaints</li> </ul>
<b>Managers (or delegated Officers)</b>	<ul style="list-style-type: none"> <li>Investigate complaints referred to them.</li> <li>Identify, implement and report on improvement opportunities from handling complaints.</li> <li>Support staff who deal with complaints.</li> </ul>
<b>First Contact staff</b>	<ul style="list-style-type: none"> <li>Assist people make a complaint, if needed</li> <li>Assess complaints</li> <li>Resolve immediately if possible.</li> <li>If more information is required, and customer is on the telephone make every effort to connect with subject matter expert (SME).</li> <li>If not possible to connect to SME, or SME not able to resolve in the first instance First Contact staff will record the complaint in Customer Request Management system as a complaint for investigation.</li> </ul>
<b>Coordinator Customer Experience</b>	<ul style="list-style-type: none"> <li>Responsible for overseeing implementation of the policy</li> <li>Ensure staff are adequately trained to handle complaints</li> <li>Providing assistance to other staff in the handling of complaints</li> <li>Undertake internal reviews of complaints as required</li> <li>Analyse data, monitor performance and prepare reports relating to customer experience.</li> <li>Identify and implement improvement opportunities on Council's complaint handling systems.</li> </ul>
<b>Staff, Volunteers &amp; Council Contractors</b>	<ul style="list-style-type: none"> <li>Treat all people with respect, including people who make complaints.</li> <li>Familiarising themselves with this policy and Council's complaint process.</li> </ul>



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|  | <ul style="list-style-type: none"><li>• Referring complaints to Council staff to be dealt with in accordance with our processes.</li></ul> |
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### **Non-specific complaints**

Correspondence received that is non-specific in nature, or not relevant to the operations of Council will be received and recorded, but not always via the complaint handling process. Reasons for the determination will be filed along with the correspondence.

### **Complaints about allegations of corrupt conduct**

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Independent Broad-based Anti-corruption Commission (IBAC) complaints process.

The Chief Executive Officer has legislated obligations in respect of mandatory reporting of suspected corruption that operate outside of this policy.

### **How we learn from complaints**

Complaints from people who use or are affected by our services provide us with valuable feedback about how we are performing.

We regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data bi-annually.

### **Your Privacy**

We keep your personal information secure. We use your information to respond to your complaint, and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.

Where we publish complaint data, personal information is removed.

When you complain to us we ask you to provide and will record:

- your name and contact details
- gender
- demographic information to help us understand the needs of our community (if you consent to giving us this information)
- what you are complaining about
- what outcome you are seeking

### **Related Policy & Procedure**

Complaints Handling Procedure

Unreasonable Complainant Behaviour Management Policy & Procedure

Staff Code of Conduct



### References

<b>Victorian Ombudsman</b>	<b>Councils and complaints – A good practice guide 2<sup>nd</sup> Edition; April 2023</b>
AS/NZS 10002:2014	Guidelines for complaint handling in organisations
	Privacy and Data Protection Act 2014
	Equal Opportunity Act 2010 (Vic)
	Infringements Act 2006 (Vic)
	Charter of Human Rights and Responsibilities
	Health Records Act 2001
	Local Government Act 2020
	Public Interest Disclosures 2012 (Vic)
	FOI Solutions Complaints Training Guidelines

### Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Council Resolution – 23 July 2019</i>
2	<i>Amended</i>	<i>Council Resolution – 23 October 2021</i>



## SCS-032 Complaint Handling Policy

TRIM Reference: [D23/150504](#) Due for Review: [November 26-October 2024/2027](#)  
Responsible Officer: Coordinator Customer Experience

### Purpose

This policy outlines Surf Coast Shire Council's (Council) commitment to an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively.

### Policy

The policy commits Surf Coast Shire Council to deal effectively with complaints and guides how complaints handling procedures are implemented.

Dealing with complaints is a core part of Council business. We value complaints and encourage people to contact us when they have a problem with our services, actions, decisions, and policies.

We are committed to:

- enabling members of the public to make complaints about the Council
- responding to complaints by taking action to resolve complaints as quickly as possible
- learning from complaints to improve our services.

We treat every complaint we receive on its individual merits, through clear and consistent processes.

### People making complaints will be:

- provided with information about our complaint handling process
- provided with multiple and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

The policy ~~meets requirements of~~ is maintained in accordance with section 107 of the Local Government Act 2020 and includes best practice recommendations made to local government by the Victorian Ombudsman.

### ~~Policy Principles~~

~~This policy is based on seven principles for effective complaints handling, as outlined in the Victorian Ombudsman's Good Practice Guide to Handling Complaints:~~

### Commitment



~~Council is committed to resolving complaints that are received in a timely manner. Council recognises people's right to complain and considers complaint handling to be part of the core business of serving the community and improving service delivery.~~

#### Accessibility

~~People can easily find out how to make a complaint and be supported through the complaint process.~~

#### Transparency

~~The complaint handling system clearly sets out how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.~~

#### Objectivity and fairness

~~Under the complaint handling system, complainants and staff are treated with respect and courtesy. Complaints are judged on merit and fact.~~

#### Confidentiality

~~The complaint handling system protects the personal information of people making a complaint, and council staff will be informed on a 'need to know' basis.~~

#### Accountability

~~Council is accountable, both internally and externally, for its decision making and complaint handling performance. Council provides explanations and reasons for decisions, and ensures that decisions are subject to appropriate review processes.~~

#### Continuous Improvement

~~Council regularly analyses complaint data to find ways to improve how it operate and how it delivers services.~~

### Scope

This policy ~~applies~~applies to ~~all~~ complaints from members of the public ~~about~~ Council services, staff, volunteers, Council contractors and decisions made at Council meetings. This policy does not apply to complaints about individual Councillors.



This policy is not applicable to:

- Complaints about third parties (unless it involves contractors carrying out work on Council's behalf), except when Council has a legal responsibility to report complaints, for example Child Safe Standards.
- A request for service or reporting infrastructure damage in the first instance.
- Comments or submissions received during formal consultation, which has a specific process for receiving community feedback and comments.
- Lodging an appeal in accordance with other policies, procedures and legislation, or otherwise subject to statutory review, examples include:
  - complaints/objections relating to a planning application decision
  - complaints/appeals relating to parking infringements
- A petition to Council about a certain matter.
- Complaints that have already been reviewed by an external agency.
- Complaints considered frivolous, vexatious or not made in good faith.
- Complaints that relate to a decision awaiting determination by Council.
- Complaints relating to the appointment or dismissal of any employee or an industrial or disciplinary issue.

The above issues are still valid and are managed separately from the complaint handling process.

For the purposes of this policy, an issue that is resolved at the first point of contact is not recorded as a complaint.

#### **What is a 'complaint'?**

A complaint includes a communication (verbal or written) to the Council which expresses dissatisfaction about:

- the quality of an action, decision or service provided by the Council staff (including volunteers) or a Council contractor
- a delay by Council staff or a Council contractor in taking an action, making a decision or delivering a service
- a policy or decision made by the Council, Council staff or a Council contractor.

#### **How to make a complaint**

Any person can make a complaint. Council will deal with all complaints it receives. Complaints can be made by:

- Telephone: 03 5261 0600
- Online: [www.surfcoast.vic.gov.au/complaint](http://www.surfcoast.vic.gov.au/complaint)
- Email: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)
- Post: PO Box 350, Torquay, 3228
- In person: Customer Service Desk 1 Merrijig Drive, Torquay or a council satellite office

The complaint form on our website is designed to make it easy for customers to lodge complaints by collecting the necessary information required to resolve matters. We understand that not



everyone has access to or is able to use digital technology. For this reason, customers can contact us by telephone to make a complaint.

It is helpful if customers provide the following information when making a complaint:

- name and contact details (phone and email preferred). You can complain anonymously, but this may limit how Council can investigate the matter
- identify the action, decision, service or policy you are complaining about, and why you are dissatisfied
- give us relevant details, such as dates, times, location or reference numbers, name of any witnesses or employees that have assisted you previously and documents that support your complaint
- the outcome you are seeking from making your complaint
- whether you have any particular communication needs.

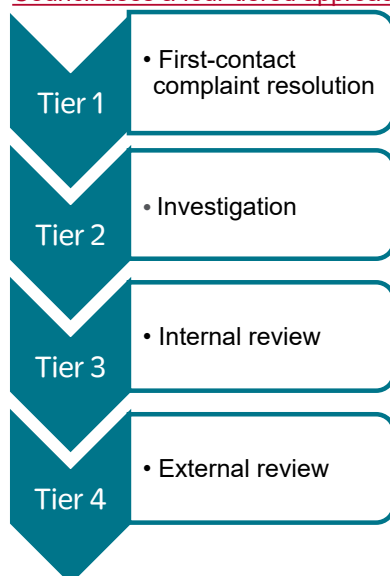
We are committed to ensuring our complaints process is accessible to everyone. Tell us if you have specific communication needs or barriers, and we can assist you by:

- using an assistance service, such an interpreter (refer to website for language services) or Teletypewriter (call National Relay Service 133 677) for free
- talking with you if you have trouble reading or writing
- communicating with another person acting on your behalf if you cannot make the complaint yourself.

Staff may escalate a matter of customer dissatisfaction with a service, outcome or decision of council to a complaint. The complaint will in turn provide the customer with a way forward to review the matter.

### Our Complaints Process

Council uses a four-tiered approach to investigating and resolving complaints.





#### Initial assessment and first actions (Tier one)

When you complain to us, we will record and acknowledge your complaint within five business days.

We will initially assess your complaint to decide how we will handle it. After our initial assessment, we may:

- take direct action to resolve your complaint
- refer your complaint to the relevant team or manager for investigation
- decline to deal with your complaint if you have a right to a statutory review of your complaint (such as a right of appeal to VCAT)
- decline to investigate complaints that are considered frivolous, vexatious, concern a trivial matter or are not made in good faith.

Where possible, we will attempt to resolve your complaint at the time you first contact us. If we decide not to take action on your complaint, we will explain why, and, where possible, inform you about other options.

Early resolution of a complaint may involve providing advice or explaining why we are not going to take action on your complaint.

Timelines of resolution will vary depending on what service(s) or resolution is required for rectification.

It may not be possible to resolve your complaint when you first contact us if your complaint requires deeper consideration, investigation by a particular team or employee or must follow a statutory process.

#### Investigation (Tier two)

If we have not been able to resolve the complaint when you first contact us, or your complaint is about the conduct of an employee, we will refer your complaint to a team, a manager or a specialist complaint handler to investigate and resolve. The investigative actions taken will depend on the nature of the complaint.

A complaint investigation may include speaking with other council employees, contractors, external agencies, inspecting case notes and documents, conducting site inspections, assessment of relevant legislation, policies and procedures and allocating investigative tasks to employees.

We aim to complete investigations of Tier two complaints within 20 working days, and will tell you if the investigation will take longer. We will update you every 20 working days about progress until the investigation is completed. We will inform you of the outcome of your complaint and explain our reasons.

#### Internal Review (Tier three)

If you remain dissatisfied with our decision or how we responded to your complaint, you can request an internal review.

The officer conducting the internal review of your complaint will be independent of the initial investigation.



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The internal review is the final part of the internal complaint process. The same matter will not be re-considered once the review is completed.

We aim to complete investigations of Tier three complaints within 20 working days and will tell you if the investigation will take longer.

It is not compulsory to complete an internal review before seeking an external review. It is however mandatory the council has investigated your complaint in the first instance.

### External review (Tier four)

If you remain dissatisfied with Council's response, we will inform you of which external agency you can approach to have the matter reviewed.

Resolution timelines will depend on responsible organisation.

It is not compulsory to complete an internal review before seeking an external review. It is however mandatory the council has investigated your complaint in the first instance.

### How to request an external review

There are external bodies that can deal with different types of complaints about us.

It is likely that the organisation you contact will direct you back to us for an initial complaint investigation before they will consider a complaint.

You can request an external review from the following organisations:

<u>Complaint</u>	<u>Organisation to contact for external review</u>
<u>Actions or decisions of a Council, Council employees and contractors.</u> <u>This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006</u>	<u>Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a></u>
<u>Breaches of the Local Government Act 2020</u>	<u>Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a></u>
<u>Breach of privacy.</u> <u>Complaint about a freedom of information application</u>	<u>Office of the Victorian Information Commission</u> <u><a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a></u>
<u>Corruption or public interest disclosure ('whistleblower') complaints</u>	<u>Independent Broad-based Anti-corruption Commission <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a></u>
<u>Discrimination</u>	<u>Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a></u>
<u>Council elections</u>	<u>Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a></u>



### **Customers whose conduct is unreasonable**

We require our staff to be respectful and responsive in all of their communications with members of the public. We expect the same of you when you communicate with our staff.

We may change the way we communicate with you if your behaviour or conduct raises health, safety, resource or equity issues for Council staff involved in the complaints process.

Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the organisation, staff, other service users and complainants or the complainant himself/herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviour

#### Unreasonable persistence

Is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

#### Unreasonable demands

Are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on the organisation, staff, services, time and/or resources.

#### Unreasonable lack of cooperation

Is an unwillingness and/or inability by a complainant to cooperate with the organisation, staff, or complaints system and processes that result in a disproportionate and unreasonable use of services, time and/or resources.

#### Unreasonable arguments

Include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon the organisation, staff, services, time, and/or resources.

#### Unreasonable behaviour

Is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of staff, other service users or the complainant them self.

Surf Coast Shire Council has a zero tolerance policy towards any harm, abuse or threats directed towards Councillors, staff, contractors or volunteers. Any conduct of this kind will be dealt with under this policy (via management policies and procedures) and in accordance with Council's duty of care and occupational health and safety responsibilities.

### **Actions for unreasonable complainant conduct**

- UCC will be identified and the complainant will be notified accordingly



- As a result of the UCC there may be a warning, ban, limit or restriction on the way a complainant can communicate with, or receive services from the council, to help our community and environment to thrive

Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	The policy affirms council's commitment to achieve the best outcomes and seek continuous improvement opportunities for the community in our complaint handling management.
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes	Adopting the policy in a Council meeting provides transparency about how Council will continue to handle complaints. The Complaint Handling Policy is available on Council's website. Council's complaint handling performance will be reported bi-annually to Council.
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes	This policy aligns to the service principles under the <i>Local Government Act 2020</i> to account for council's service performance and provide an avenue of recourse for dissatisfied customers.

Definitions

For the purposes of this policy, in this policy the following definitions apply:

<b>Acknowledgement</b>	<u>Receipt of your complaint. Including a brief explanation of what will happen next and by when, and a reference number for your records.</u>
<b>Complainant</b>	A person, organisation or their representative making a complaint
<b>Complaint</b>	An expression of dissatisfaction with: <ul style="list-style-type: none"> <li>• the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or</li> <li>• the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or</li> <li>• a policy or decision made by Council or a member of Council staff or a contractor.</li> </ul>



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<b>Complaint handling system</b>	The way individual complaints are dealt with by Council, including the policy, procedure, technology, reporting, evaluation and improvement
<b>Complex complaint</b>	<p><del>Complex complaints are those which cannot be resolved/managed at the first point of contact and are generally of a more serious or complex nature than simple complaints.</del></p> <p><del>Complex complaints typically require cross functional collaboration to resolve, a number of interactions or discussions with the complainant and may involve commitment of resources.</del></p> <p><del>Complex complaints are to be acknowledged within 5 business days and resolved within 20 business days, except those with extenuating circumstances.</del></p>
<b>Council</b>	<p>A Council consists of Councillors who are democratically elected by the residents and ratepayers of a municipality in accordance with the Local Government Act 2020, to set the overall direction for the municipality through long-term planning and decision making.</p> <p>In the context of this Policy, the Council refers to Surf Coast Shire Council</p>
<b>Customer</b>	An individual, business organisation that utilizes a service or asset of the Council.
<b>Days</b>	Any references to days in this document are business days.
<b>Decisions</b>	Are decisions made by the Council, or an officer under delegated authority (on behalf of the Council).
<b>External Review</b>	<p><del>External Reviews are conducted by the Victorian Ombudsman.</del></p> <p><del>External reviews are an avenue of recourse for complainants who are dissatisfied with the outcome of a complaint or the way it was handled.</del></p> <p><del>A complainant is not required as prerequisite to seek an Internal Review before requesting an External Review.</del></p> <p><del>The Victorian Ombudsman investigate complaints about an action or decision made by a Victorian public organisation.</del></p>
<b>Feedback</b>	<p>Feedback may take the form of positive and negative comments about a service, product, experience or process of Council.</p> <p>The feedback may not require corrective action.</p> <p>Feedback may be used to inform or influence future service reviews and delivery methods.</p>
<b>First Contact staff</b>	Any staff member who takes initial receipt of a complaint.
<b>Internal review</b>	<p><del>Internal review can be requested if the complainant is not satisfied with the complaint outcome or the way it was resolved or handled.</del></p> <p><del>Internal reviews will be handled by an officer who is independent of the original decision, action or investigation.</del></p>
<b>Request for service</b>	<p>A request for service is when a customer asks the Council to provide <u>something, generally information or</u> a service, or asks for an action to be taken to address a problem.</p> <p><u>The following are examples of service requests:</u></p> <ul style="list-style-type: none"> <li><u>an insurance claim</u></li> </ul>



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	<ul style="list-style-type: none"> <li>• <u>a request for information or explanation of policies or procedures</u></li> <li>• <u>reports of damaged or faulty infrastructure (i.e. potholes)</u></li> <li>• <u>reports of hazards (e.g. fallen trees)</u></li> </ul>
<b>Resolved complaints</b>	<u>A resolved complaint refers to a complaint that has been finalised, regardless of the process used to finalise it or the outcome of the process.</u>
<b>Simple complaint</b>	<u>Straight-forward expressions of dissatisfaction which may be managed and resolved at the first point of contact by frontline staff or the subject matter expert. Where possible concerns will be raised directly with the council officer or contactor involved in the first instance to resolve the matter. If the complaint is not resolved, the complaint can be escalated for investigation.</u>
<b>Statutory Review</b>	Means a decision that is able to be reviewed by an independent statutory body set up for that purpose such as the Victorian and Civil Administrative Tribunal (VCAT).

Unlike a complaint, a service request is raised when a customer wants Council to provide something, generally information or a service, or similarly report a fault by a maintenance request.

~~The following are examples of service requests:~~

- ~~• an insurance claim~~
- ~~• a request for information or explanation of policies or procedures~~
- ~~• reports of damaged or faulty infrastructure (i.e. potholes)~~
- ~~• reports of hazards (e.g. fallen trees)~~

A complaint, on the other hand, deals with a failure (in the eyes of the customer) to satisfactorily respond to a request or expectation that a service will be provided.

### Roles and Responsibilities

<b>Chief Executive Officer (CEO)</b>	<ul style="list-style-type: none"> <li>• <u>Promoting positive behaviours and practices relating to enabling, responding to and learning from complaints.</u></li> <li>• <u>Supporting service improvements that arise from complaints.</u></li> <li>• <u>Reviewing and publishing complaint data.</u></li> <li>• <u>Manages complaints about Councillors in accordance with the Councillor Code of Conduct.</u></li> <li>• <u>Manages complaints about General Managers.</u></li> <li>• <u>Legislation requires the CEO must notify the Independent Broad Based Anti-Corruption Commission (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct.</u></li> <li>• <u>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</u></li> </ul>
<b>Councillors</b>	<ul style="list-style-type: none"> <li>• <u>Familiarising themselves with this policy and Council's complaint process.</u></li> <li>• <u>G</u><del>C</del><u>Councillors</u> <del>guide</del> <u>customers to lodge complaints directly with Council.</u></li> <li>• <u>Councillors may be contacted as part of an investigation.</u></li> </ul> <p>In some instances Councillors will be advised of the outcome of the complaint, if it is not a personnel related matter.</p> <ul style="list-style-type: none"> <li>• <u></u></li> </ul>



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<p><del>Chief Executive Officer (CEO)</del></p>	<p><del>Manages complaints about Councillors in accordance with the Councillor Code of Conduct.</del></p> <p><del>Legislation requires the CEO must notify the Independent Broad Based Anti-Corruption Commission (IBAC) of any matter they suspect on reasonable grounds to involve corrupt conduct.</del></p> <p><del>Manages complaints about General Managers.</del></p> <p><del>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</del></p>
<p><b>General Managers</b></p>	<ul style="list-style-type: none"> <li>• <del>Deal with complaints escalated to them, generally <u>complex in nature and where they were</u> unable to be resolved by others.</del></li> <li>• <del>For complex complaints across multiple departments will determine the most appropriate officer to take the lead investigation role.</del></li> <li>• <del>Responsible for <u>i</u>Internal <u>r</u>Review of complaints, provided they do not have a significant connection to the subject matter of the complaint.</del></li> </ul> <p><del>Write to the complainant to advise them of the outcome.</del></p> <ul style="list-style-type: none"> <li>• <del>Liaise with Councillors on complaints raised by them, including advising of outcomes (except for complaints relating to personnel matters).</del></li> </ul> <p><del>Report on complaints handling to Council bi-annually.</del></p> <ul style="list-style-type: none"> <li>• <del>Will consider requests from investigating officers to extend a complaint investigation beyond 20 days in extenuating circumstances.</del></li> <li>• <del>Exercise discretion on matters subject to statutory review (Section 107 of the Local Government Act 2020).</del></li> <li>• <del><u>Reporting on and identifying improvements from complaint data.</u></del></li> <li>• <del><u>Supporting staff who deal with complaints</u></del></li> </ul>
<p><b>Managers (or delegated Officers)</b></p>	<ul style="list-style-type: none"> <li>• <del>Investigate complaints referred to them.</del></li> </ul> <p><del>In first instance contact complainant by phone (or request telephone number if via another channel). And, if appropriate (simple complaint) resolve complaint immediately. If more complex ascertain details and confirm outcome complainant is seeking.</del></p> <p><del>If complaint is complex acknowledge it in writing within 5 days, providing officer contact details and expected time to resolve, aiming for within 20 days.</del></p> <p><del>Telephone complainant advising outcome before delivering outcome in writing.</del></p> <ul style="list-style-type: none"> <li>• <del>Identify, implement and report on improvement opportunities from handling complaints.</del></li> </ul>





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	<p><del>Exercise discretion on matters subject to statutory review (Section 107 of the Local Government Act 2020).</del></p> <ul style="list-style-type: none"> <li><del>Support staff who deal with complaints.</del></li> </ul>
<b>First Contact staff</b>	<ul style="list-style-type: none"> <li><del>Assist people make a complaint, if needed</del></li> <li><del>Assess complaints.</del></li> <li><del>Resolve immediately if possible.</del></li> <li><del>If more information is required, and customer is on the telephone make every effort to connect with subject matter expert (SME).</del></li> </ul> <p>If not possible to connect to SME, or SME not able to resolve in the first instance First Contact staff will record the complaint in Customer Request Management system <u>as a complaint</u> for investigation.</p> <ul style="list-style-type: none"> <li><del>_____</del></li> </ul>
<b>Coordinator Customer Experience</b>	<ul style="list-style-type: none"> <li><del>Responsible for overseeing implementation of the policy</del></li> <li><del>Ensuring staff are adequately trained to handle complaints</del></li> <li><del>Providing assistance to other staff in the handling of complaints;</del></li> <li><del>Undertaking internal reviews of complaints as required</del></li> <li><del>Analyse data, monitor performance and prepare reports relating to customer experience.</del></li> <li><del>_____</del></li> <li><u>Identify and implement improvement opportunities on Council's complaint handling systems.</u></li> </ul>
<b>Staff, Volunteers &amp; Council Third-party contractors</b>	<ul style="list-style-type: none"> <li><u>Treat all people with respect, including people who make complaints.</u></li> <li><u>Familiarising themselves with this policy and Council's complaint process.</u></li> <li><u>Referring complaints to Council staff to be dealt with in accordance with our processes. Refer complaints to a First Contact staff member.</u></li> </ul>
<b>Volunteers</b>	<u>Refer complaints to a First Contact staff member.</u>

~~Exercising discretion where matters are subject to statutory review~~

~~This means complaints where there is a review or appeal to a tribunal, eg the Victorian Civil and Administrative Tribunal ('VCAT') or a court, under an Act or regulation. Complaints of this type usually concern a particular subject matter, such as infringements, planning, or public health.~~

~~Council's reasons for refusing to deal with a complaint which is otherwise subject to statutory review might include:~~

- ~~the statutory review process is already underway~~
- ~~it is reasonable in the circumstances to expect the complainant to go through that review process~~
- ~~a tribunal or court will settle or determine the matter faster~~
- ~~the complaint relates to a specialised area, and it is proper that a tribunal or court make a binding determination on the matter (noting the determination's possible precedential effect).~~

~~Where the discretion to refuse these complaints is exercised, reasons will be provided.~~

**How to make a complaint**

~~Council will deal with all complaints it receives. A person can make a complaint in a number of ways.~~

Channel	Access
---------	--------



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## COUNCIL POLICY

Mail	PO Box 350, Torquay, VIC, 3228
Telephone	5261 0600
Email	<a href="mailto:info@surfcoast.vic.gov.au">info@surfcoast.vic.gov.au</a>
In-person	1 Merrijig Drive, Torquay, VIC, 3228 or a Council satellite office
Online	<a href="http://www.surfcoast.vic.gov.au">www.surfcoast.vic.gov.au</a> or direct message through Council's social media platforms

The complaint should include the following information if relevant:

- The date, time, location or event;
- The nature and description of the complaint; and
- A statement identifying what the complainant seeks as an acceptable outcome to the complaint by way of resolution.

### Anonymous Complaints

Council will accept anonymous complaints provided enough information is provided to do so.

Officers are encouraged to advise the Complainant that providing information will assist Council in administering the complaint handling policy. Where a Complainant is unwilling to disclose their details the investigation process is disadvantaged because:

- anonymity generally reduces Council's ability to properly investigate a matter, and;
- it can be difficult to clarify the nature of the complaint and obtain additional information from the complainant
- Council is unable to contact or provide the person(s) with reasons for any decision made about their complaint.

Notwithstanding the above constraints, Council will endeavor to address anonymous complaints in a manner consistent with the principles and processes applied to other complaints.

A Complainant may use an advocate or authorized personal representative to progress their complaint.

If required an interpreting service will be provided to facilitate the complaint.

### Non-specific complaints

Correspondence received that is non-specific in nature, or not relevant to the operations of Council will be received and recorded, but not always via the complaint handling process. Reasons for the determination will be filed along with the correspondence.

### Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Independent Broad-based Anti-corruption Commission (IBAC) complaints process.

The Chief Executive Officer has legislated obligations in respect of mandatory reporting of suspected corruption that operate outside of this policy.



### Monitoring and Reporting How we learn from complaints

Council will proactively monitor performance via a set of KPIs and by analysing trends in complaints at least bi-annually. Complaints from people who use or are affected by our services provide us with valuable feedback about how we are performing.

We regularly analyse our complaint data to identify trends and potential issues that deserve further attention. We use this information to come up with solutions about how we can improve our services.

We are open and transparent about the complaints we have received, and what we have done to resolve them. We publish our complaint data bi-annually.

### Your Privacy

We keep your personal information secure. We use your information to respond to your complaint, and may also analyse the information you have provided for the purpose of improving services that relate to your complaint.

Where we publish complaint data, personal information is removed.

When you complain to us we ask you to provide and will record:

- your name and contact details
- gender
- demographic information to help us understand the needs of our community (if you consent to giving us this information)
- what you are complaining about
- what outcome you are seeking

Related [Policy & Procedure](#)

[Complaints Handling Procedure](#)

[Unreasonable Complainant Behaviour Management Policy & Procedure](#)

[Staff Code of Conduct](#)

### References

<a href="#">Victorian Ombudsman</a>	<a href="#">Councils and complaints – A good practice guide 2<sup>nd</sup> Edition; July 2021</a> <a href="#">April 2023</a>
<a href="#">Victorian Ombudsman</a>	<a href="#">Revisiting Councils and Complaints: October 2019</a>
<a href="#">Victorian Ombudsman</a>	<a href="#">Good Practice Guide to Handling Complaints Report and Guide; September 2016</a>
<a href="#">Victorian Ombudsman</a>	<a href="#">Councils and complaints – A good practice guide; February 2015</a>
<a href="#">AS/NZS 10002:2014</a>	<a href="#">Guidelines for complaint handling in organisations</a>
	<a href="#">Privacy and Data Protection Act 2014</a>
	<a href="#">Equal Opportunity Act 2010 (Vic)</a>



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## COUNCIL POLICY

	Infringements Act 2006 (Vic)
	Charter of Human Rights and Responsibilities
	Health Records Act 2001
	Local Government Act 2020
	Public Interest Disclosures 2012 (Vic)
	FOI Solutions Complaints Training Guidelines

### Document History

Version	Document History	Approved by – Date
1	<i>Amended</i>	<i>Council Resolution – 23 July 2019</i>
2	<i>Amended</i>	<i>Council Resolution – 23 October 2021</i>

## 4.6 Council Representation on Various Regional/Peak Organisations for 2024

**Council Plan**

**Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

**Author's Title:**

Coordinator Governance

**General Manager:**

Damian Waight, Acting General Manager Strategy and Effectiveness

**Division:**

Strategy and Effectiveness

**Department:**

Integrity and Governance

**Attachments:**

1. Council Representation on Various Regional Peak Organisations for 2024 [4.6.1 - 3 pages]

**Purpose**

1. The purpose of this report is for Council to appoint Councillors to various regional/peak organisations for the remainder of the Council term.

**Recommendation**

That Council appoints Councillors to the various regional/peak organisations for remainder of the Council term, as detailed in **Attachment 1**.

**Council Resolution**

**Moved Cr Bodsworth, Seconded Cr Schonfelder**

That Council appoints Councillors to the various regional/peak organisations for the remainder of the Council term, as detailed in **Attachment 1**, with the addition of the Mayoral Taskforce Supporting People Seeking Asylum being included and Mayor Cr Liz Pattison being appointed as Council's representative, and the removal of the Barwon South West Waste and Resource Recovery Group.

CARRIED 7|1

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Cr Barker	Nil

### **Outcome**

2. If Council accepts this recommendation, Council will be appropriately represented on committees and regional/peak organisations for the remainder of the Council term.

### **Key Considerations**

3. Councillor representation on various committees and regional/peak organisations ensures that Council is well placed to have input on a broad range of key matters which are significant to the community.
4. By reviewing appointments annually, Council is able to ensure that its involvement in the committees and organisations is relevant to Council's strategic goals, Council plan objectives and community priorities.
5. Council representation on most committees and organisations listed in **Attachment 1** is in a delegate capacity only without director responsibilities, however Council representatives on the following organisations take on director roles:
  - 5.1. Geelong Regional Library Corporation
  - 5.2. Great Ocean Road Regional Tourism Inc.
  - 5.3. G21 Regional Alliance Ltd.
6. A director is in charge of the management of the company's business; they make the strategic and operational decisions of the company and are responsible for ensuring that the company meets its statutory obligations.
7. The committee representatives/delegates who are not directors have limited authority, power, and responsibilities, and each committee operates under its own charter or terms of reference.

### **Background**

8. Each year, Councillors are appointed to represent Council at the various committees and organisations outlined in **Attachment 1**.
9. A brief description of the various committees and organisations is outlined in **Attachment 1**.

### **Options**

10. **Alternative Option 1** – That Council does not appoint Councillors to various regional/peak organisations.

This option is not recommended by officers as Council would not be appropriately represented on these organisations. This would limit Council's opportunity to engage with different groups that represent, advocate and provide for the community.

## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

11. There are no financial considerations associated with this report.

### **Community Engagement**

12. The outcome of Councillor appointments will be communicated to relevant organisations and communicated in the Council minutes.

### **Statutory / Legal / Policy Considerations**

13. In accordance with section 53(3)(a) of the *Local Government Act 2020*, Councillors must be appointed as members of Council's Audit and Risk Committee. Additionally, Council's CEO Employment and Remuneration Policy also requires Councillor representation.

### **Risk Assessment**

14. If Councillors are not appointed to various committees, Council would not be appropriately represented and would limit Council's opportunity to engage with different groups that represent, advocate and provide for the community.

15. Councillors are required to consider the risks and regulatory requirements of any appointment to a Council committee, including conflicts of interests, confidentiality of information and adherence to other Council policies.

### **Sustainability Considerations**

16. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

17. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

18. This report and attachment contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

19. This matter is not in scope of the Audit and Risk Committee.

**Councillor Briefings**

20. This item was not discussed at Councillor Briefings prior to being presented to Council for consideration.



### Council Representation on Various Regional/Peak Organisations for 2024

Committees/organisation with legislated purpose	Council Representative
Audit & Risk Committee	Cr Bodsworth Cr Wellington
Municipal Association of Victoria	Cr Schonfelder Cr Stapleton (sub)
Committees established to provide specific advice to Council	
All Abilities Advisory Committee	Cr Bodsworth Cr Hodge (sub)
Barwon South West Waste and Resource Recovery Group (LG Forum)	Cr Bodsworth
Bells Beach Committee	Cr Bodsworth Cr Gazzard
Chief Executive Officer Employment Matters Committee	All Councillors
Positive Ageing Advisory Committee	Cr Allen
Corporations with local government representation (director positions)	
Geelong Regional Library Corporation	Cr Pattison Cr Schonfelder (sub)
Great Ocean Road Regional Tourism Inc. Board	Robyn Seymour
G21 Geelong Region Alliance Ltd - Board of Directors	Cr Pattison Robyn Seymour
Other organisations/committees	
Lorne Community Impact Advisory Committee	Cr Allen
Torquay Community Impact Advisory Committee	Cr Hodge Cr Barker
Australian Local Government Association	Cr Pattison
Geelong Heritage Centre Collection Advisory Committee	Cr Allen
Peri Urban Group of Rural Councils	Cr Pattison Robyn Seymour
G21 Pillars	
G21 Culture and Economic Development Pillar	Cr Allen
G21 Health and Wellbeing Pillar	Cr Bodsworth
G21 Sustainability Pillar	Cr Gazzard Cr Pattison (sub)
G21 Transport and Planning Pillar	Cr Stapleton

### Description of the Various Regional/Peak Organisations

<b>Committees/organisation with legislated purpose</b>	<b>Description</b>
Audit & Risk Committee	The Audit and Risk Committee plays a key role in assisting Council to fulfil its governance responsibilities in relation to financial reporting, internal control, compliance with legislative requirements, risk management systems, ethical accountability and the internal and external audit functions. Two Councillors must be appointed to the Audit and Risk Committee.
Municipal Association of Victoria (MAV)	The MAV promotes efficiency in municipal government functions throughout the State of Victoria and protect the interests, rights and privileges of municipal corporation. Functions include advocacy, capacity building, networking, policy development, professional development and awareness.
<b>Committees established to provide specific advice to Council</b>	<b>Description</b>
All Abilities Advisory Committee (AAAC)	The AAAC's objectives are to advise Council on opportunities to improve access and inclusion for people of all abilities that reside in and visit the Surf Coast Shire. The committee advocates for improved access and inclusion and promotes participation for people of all abilities in community activities.
Bells Beach Committee	The Bells Beach Committee provides appropriate advice and recommendations about the Bells Beach Surfing Recreation Reserve to Council.
Chief Executive Officer Employment Matters Committee	The CEO Employment Matters Committee is responsible for reviewing the performance of the CEO. A CEO review is conducted annually and the committee may be required to meet on several occasions whilst finalising a review process.
Positive Ageing Advisory Committee	The Positive Ageing Advisory Committee considers Council's future role in providing services, programs and facilities to older people, within the context of the federal government's Aged Care Reforms and changing community needs.
Barwon South West Waste and Resource Recovery Group (BSWRRG) (LG Forum)	The BSWRRG finds innovative ways to reduce and recycle waste and plans for the future waste and recycling needs of the Barwon South West region.
<b>Corporations with local government representation (Director Positions)</b>	<b>Description</b>
Geelong Regional Library Corporation (GRLC)	The GRLC provides library and information services to residents and visitors across the Geelong region on behalf of member councils. The network comprises of a central library, 16 community libraries, two mobile libraries and a website. It provides free, universal access to lifelong learning, reading and discovery.

Great Ocean Road Regional Tourism Inc. (GORRT)	GORRT facilitates, promotes and advocates for the sustainable development (product, infrastructure and industry), marketing and management of tourism for the region.
G21 Geelong Region Alliance Ltd - Board of Directors	G21 is the formal alliance of government, business and community organisations working together to improve the lives of people within the Geelong region across five municipalities – Colac Otway, Golden Plains, Greater Geelong, Queenscliff and Surf Coast. G21 supports the delivery of projects that benefit the region across municipal boundaries and is a platform for the region to speak with one voice to all levels of government.
<b>Other Organisations/Committees</b>	<b>Description</b>
Community Impact Advisory Committees (CIAC)	Individual CIACs are in place for the townships of Lorne, Anglesea, Torquay and the Hinterlands. Their purpose is to facilitate better integrated planning to enhance community safety in relation to events and during peak visitor times.
Australian Local Government Association (ALGA)	The ALGA represents local government on national bodies and ministerial councils, provides submissions to government and parliamentary inquiries, raises the profile and concerns of local government at the national level and provides forums for local government to guide the development of national local government policies.
Peri-Urban Group of Rural Councils	The Peri Urban Group of Rural Councils represent those council shires that are immediately adjacent to Metro Melbourne and Geelong. The group advocates for support and solutions to shared issues within the Victorian peri urban region at a local, state and national level.
Geelong Heritage Centre Advisory Committee	The purpose of the Geelong Heritage Centre Collection Advisory Committee is to provide Heritage Centre collection related advice and recommendations to the GRLC Board.
G21 Pillars	There are three G21 pillar groups and 1 advisory group based on the region's key priorities including culture and economic development, health and wellbeing, first nations conservation and sustainability.

## 4.7 SCS-031 Privacy and Data Protection Policy

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Manager Integrity and Governance

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Integrity and Governance

### Attachments:

1. SCS-031 Privacy and Data Protection Policy and Attachment DRAFT [4.7.1 - 15 pages]
2. MP-005 Privacy and Data Protection Policy and Attachment DRAFT - MARKED UP [4.7.2 - 15 pages]

### Purpose

1. The purpose of this report is to present SCS-031 Privacy and Data Protection Policy (the Policy) to Council for adoption.

### Recommendation

That Council adopts SCS-031 Privacy and Data Protection Policy (**Attachment 1**).

### Council Resolution

#### Moved Cr Bodsworth, Seconded Cr Schonfelder

That Council adopts SCS-031 Privacy and Data Protection Policy (**Attachment 1**)

CARRIED 8|0

For	Against	Abstained
Cr Barker	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. If Council accepts this recommendation, Council will have a policy which meets relevant legislation to meet privacy data protection requirements.

### **Key Considerations**

3. A review of the Privacy and Data Protection Management Policy was undertaken at the end of 2022. A Management Policy is an internal facing document that guides and instructs staff to deal with a specific Council function or approach.
4. The Policy was reviewed by subject matter experts, including key staff - the Manager Information and Technology, Manager Integrity and Governance, Coordinator Risk. The Policy also underwent a legal review.
5. The Management Policy was endorsed by the Audit and Risk Committee in November 2022 with an action to assess if the Management Policy should be a Council Policy.
6. Officers have concluded that this Policy would be best implemented as a public facing Council Policy rather than a Management Policy.
7. Privacy and data protection are very important topics for our community and society in general. The Policy should offer protection and be publicly available.
8. Therefore, the Council Policy improves openness and transparency by assisting individuals to understand how the Shire manages personal information.

### **Background**

9. The *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* require that Council has clearly expressed policies on its management of health and personal information.
10. Council has a Privacy and Data Protection Management Policy that was reviewed and approved by the Audit and Risk Committee in November 2022.

### **Options**

11. **Alternative Option 1** – That Council does not adopt SCS-031 Privacy and Data Protection Policy.

This option is not recommended by officers as a public facing privacy and data protection policy provides helps improve privacy protections for the community.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

12. There are no financial implications associated with this report.

### **Community Engagement**

13. The Policy has been reviewed the Audit and Risk Committee, internal staff specialists, and external lawyers. Due to the heavily regulated nature of this Policy, a community engagement phase is not being recommended as part of the Policy adoption process. If the Policy is adopted, it will be published on Council's website.

### **Statutory / Legal / Policy Considerations**

14. Council is bound by the 10 Information Privacy Principles (IPPs) and 11 Health Privacy Principles (HPPs) that outline how we manage an individual's personal and health information in regard to their interactions with Council.
15. Privacy rights are an important feature of the Charter of Human Rights and Responsibilities Act 2006 contained in section 13.

### **Risk Assessment**

16. The policy will assist staff in managing and mitigating privacy risks as the policy sets out processes that must be followed by staff handling personal and health information.

### **Sustainability Considerations**

17. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

18. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

19. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

*Audit and Risk Committee Meeting Date: 18 November 2022*

<i>Feedback Received</i>	<i>Action Taken</i>
The Committee requested that management consider if the policy should be a Council policy as opposed to a management policy.	Officers determined that a Council Policy should be created.

### **Councillor Briefings**

20. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 14 November 2023

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>N</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>Y</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.



## SCS-031 Privacy and Data Protection

TRIM Reference:	D23/154276	Due for Review:	November 2027
Responsible Officer:	Manager Integrity and Governance		

### Purpose

This policy details Surf Coast Shire Council's (Council) commitment to meet the requirements of the *Privacy and Data Protection Act 2014 (Vic)* and the *Health Records Act 2001 (Vic)* in regard to the management and handling of personal and health information.

The object of this policy is to ensure that Council maintains the individual's privacy to the standard required by IPP's under the *Privacy and Data Protection Act 2014 (Vic)* and the HPP's under the *Health Records Act 2001 (Vic)*.

### Scope

This policy applies to personal and health information of people both internal and external to Council.

The policy applies to both Council as an organisation, and elected Councillors in their capacity as a person holding office. This means that the policy applies to all employees of Council, as well as individual Councillors representing their constituents.

Contracted Council Service Providers will have the same obligations under this policy.

### Definitions

**Council** - means Surf Coast Shire Council.

**Consent** - means express consent or implied consent. Implied consent includes consent that can only be inferred by the actions of the person from whom the consent is sought.

**Contracted Council Service Providers** – means all third parties that have been engaged by Council to provide a service or function on behalf of Council.

**Health information** - has the same meaning as given in the *Health Records Act 2001 (Vic)* and includes information relating to an individual's physical, mental or psychological health.

**Health Privacy Principles (HPPs)** – is a set of principles contained in the *Health Records Act 2001 (Vic)* that regulates the handling of health information.

**Health service** - has the same meaning as given in the *Health Records Act 2001 (Vic)*.

**Health service provider** - has the same meaning as given in the *Health Records Act 2001 (Vic)*.

**Information Privacy Principles (IPPs)** – is a set of principles contained in the *Privacy and Data Protection Act 2014 (Vic)* that regulates the handling of personal information.





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

**Sensitive information** - has the same meaning given to it in the *Privacy and Data Protection Act 2014* (Vic), and includes information or an opinion about an individual's:

1. racial or ethnic origin; or
2. political opinions; or
3. membership of a political association; or
4. religious beliefs or affiliation; or
5. philosophical beliefs; or
6. membership of a professional trade association; or
7. membership of a trade union; or
8. sexual preferences or practices; or
9. criminal record.

**Unique identifier** - has the same meaning as given in the *Privacy and Data Protection Act 2014* (Vic).

### Policy

Council values the privacy of every individual and is committed to handling personal and health information in accordance with the privacy principles contained in the *Privacy and Data Protection Act 2014* (Vic) and the *Health Records Act 2001* (Vic).

Council is bound by the 10 Information Privacy Principles (IPPs) and 11 Health Privacy Principles (HPPs) that outline how we manage an individual's personal and health information in regards to their interactions with Council. Protecting the privacy of individuals by handling their personal and health information in accordance with the IPPs and HPPs is an important aspect of Council's activities. All Contracted Council Service Providers must agree to be bound by the provisions of the *Privacy and Data Protection Act 2014* (Vic) in relation to all information they receive from Council or collect and store on behalf of Council, in the performance of the contracted service.

How Council will comply with each of these privacy principles is explained below.

### Principle 1 - Collecting information (IPP1/HPP1)

#### Collection notice

When collecting personal or health information, Council will take reasonable steps, where practicable, to inform the individual of what information is being sought, the purposes for which the information is being collected, whether any law requires the collection of the information, how the information will be used or disclosed, and the main consequences, if any, of not providing the information.

Where the collection of personal information is solicited or facilitated by Council, relevant information relating to Council's collection of such information is set out in a collection notice, which is included on relevant forms, including registration forms and any other document or mechanism used to collect personal or health information.



Where personal information is unsolicited or when personal information is re-used for a related purpose it is often not possible for a collection notice to be provided. In these circumstances the general collection notices included in Attachment A to this policy apply. General collection notices published in Attachment A will be reviewed and updated by the Privacy Officer in conjunction with the Governance Manager in response to changing circumstances, but not less than once each year.

### Information collected

Council will only collect personal information that is necessary for carrying out its functions or activities, including those relating to:

- planning and building;
- rates and valuations;
- waste and environment, including recycling and waste management;
- community health services, including maternal and child health and immunisation;
- regulation of parking and roads;
- recreation and arts programs;
- library services; and
- local business support.

Council will endeavour to ensure that it only collects personal and health information that is necessary and relevant to the statutory functions, duties, powers, and administration of Council and the municipality under the *Local Government Act 2020 (Vic)* and other Acts.

Council may also collect sensitive and health information but only will only do so where the person has given prior consent or as permitted under the *Privacy and Data Protection Act 2014 (Vic)* and *Health Records Act 2001 (Vic)*.

The types of information collected by Council may include, but is not limited to the following:

- name;
- address (residential, postal or email);
- telephone number (work, home or mobile);
- date of birth;
- occupation;
- Medicare number;



- credit card or bank account details; and
- motor vehicle registration number.

If it is reasonable and practicable to do so, personal information will be collected directly from an individual, however, there are situations where Council may need to collect an individual's information from someone else. For example, this may be from Contracted Council Service Providers, emergency services or health service providers, from publicly available sources of information or pursuant to other laws which permit information sharing.

### **Images (including photographs and video)**

Images are at times taken on the Council's premises and in public places. Images will be collected and used by Council for asset management, staff communication, publicity or for law enforcement purposes.

Sometimes images collected by Council will include images of people. In these circumstances where practicable consent will be obtained through an image release and permission form. When images are collected in a public space (for example, during a community event) and obtaining the individual's consent via the forms is not practicable, Council will use other methods to inform individuals that images are being collected and how they will be used.

These methods may include signs or a public announcement to inform individuals that the images may be taken, and the individual has the opportunity to approach and advise Council staff or the photographer that they do not want the images to be used.

Please refer to Attachment A of this policy to see General Collection Notices.

## **Principle 2 - Using and disclosing information (IPP2/HPP2)**

### **Using information**

All Council staff members are required to handle all personal and health information in accordance with the *Privacy and Data Protection Act 2014* (Vic) and *Health Records Act 2001* (Vic).

### **Disclosing information**

Council will not use or disclose the individual's personal and health information other than for the primary purpose for which it was collected and for permitted secondary purposes under the *Privacy and Data Protection Act 2014* (Vic) and *Health Records Act 2001* (Vic), which include:

- For a secondary purpose that you would reasonably expect;
- Where we have the individual's consent;
- For law enforcement purposes and to protect safety; or
- Where Council is otherwise required or authorised by law to disclose the information.

Some examples of when Council may use this information, includes for:

- levying rates;
- billing for services provided;
- town planning and building approval processes; and
- the provision of family and community services.



Council may also disclose the information to:

- Contracted Council Service Providers that undertake work or manage services on Council's behalf, such as garbage collection and leisure centres;
- Government departments and agencies for the exercise of their statutory functions;
- Water, gas and electricity utilities for the purposes of their statutory functions and ensuring data is accurate;
- Police, fire and emergency services for emergency, public safety or law enforcement purposes;
- Integrity agencies, such as the Victorian Inspectorate, the Independent Broad-based Anti-Corruption Commission, and the Victorian Information Commissioner for their statutory purposes;
- Council's professional advisers, such as legal and financial advisors; and
- Council's insurers for the purposes of complaints or insurance claims investigations and resolution.

Where information is disclosed to Contracted Council Service Providers, they may contact individuals where relevant for the purpose for which they were engaged.

Council may be required by law (including under the *Freedom of Information Act 1982* (Vic) (FOI Act)) to make information available to the community. In this case Council will comply with the relevant legislation in doing so. Council is also required to maintain a number of public registers, such as election campaign donation returns under the *Local Government Act 2020* (Vic) and planning permit applications and permit decisions under the *Planning and Environment Act 1987*.

Personal information in applications for employment with Council may be supplied to agencies such as Victoria Police, as part of a background check. Such checks will only be carried out with the individual's written authorisation and the results will not be disclosed to a third party unless authorised by law.

#### **Principle 3 - Keeping information accurate (IPP3/HPP3)**

Council takes reasonable steps to ensure the information it holds is accurate, complete, and up-to-date for the purpose for which it is to be used. Council relies on individuals to provide accurate and current information in the first instance, and to inform Council of changes to their details.

#### **Principle 4 - Keeping information secure (IPP4/HPP4)**

Council uses a number of procedural, physical, software and hardware safeguards, together with access controls, secure methods of communication, back up and disaster recovery systems, to safely and securely store information and protect it from misuse and loss, unauthorised access, modification and disclosure.

Stored information is kept in accordance with the *Public Records Act 1973* (Vic).

#### **Principle 5 - Openness (IPP5/HPP5)**

This principle requires organisations to have a Privacy Policy. This Policy details Council's management of personal and health information.

#### **Principle 6 - Accessing and correcting information (IPP6/HPP6)**

Council is subject to the FOI Act. Access of the individual's personal affairs information is managed under this legislation.



Under the FOI Act the individual is also entitled to seek correction or amendment of a document containing their personal affairs information, where the individual believes the information is inaccurate, incomplete, and out of date or would give a misleading impression.

Requests for amendment must be made in writing and addressed to [foi@surfcoast.vic.gov.au](mailto:foi@surfcoast.vic.gov.au). The request for amendment must:

- Specify an address or email address to which a decision notice can be sent;
- Specify matters in which the person making the request believes personal information is incomplete, misleading or inaccurate;
- Specify the amendments to be made.

There are no fees for requests for amendments to personal information.

#### **Principle 7 - Unique identifiers (IPP7/HPP7)**

A unique identifier is defined in the *Privacy and Data Protection Act 2014 (Vic)* as a number assigned by an organisation to an individual uniquely to identify that individual. Council will only assign unique identifiers to records if it is necessary to enable the Council to carry out a function efficiently. An example is an employee identifier for payroll purposes. To reduce the likelihood of unintended data matching, Council will not use a unique identifier assigned to a person by another organisation as a unique identifier for use by Council.

#### **Principle 8 – Anonymity (IPP8/HPP8)**

Where practicable and lawful, individuals may choose to remain anonymous when contacting the Council for example, when making general inquiries about services. In some cases, if individuals wish to maintain anonymity, Council may not be able to provide services or respond to complaints.

Individuals can visit Council's website anonymously because the site does not collect or record personal information other than information individuals choose to provide by email or internet forms.

#### **Principle 9 - Transborder Data Flows (IPP9/HPP9)**

If the individual's personal or health information travels outside of Victoria, the protection of the individual's privacy should travel with it.

Council will only transfer the individual's personal or health information outside of Victoria where:

- the disclosure is authorised by law,
- the individual consents,
- if the recipient receiving the information is subject to a legally binding scheme or contract similar to the principles of the *Privacy and Data Protection Act 2014 (Vic)*, or
- as otherwise permitted under the IPPs and HPPs.

#### **Principle 10 - Sensitive information (IPP10)**

As mentioned, Council will not collect sensitive information about the individual except in circumstances outlined in the *Privacy and Data Protection Act 2014 (Vic)*.



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**COUNCIL POLICY**

### **How to make a complaint or enquiry concerning privacy**

A person has a right to make a complaint if the individual believes Council has breached their privacy or if the individual has any concerns about the way Council has applied the IPPs or HPPs. A privacy complaint can be made via our website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au).

Alternatively you can mail your complaint to:

Surf Coast Shire Council  
1 Merrijig Drive (PO Box 350)  
Torquay 3228



### **Complaints through Office of the Victorian Information Commissioner**

If the individual is not satisfied with how Council has handled the complaint, the individual is entitled to make a complaint to the Office of the Victorian Information Commissioner (OVIC) (in respect of personal information) or the Health Complaints Commissioner (in respect of health information). Please note, the Commissioners may decline to hear your complaint if you have not made a complaint to Council first.

The contact details for OVIC are as follows:

Office of the Victorian Information Commissioner  
PO Box 24274  
MELBOURNE VIC 3001  
Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Additional information is available on the [Commissioner's website](#).

To lodge a complaint with the Health Complaints Commissioner, please see its website for a complaint form - <https://hcc.vic.gov.au/make-complaint>.

### **Implementation of this Policy**

#### **Monitoring and reporting**

The Governance Unit is responsible for the implementation of this policy.

Reporting to the Audit and Risk Committee will take place annually or when a privacy breach is identified.

#### **Advice and assistance**

The Responsible Officer for this policy manages the provision of advice to the organisation regarding this policy.

A person who is uncertain how to comply with this policy should seek advice from this person or from their Manager.

#### **Records**

Council must retain records associated with this policy and its implementation for at least the period shown below. Refer to Retention and Disposal Authority for Records of Common Administrative Functions PROS 07/01 VAR 7, section 9.9.



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**COUNCIL POLICY**

Record	Retention/Disposal Responsibility	Retention Period	Location
Records associated with requests made in relation to access to or correction of personal information held	Manager Integrity & Governance	Temporary Destroy after administrative use has concluded.	Document Management System
The records associated with complaints made concerning breaches of the IPPs that are not resolved internally and have been referred to the Office of the Victorian Information Commissioner.	Manager Integrity & Governance	Temporary Destroy 15 years after action concluded.	Document Management System
The records associated with complaints made concerning breaches to the Privacy & Data Protection Act 2014 that are resolved internally by an agency.	Manager Integrity & Governance	Temporary Destroy 7 years after action concluded.	Document Management System
Records relating to the physical security arrangements for records management systems.	Manager Digital Information & Technology	Temporary Destroy 5 years after action concluded.	Document Management System
Records associated with establishing and assigning security levels and caveats within records management systems.	Manager Digital Information & Technology	Temporary Destroy 5 years after action concluded.	Document Management System
Records relating to the use of on-site storage areas	Manager Digital Information & Technology	Temporary Destroy 2 years after action concluded.	Document Management System
Records relating to the selection and use of off-site storage areas.	Manager Digital Information & Technology	Temporary Destroy 7 years after administrative	Document Management System





		use has concluded.	
Records relating to security arrangements for records storage areas.	Manager Digital Information & Technology	Temporary Destroy 2 years after action concluded.	Document Management System
Records relating to the retrieval of records held by PROV and secondary storage providers including both physical and online retrieval.	Manager Digital Information & Technology	Temporary Destroy after administrative use has concluded	Document Management System

**Local Government Act 2020 (Vic) Principles**

Principles	Applicable to policy	If yes, provide details
<b>Governance Principles</b> (Consideration of the Overarching Governance Principles under s.9 of LGA 2020)	Yes/No	(a) Council decisions are to be made and actions taken in accordance with the relevant law.
<b>Community Engagement</b> (Consideration of the Community Engagement Principles under s.56 LGA 2020)	Yes/No	
<b>Public Transparency</b> (Consideration of the Public Transparency Principles under s.58 of LGA 2020)	Yes/No	(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act.
<b>Strategies and Plans</b> (Consideration of the Strategic Planning Principles under s.89 of LGA 2020)	Yes/No	
<b>Financial Management</b> (Consideration of the Financial Management Principles under s.101 of LGA 2020)	Yes/No	
<b>Service Performance</b> (Consideration of the Service Performance Principles under s.106 of LGA 2020)	Yes/No	

**References**

- Attachment A - D22/180712
- Privacy and Data Protection Act 2014 (Vic)
- Freedom of Information Act 1982 (Vic)
- Health Records Act 2001 (Vic)



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## COUNCIL POLICY

- *Public Records Act 1973 (Vic)*
- *Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Local Government Act 2020 (Vic)*

### Document History

Version	Document History	Approved by – Date
1	<i>Privacy and Data Protection Policy</i>	



## SCS - 031 Privacy and Data Protection

### Attachment A

#### General Personal Information Collection Notices [Collection Notices]

Surf Coast Shire Council (Council) is committed to protecting the privacy of individuals. Where Council collects personal information, such information will be collected in accordance with the Privacy and Data Protection Act 2014.

This document provides general notice regarding the collection of personal information by Council.

Where:

1. personal information collection is solicited by Council, either by direct request or by the provision of a form specific to that type of information or a defined process, then a Personal Information Collection Notice can be provided at the time the personal information is collected (for example a collection notice may be included in a data collection form published on Council's website);
2. personal information is collected from an unsolicited source, for example, a letter of complaint not on a specific Council feedback form, then it is not possible to provide a collection notice at the time of collection;
3. personal information is collected in an unsolicited form, from a formal process managed by an outside source e.g. notice of acquisition that is required for property owners to supply to Council, it is often not possible to provide a collection notice at the time of collection because Council does not control the form; and
4. personal information is collected for one purpose and later used for other purposes, it is often not possible to provide a collection notice because the personal information has already been collected.

In circumstances 2, 3 and 4 above, it is appropriate for Council to include general collection notices as part of its privacy policy. These general collection notices do not replace the need for specific notices to be in place when Council solicits the collection of personal information.

#### Collection Notice – Land Owner Personal Information

The details of people who own land in the shire are an important asset to the shire. Details include names, addresses and contact details for land owners.

This land owner information is initially collected through the state sponsored Notice of Acquisition scheme managed by the State Revenue Office and copies of notices are provided to Council pursuant to section 122(1) of the Local Government Act 2020. From time to time contact details are updated by the land owners themselves or their representatives, as contact details change.



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Land owner information is used by Council to effectively and efficiently discharge its statutory functions and to ensure the peace, order and good governance of Council.

Where the land owner information is personal information relating to natural people, Council is required to comply with Information Privacy Principles (IPPs), particularly IPP 2 relating to use and disclosure of such information.

Council uses land owner information for the following purposes:

- a. manage the roles of voters for the Surf Coast municipal district;
- b. levying of rates and charges;
- c. for the purposes of processing planning and/or building permit applications;
- d. providing advice to land owners about activities of Council, government agencies and of near-by, adjacent and adjoining land owners, which may affect them or the property they own; and for law enforcement purposes.

Council may also disclose land owner information to other municipalities and government agencies (including water and electricity companies) for the purpose of providing advice to land owners about activities of councils, government agencies and of near-by, adjacent and adjoining land owners, which may affect them or the property they own; and to emergency services for the purpose of attending properties or contacting land owners or occupiers.

#### **Collection Notice – Petitions to Council**

From time to time Council receives petitions from citizens which contain names and contact details of individuals. This is an important part of ensuring good governance in the shire. The names and contact details are personal information of the people who sign the petitions.

When Council receives a petition, it may be made public and the signatories and the contact details may be disclosed to people requesting or accessing a copy of the petition.

If you are concerned about the possible disclosure of your name or contact details please do not put them into or onto a petition to Council. If you are concerned about the possible disclosure of your name or contact details but you still want to express your views to Council, please contact Council to use a separate process for providing feedback to Council [see the collection notice for Complaints and Feedback to Council].

#### **Collection Notice – Complaints & Feedback to Council**

From time to time Council receives unsolicited complaints and feedback from people regarding activities in the municipal district or actions proposed to be taken or actually taken by Council. Because they are unsolicited, it is not possible to provide a collection notice for all of these complaints and feedback items.

Council will use the personal information collected through the receipt of complaints and feedback in order to properly manage the matter and where appropriate to provide a response to the complainant or the person providing feedback.

Council may also disclose the personal information to contractors engaged to act on behalf of Council in the delivery of the relevant service, to insurers and legal representatives of Council



where required, and to government integrity bodies including the Ombudsman, IBAC, the Victorian Inspectorate, where necessary.

In most instances, Council will not disclose to a third party, personal information of people who have lodged complaints with Council or provided feed-back to Council, except as set out above, without first notifying the person about whom the personal information relates and giving that person a chance to object or provide their views to Council.

#### **Collection Notice – Council Staff names and contact details**

In this section, the term **use** means use of employee personal information by the shire internally within the Council as a work unit; the term **disclosure** means the disclosure of employee personal information to people outside the Council [e.g.: to rate payers, to integrity bodies and to the general public].

Council collects personal information about employees at the time of employment. This includes the employee's name and position or role title and in some cases work telephone and email contacts. This notice relates to employee personal information which includes names and position or role titles and contacts or **Employee Contact Information**.

**Use of Employee Contact Information** – employee name, position and contact information is collected from employees at the time of employment and updated from time to time when the employee changes duties as a result of re-assignment, promotion re-structure or other changes incidental to employment; or is re-assigned equipment or when work locations or council structures change.

Employee contact information is used and distributed throughout Council by various means and in various business systems to enable and facilitate effective communications within Council.

Employees who wish to have their personal information protected from such use must consider this when accepting employment. It is necessary when working for Council in any capacity that an employee be identifiable and contactable by work colleagues.

If employees are uncomfortable with the use described above, they should consider the use of an alternative name for employment purposes (e.g. a maiden name or second name at the time employment commences).

**Disclosure of Employee Contact Information** – This notice relates to the disclosure of employee contact information in Council documents as a result of the discharge of the officer's normal employment activities. This notice does not relate to documents concerning an employee's initial engagement, work performance, work conditions or rate of pay or other matters not incidental to the performance of normal duties of the employee's position.

Where requests are made for access to information relating to an employee, the following information will generally be disclosed:

- The employee's name, position and contact details where the employee is manager level or above;



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- The name and position of employees who authorize receipt or expenditure of money; and
- The name and position of employees who deal with members of the public where relevant to the carrying out of their usual duties.

However, where the employee's name or contact details are ancillary or facilitative to a process, then this information will generally not be disclosed in relation to any request for documents containing that information, subject to the FOI Act.

For more information about the way in which Council collects personal information and/or the way in which such information will be handled by Council, please contact the FOI and Privacy Officer at [foi@surfcoast.vic.gov.au](mailto:foi@surfcoast.vic.gov.au) or tel: 035261 0600.



## MP-005 Privacy and Data Protection

TRIM Reference:

Due for Review:

25 October 2022

Responsible Officer:

Manager Governance

### Purpose

This policy details Surf Coast Shire Council's (Council) commitment to meet the requirements of the Privacy and Data Protection Act 2014 and the Health Records Act 2001 in regard to the management and handling of personal and health information.

The object of this policy is to ensure that ~~when Council collects an individual's personal information Council stores it appropriately and that we maintain~~ the individual's privacy to the standard required by the IPPs under the Privacy and Data Protection Act 2014 and the HPPs under the Health Records Act 2001.

### Scope

This policy applies to personal and health information of people both internal and external to Council.

The policy applies to both Council as an organisation, and elected Councillors in their capacity as a person holding office. This means that the policy applies to all employees of Council, as well as individual Councillors representing their constituents.

~~External Contracted Council Service Providers~~ ors that have been engaged to provide a service or function on behalf of Council will have the same obligations under this policy.

### Definitions

**Council** - means Surf Coast Shire Council ~~organisation, led by the CEO.~~

**Consent** - ~~Consent~~ means express consent or implied consent. Implied consent ~~is~~ includes consent that can only be inferred by the actions of the person from whom the consent is sought.

**Contracted Council Service Providers** – means all third parties that have been engaged by Council to provide a service or function on behalf of Council.

**Health information** - has the same meaning as given in the Health Records Act 2001 and includes information relating to an individual's physical, mental or psychological health.

**Health Privacy Principles (HPPs)** – is a set of principles contained in the Health Records Act 2001 that regulates the handling of health information.



**Health service** - ~~Health service~~ has the same meaning as given in the Health Records Act 2001.

**Health service provider** - ~~Health service provider~~ has the same meaning as given in the Health Records Act 2001.

~~Identifier~~ - ~~Identifier has the same meaning as given in the Privacy and Data Protection Act 2014.~~

~~Information Privacy Principles (IPPs)~~ – ~~is a set of principles contained in the Privacy and Data Protection Act 2014 that regulates the handling of personal information.~~

~~Part 4~~ - ~~Part 4 refers to a section of the Privacy and Data Protection Act 2014 which provides for the development of a protective data security framework and standard.~~

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

**Sensitive information** - ~~Sensitive information~~ has the same meaning given to it in the Privacy and Data Protection Act 2014, and includes means personal information that is information or an opinion about an individual's:

1. racial or ethnic origin; or
2. political opinions; or
3. membership of a political association; or
4. religious beliefs or affiliation; or
5. philosophical beliefs; or
6. membership of a professional trade association; or
7. membership of a trade union; or
8. sexual preferences or practices; or
9. criminal record.

**Unique identifier** - ~~identifier~~ has the same meaning as given in the Privacy and Data Protection Act 2014.

### Policy

~~Surf Coast Shire~~ Council values the privacy of every individual and is committed to handling personal and health information in accordance with the privacy principles contained in the Privacy and Data Protection Act 2014 and the Health Records Act 2001.

Council is bound by the 10 Information Privacy Principles (IPPs) and 11 Health Privacy Principles (HPPs) that outline how we manage an individual's personal and health information in regards to their interactions with Council. Protecting the privacy of individuals by handling their personal and health information in accordance with the IPPs and HPPs is an important aspect of Council's activities. All ~~C~~eontracted ~~C~~eouncil ~~S~~service ~~P~~providers must agree to be bound by





the provisions of the Privacy and Data Protection Act 2014 in relation to all information they receive from eCouncil or collect and store on behalf of eCouncil, in the performance of the contracted service.

How Council will comply with each of these privacy principles is explained below.

### Principle 1 - Collecting information (IPP1/HPP1)

#### Collection notice

When collecting personal or health information, Council will take reasonable steps, where practicable, to advise-inform the individual of what information is being sought, for what the purposes for which the information is being collected, whether any law requires the collection of the information, how the information will be used or disclosed, and the main consequences, if any, of not providing the information.

Where the collection of personal information is solicited or facilitated by eCouncil, relevant information relating to Council's collection of such information is set out in a collection notice, which is included on relevant forms, including registration forms and any other document or mechanism used to collect personal or health information.

Where personal information is unsolicited or when personal information is re-used for a related purpose it is often not possible for a collection notice to be provided. In these circumstances the general collection notices included in Attachment A to this policy may suffice apply. General collection notices published in Attachment A will be reviewed and updated by the Privacy Officer in conjunction with the Governance Manager in response to changing circumstances, but not less than once each year.

#### Information collected

Council will only collect personal information that is necessary for carrying out its functions or activities, -including those relating to:

- planning and building;
- rates and valuations;
- waste and environment, including recycling and waste management;
- community health services, including maternal and child health and immunisation;
- regulation of parking and roads;
- recreation and arts programs;
- library services; and



- local business support.

Council will endeavour to ensure that it only collects personal and health information that is necessary and relevant to the statutory functions, duties, powers, and administration of Council and the municipality under the *Local Government Act 2020* and other Acts.

Council may also collect sensitive and health information but only will only do so where the person has given prior consent or as permitted under the Privacy and Data Protection Act 2014 and Health Records Act 2001.

The types of information collected by Council may include, but is not limited to the following:

- name;
- address (residential, postal or email);
- telephone number (work, home or mobile);
- date of birth;
- occupation;
- Medicare number;
- credit card or bank account details; and
- motor vehicle registration number.

If it is reasonable and practicable to do so, personal information will be collected directly from an individual, however, there are situations where Council may need to collect an individual's information from someone else. For example, this may be from Contracted Council Service Providers, emergency services or health service providers, from publicly available sources of information or pursuant to other laws which permit information sharing.

#### **Images (including photographs and video)**

Images are at times taken on the Council's premises and in public places. Images will be collected and used by Council for asset management, staff communication, ~~and~~ publicity or for law enforcement purposes.

Sometimes images collected by eCouncil will include images of people. In these circumstances where practicable consent will be obtained through an image release and permission form. When images are collected in a public space (for example, during a community event) and obtaining the individual's consent via the forms is not practicable, Council will use other methods to inform individuals that images are being collected and how they will be used.



These methods may include signs or a public announcement to inform individuals that the images may be taken, and the individual has the opportunity to approach and advise Council staff or the photographer that they do not want the images to be used.

Please refer to Attachment A of this policy to see General Collection Notices.

### ~~Anonymity on the web~~

~~Individuals can visit the website anonymously because the site does not collect or record personal information other than information individuals choose to provide by email or internet forms.~~

### Principle 2 - Using and disclosing information (IPP2/HPP2)

#### Using information

All Council staff members are required to handle all personal and health information ~~with discretion and to comply with the provisions of~~ in accordance with the Privacy and Data Protection Act 2014 and Health Records Act 2001.

#### Disclosing information

~~We Council~~ will not use or disclose the individual's personal and health information other than for the primary purpose for which it was collected and for permitted secondary purposes under the Privacy and Data Protection Act 2014 and Health Records Act 2001, which include:

~~unless one of the following apply:~~

- For a secondary purpose that you would reasonably expect;
- Where we have the individual's consent;
- For law enforcement purposes and to protect safety; or
- Where Council is otherwise required or authorised by law to disclose the information.

~~Some examples of when Council may use this information, includes for:~~

- levying rates;
- billing for services provided;
- town planning and building approval processes; and
- the provision of family and community services.

~~Council may also disclose the information to:~~



- Contracted Council Service Providers that undertake work or manage services on Council's behalf, such as garbage collection and leisure centres;
  - Government departments and agencies for the exercise of their statutory functions;
  - Water, gas and electricity utilities for the purposes of their statutory functions and ensuring data is accurate;
  - Police, fire and emergency services for emergency, public safety or law enforcement purposes;
  - Integrity agencies, such as the Victorian Inspectorate, the Independent Broad-based Anti-Corruption Commission, and the Victorian Information Commissioner for their statutory purposes;
  - Council's professional advisers, such as legal and financial advisors; and
  - Council's insurers for the purposes of complaints or insurance claims investigations and resolution.
- Where information is disclosed to Contracted Council Service Providers, they may contact individuals where relevant for the purpose for which they were engaged.

#### **Disclosure**

Council may be required by law (including under the *Freedom of Information Act 1982 (FOI Act)*) to make information available to the community. In this case ~~the~~ Council will comply with the relevant legislation in doing so. Council is also required to maintain a number of public registers, such as election campaign donation returns under the Local Government Act 2020 and planning permit applications and permit decisions under the Planning and Environment Act 1987.

~~• This includes disclosing information to the Council's contracted service providers who perform various services for, and on behalf, of Council.~~

• Personal information in applications for employment with Council may be supplied to agencies such as Victoria Police, as part of a background check. Such checks will only be carried out with the individual's written authorisation and the results will not be disclosed to a third party unless authorised by law.

#### **Principle 3 - Keeping information accurate (IPP3/HPP3)**

Council takes reasonable steps to ensure the information it holds is accurate, complete, and up-to-date for the purpose for which it is to be used. Council relies on individuals to provide accurate and current information in the first instance, and to inform Council of changes to their details.



#### Principle 4 - Keeping information secure (IPP4/HPP4)

Council uses a number of procedural, physical, software and hardware safeguards, together with access controls, secure methods of communication, back up and disaster recovery systems, to safely and securely store information and protect ~~information-it~~ from misuse and loss, unauthorised access, modification and disclosure.

Stored information is kept in accordance with the Public Records Act 1973.

#### Principle 5 - Openness (IPP5/HPP5)

This principle requires organisations to have a Privacy Policy. This ~~P~~policy details Council's management of personal and health information.

#### Principle 6 - Accessing and correcting information (IPP6/HPP6)

~~Surf Coast Shire~~ Council is subject to the ~~Freedom of Information Act 1982 (Vic)~~ (FOI Act). Access of the individual's personal affairs information is managed under this legislation.

Under the FOI Act the individual is also entitled to seek correction or amendment of a document containing their personal affairs information, where the individual believes the information is inaccurate, incomplete, and out of date or would give a misleading impression.

Requests for amendment must be made in writing and addressed to [foi@surfcoast.vic.gov.au](mailto:foi@surfcoast.vic.gov.au). The request for amendment must:

- Specify an address or email address to which a decision notice can be sent;
- Specify matters in which the person making the request believes personal information is incomplete, misleading or inaccurate;
- Specify the amendments to be made.

There are no fees for requests for amendments to personal information.

#### Principle 7 - Unique identifiers (IPP7/HPP7)

A unique identifier is defined in the *Privacy and Data Protection Act 2014* as a number assigned by an organisation to an individual uniquely to identify that individual. Council will only assign unique identifiers to records if it is necessary to enable the Council to carry out a function efficiently. An example is an employee identifier for payroll purposes. To reduce the likelihood of unintended data matching, Council will not use a unique identifier assigned to a person by another organisation as a unique identifier for use by Council.

#### Principle 8 – Anonymity (IPP8/HPP8)

Where practicable and lawful, individuals may choose to remain anonymous when contacting the Council for example, when making general inquiries about services. In some cases, if individuals wish to maintain anonymity, Council may not be able to provide services or respond to complaints.

Individuals can visit Council's website anonymously because the site does not collect or record personal information other than information individuals choose to provide by email or internet forms.



#### Principle 9 - Transborder Data Flows (IPP9/HPP9)

If the individual's personal or health information travels outside of Victoria, the protection of the individual's privacy should travel with it.

Council will only transfer the individual's personal or health information outside of Victoria where:

- the disclosure is authorised by law, ~~or~~
- the individual consents, ~~or~~
- if the recipient receiving the information is subject to a legally binding scheme or contract similar to the principles of the Privacy and Data Protection Act 2014, ~~or~~
- as otherwise permitted under the IPPs and HPPs.

#### Principle 10 - Sensitive information (IPP10/HPP10)

As mentioned, Council will not collect sensitive information about the individual except in circumstances outlined in the Privacy and Data Protection Act 2014.

#### How to make a complaint or enquiry concerning privacy

A person has a right to make a complaint if the individual believes Council has breached their privacy or if the individual has any concerns about the way Council has applied the IPPs or HPPs~~the Privacy and Data Protection Act 2014.~~

A privacy complaint can be made via our website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au).

Alternatively you can mail your complaint to:

Surf Coast Shire Council  
1 Merrijig Drive (PO Box 350)  
Torquay 3228

#### Complaints through Office of the Victorian Information Commissioner

~~Under the Privacy and Data Protection Act 2014, if~~ If the individual is not satisfied with how Council has handled the complaint, the individual is entitled to make a complaint to the Office of the Victorian Information Commissioner (OVIC) (in respect of personal information) or the Health Complaints Commissioner (in respect of health information). Please note, the Commissioners may decline to hear your complaint if you have not made a complaint to Council first.

The contact details for ~~the Office~~OVIC are as follows:

Office of the Victorian Information Commissioner  
PO Box 24274



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Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Additional information is available on the [Commissioner's website](#).

[To lodge a complaint with the Health Complaints Commissioner, please see its website for a complaint form - <https://hcc.vic.gov.au/make-complaint>.](#)

### Implementation of this Policy

#### Monitoring and reporting

The Governance Unit is responsible for the implementation of this policy.

Reporting to the Audit and Risk Committee will take place annually or when a privacy breach is identified.

#### Advice and assistance

The Responsible Officer for this policy manages the provision of advice to the organisation regarding this policy.

A person who is uncertain how to comply with this policy should seek advice from this person or from their Manager.

#### Records

Council must retain records associated with this policy and its implementation for at least the period shown below. Refer to Retention and Disposal Authority for Records of Common Administrative Functions PROS 07/01 VAR [74](#), section 9.9.

Record	Retention/Disposal Responsibility	Retention Period	Location
Records associated with requests made in relation to access to or correction of personal information held	Manager Governance	Temporary Destroy after administrative use has concluded.	Document Management System
The records associated with complaints made concerning breaches of the IPPs that are not resolved internally and	Manager Governance	Temporary Destroy 15 years	Document Management System



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have been referred to the Office of the Victorian Information Commissioner.		after action concluded.	
The records associated with complaints made concerning breaches to the Privacy & Data Protection Act 2014 that are resolved internally by an agency.	Manager Governance	Temporary Destroy 7 years after action concluded.	Document Management System
Records relating to the physical security arrangements for records management systems.	Manager Digital Information & Technology	Temporary Destroy 5 years after action concluded.	Document Management System
Records associated with establishing and assigning security levels and caveats within records management systems.	Manager Digital Information & Technology	Temporary Destroy 5 years after action concluded.	Document Management System
Records relating to the use of on-site storage areas	Manager Digital Information & Technology	Temporary Destroy 2 years after action concluded.	Document Management System
Records relating to the selection and use of off-site storage areas.	Manager Digital Information & Technology	Temporary Destroy 7 years after administrative use has concluded.	Document Management System
Records relating to security arrangements for records storage areas.	Manager Digital Information & Technology	Temporary Destroy 2 years after action concluded.	Document Management System





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Records relating to the retrieval of records held by PROV and secondary storage providers including both physical and online retrieval.	Manager Digital Information & Technology	Temporary Destroy after administrative use has concluded	Document Management System
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### Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
<b>Governance Principles</b> (Consideration of the <a href="#">Overarching</a> Governance Principles under s.9 of LGA 2020)	Yes/No	(a) Council decisions are to be made and actions taken in accordance with the relevant law.
<b>Community Engagement</b> (Consideration of <a href="#">the</a> Community Engagement Principles under s.56 LGA 2020)	Yes/No	
<b>Public Transparency</b> (Consideration of <a href="#">the</a> Public Transparency Principles under s.58 of LGA 2020)	Yes/No	(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act.
<b>Strategies and Plans</b> (Consideration of <a href="#">the</a> Strategic Planning Principles under s.89 of LGA 2020)	Yes/No	
<b>Financial Management</b> (Consideration of <a href="#">the</a> Financial Management Principles under s.101 of LGA 2020)	Yes/No	
<b>Service Performance</b> (Consideration of <a href="#">the</a> Service Performance Principles under s.106 of LGA 2020)	Yes/No	

### References

- Attachment A - D22/180712
- Privacy and Data Protection Act 2014
- Freedom of Information Act 1982
- Health Records Act 2001
- [Privacy Act 1988](#)[Public Records Act 1973](#)
- Victorian Charter of Human Rights and Responsibilities Act 2006
- Local Government Act 2020

### Document History

Version	Document History	Approved by – Date
3	MPP-005 Privacy and Data Protection D17/27741	EMT – 3 July 2017



## MP-005 Privacy and Data Protection

### Attachment A

#### General Personal Information Collection Notices [Collection Notices]

Surf Coast Shire Council (Council) is committed to protecting the privacy of individuals. Where Council collects personal information, such information will be collected in accordance with the Privacy and Data Protection Act 2014.

This document provides general notice regarding the collection of personal information by Council.

Where:

1. personal information collection is solicited by Council, either by direct request or by the provision of a form specific to that type of information or a defined process, then a Personal Information Collection Notice ~~[Collection Notice]~~ can be provided at the time the personal information is collected ~~{for example a collection notice may be included in a data collection form published on Council's website}~~;
2. personal information is collected from an un-solicited source, for example, a letter of complaint not on a specific Council feedback form, then it is not possible to provide a collection notice at the time of collection ~~because it is unsolicited~~;
3. personal information is collected in an unsolicited form, from a formal process managed by an outside source (e.g. ##include example), it is often not possible to provide a collection notice at the time of collection ~~— because it is unsolicited and~~ Council does not control the form; and
4. personal information is collected for one purpose and later used for other purposes, it is often not possible to provide a collection notice because the personal information has already been collected.

In circumstances 2, 3 and 4b, c and d above, it is appropriate for Council to include general collection notices as part of its privacy policy. These general collection notices do not replace the need for specific notices to be in place when Council solicits the collection of personal information.

#### Collection Notice – Land Owner Personal Information

The details of people who own land in the shire are an important asset to the shire. Details include names, addresses and contact details for land owners.

This land owner information is initially collected through the state sponsored Notice of Acquisition scheme managed by the State Revenue Office and copies of notices are provided to Council pursuant to section 122(1) of the Local Government Act 2020. From time to time



contact details are updated by the land owners themselves or their representatives, as contact details change.

Land owner information is used by Council to effectively and efficiently discharge its statutory functions and to ensure the peace, order and good government of Surf Coast Shire Council.

Where the land owner information is personal information relating to natural people, Council is required to comply with Information Privacy Principles (IPPs), particularly IPP 2 relating to use and disclosure of such information.

Council uses land owner information for the following purposes:

- a. manage the roles of voters for the Surf Coast municipal district;
- b. levying of rates and charges;
- c. for the purposes of processing planning and/or building permit applications;
- d. providing advice to land owners about activities of Council, government agencies and of near-by, adjacent and adjoining land owners, which may affect them or the property they own; and;
- e. for law enforcement purposes.

Council may also disclose land owner information to other municipalities and government agencies (including water and electricity companies) for the purpose of providing advice to land owners about activities of councils, government agencies and of near-by, adjacent and adjoining land owners, which may affect them or the property they own; and to emergency services for the purpose of attending properties or contacting land owners or occupiers.

#### Collection Notice – Petitions to Council

From time to time Council receives petitions from citizens which contain names and contact details of individuals. This is an important part of ensuring good governance in the shire. The names and contact details are personal information of the people who sign the petitions.

When Council receives a petition, it may be made public and the signatories and the contact details may be disclosed to people requesting or accessing a copy of the petition.

If you are concerned about the possible disclosure of your name or contact details please do not put them into or onto a petition to Council. If you are concerned about the possible disclosure of your name or contact details and but you still want to express your views to Council, please contact Council to use a separate, individual process for providing feedback to Council [see the collection notice for Complaints and Feedback to Council].

#### Collection Notice – Complaints & Feedback to Council

From time to time Council receives unsolicited complaints and feedback from people regarding activities in the municipal district or actions proposed to be taken or actually taken by Council. Because they are unsolicited, it is not possible to provide a collection notice for all of these complaints and feedback items.



Council will use the personal information collected through the receipt of complaints and feedback in order to properly manage the matter and where appropriate to provide a response to the complainant or the person providing feedback.

Council may also disclose the personal information to contractors engaged to act on behalf of Council in the delivery of the relevant service, to insurers and legal representatives of Council where required, and to government integrity bodies ~~{including the Ombudsman, IBAC, the Local-Victorian Government Inspectorate}~~ where necessary. ~~Council will not disclose personal information to these bodies unless they are required to adhere to a privacy scheme at least as strong as that required of Council.~~

~~In most instances,~~ Council will not disclose to a third party, personal information of people who have lodged complaints with Council or provided feed-back to Council, except as set out above, without first notifying the person about whom the personal information relates and giving that person a chance to object or provide their views to ~~C~~council.

#### **Collection Notice – Council Staff names and contact details**

In this ~~notice~~section, the term **use** means use of employee personal information by the shire internally within the Council as a work unit; the term **disclosure** means the disclosure of employee personal information to people outside the Council [e.g.: to rate payers, to integrity bodies and to the general public].

Council collects personal information about employees at the time of employment. ~~Included in that personal information is~~ This includes the employee's name and position or role title and in some cases work telephone and email contacts. This notice relates to ~~this~~ employee personal information which ~~is~~ includes names and position or role titles and contacts or **Employee Contact Information**.

**Use of Employee Contact Information** – employee name, position and contact information is collected from employees at the time of employment and updated from time to time when the employee changes duties as a result of re-assignment, promotion re-structure or other changes incidental to employment; or is re-assigned equipment or when work locations or council structures change.

Employee contact information is used and distributed throughout ~~e~~Council by various means and in various business systems to enable and facilitate effective communications within ~~e~~Council.

Employees who wish to have their personal information protected from such use must consider this when accepting employment. It is necessary when working for ~~e~~Council in any capacity that an employee be identifiable and contactable by work colleagues.

If employees are uncomfortable with the use described above, they should consider the use of an alternative name for employment purposes ~~{(e.g. a maiden name or second name at the time employment commences)}~~.



**Disclosure of Employee Contact Information** – This notice relates to the disclosure of employee contact information in Council documents as a result of the discharge of the officer’s normal employment activities. This notice does not relate to documents concerning an employee’s initial engagement, work performance, work conditions or rate of pay or other matters not incidental to the performance of normal duties of the employee’s position.

Where requests are made for access to information relating to an employee, the following information will generally be disclosed:

- The employee’s name, position and contact details wwhere the employee is manager level or above;
- where Tthe employee’s name and position of employees who authorizes receipt or expenditure of money; and
- The name and position of employees who deal with members of the public where relevant to the carrying out of their usual duties.
- the provision of information to people external to the council on behalf of the shire, or the authorization or certification of an activity on behalf of council – then that employee’s name will generally be disclosed in relation to any request for documents containing that information.

However, wwhere the employee’s name or contact details are ancillary or facilitative to a process, then the employee’s name & contact detailsthis information will generally not be disclosed in relation to any request for documents containing that information, subject to the FOI Act.

For more information about the way in which Council collects personal information and/or the way in which such information will be handled by Council, please contact [insert details].

## 4.8 SCS-045 Councillors as Candidates in State and Federal Elections Policy Review

<b>Council Plan</b>	Nil
<b>Author's Title:</b>	Coordinator Governance
<b>General Manager:</b>	Damian Waight, Acting General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	Integrity and Governance
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. SCS-045 Councillors as Candidates in State or Federal Elections Policy [4.8.1 - 4 pages]</li> <li>2. SCS-045 Councillors as Candidates in State or Federal Elections Policy - with tracked changes [4.8.2 - 6 pages]</li> </ol>

### Purpose

1. The purpose of this report is to present SCS-045 Councillors as Candidates in State and Federal Elections Policy ('the Policy') to Council for Adoption.

### Recommendation

That Council adopts the reviewed SCS-045 Councillors as Candidates in State and Federal Elections Policy (**Attachment 1**).

### Council Resolution

#### **Moved Cr Barker, Seconded Cr Bodsworth**

That Council adopts the reviewed SCS-045 Councillors as Candidates in State and Federal Elections Policy (**Attachment 1**).

CARRIED 8|0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### Outcome

2. If Council accepts this recommendation, Council will have an updated policy which is reflective of updated legislation and industry best practice.

### **Key Considerations**

3. The Policy is due for review and requires updating due to changes to legislation and updated sector guidance. The proposed updates to this Policy reflect requirements under the *Local Government Act 2020* and are informed by [MAV Guidelines](#).
4. The following key changes have been made to the Policy:
  - 4.1. Distinction between the stages of candidature is provided as follows:
    - 4.1.1 A **nominated** candidate is a Councillor who has taken the steps required to nominate as a candidate for election. Typically, nomination takes place three to six weeks prior to the relevant election date.
    - 4.1.2 A **prospective** candidate is a Councillor who either:
      - 1.1.2.1. Nominates for pre-selection as a candidate as a candidate for election by a political party; or
      - 1.1.2.2. Is endorsed as a candidate for election by a political party; or
      - 1.1.2.3. Who, if not a member of a political party, has announced their intention to nominate as a candidate in an election.
  - 4.2. Applicable offences under the *Local Government Act 2020* have been included (i.e. conflicts of interest and misuse of position).
  - 4.3. Measures to mitigate the risk of committing these offences are detailed (i.e. declaring candidature as soon as a Councillor becomes a 'prospective candidate', and taking a leave of absence as soon as a Councillor becomes a 'nominated candidate').
  - 4.4. A document showing all changes throughout the Policy is attached to this report (**Attachment 2**).

### **Background**

5. The current Policy reflects the *Local Government Act 1989* framework. Whilst the overarching principles reflected in the Policy generally remain sound, update is required to ensure updates to legislation and best practice are reflected accordingly.

### **Options**

6. **Alternative Option 1** – That Council does not adopt the reviewed Policy.

This option is not recommended by officers as the proposed new Policy has been updated in accordance with industry guidance on best practice.

### **Council Plan (including Health and Wellbeing Plan) Statement**

Nil.

### **Financial Considerations**

7. There are no financial considerations applicable to this report.

### **Community Engagement**

8. Community engagement is not required when reviewing this Policy and has not been undertaken.

### **Statutory / Legal / Policy Considerations**

9. The Policy has been updated to reflect the *Local Government Act 2020* framework, specifically with references to the relevant offences associated with conflicts of interest and misuse of position.

### **Risk Assessment**

10. Having an updated Policy to provide clear guidance to Councillors regarding their obligations when standing as candidates in State or Federal elections mitigates risks associated with non-compliance, including reputational damage.

### **Sustainability Considerations**

11. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

12. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

13. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

14. This report is not within the scope of the Audit and Risk Committee.

### **Councillor Briefings**

15. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 14 November 2023

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.





## SCS-045 Councillors as Candidates in State or Federal Elections Policy

Approved Date:	28 November 2023	Approved by:	Council
TRIM Reference:	D19/189860	Due for Review:	December 2027

**Responsible Officer:** Manager Integrity and Governance

### Purpose

This policy defines a Councillor's obligations when standing as a candidate in State or Federal elections. It ensures good governance is practised by all Councillors and officers.

### Policy Principles

This policy assists Councillors who are candidates for state and federal elections by providing guidance that ensures the separation of the dual roles of Councillor and candidate to prevent improper use of the Councillor's position or Council resources to support the candidacy.

### Scope

This policy applies to Councillors who are candidates in State or Federal elections, all other Councillors and officers of Surf Coast Shire Council.

### Policy

Councillors who are prospective candidates or nominated candidates for State or Federal elections are required to ensure that their dual roles of candidate and Councillor are maintained separately, and there is no improper use of the Councillor's position or Council resources to support their candidacy.

Councillors are elected to perform their duties in a lawful manner and must comply with relevant provisions of the *Local Government Act 2020* (the Act) including the standards of councillor conduct which are prescribed in regulation 12 of the *Local Government (Governance and Integrity) Regulations 2020*. When considering standing for Federal or State Parliament, Councillors should consider these duties and requirements under the Act, including standards of conduct and potential conflicts of interest.

As a prospective or nominated candidate, a Councillor needs to ensure they continue to act with integrity, avoid potential conflicts of interest, and ensure that they do not misuse their position and Council resources.

If a Councillor intends to nominate for election to Federal or State Parliament, it is recommended that they seek independent legal advice regarding any issues which may arise in association with being a candidate whilst still a Councillor.

#### 1. Councillor to Declare Candidacy in an Election

As soon as practicable after becoming an endorsed candidate of a registered political party, or publicly expressing an intention to run as an independent candidate in an election (a prospective candidate), a Councillor should advise the CEO in writing. The CEO will advise all Councillors in writing as soon as practicable. Additionally, a Councillor should declare their intended candidacy for a State or Federal election at a meeting of the Council as soon as practicable after notifying the CEO in accordance with this policy.

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### 2. Council Resources – Use by Councillors

Council resources, including officers and support staff, hospitality services, equipment (eg mobile telephones and computers), stationery, and photographs taken at or for official Council business, must be used exclusively for normal Council business at all times and must not be used in connection with an election campaign.

During a period of leave leading up to a State or Federal election, Councillor candidates must return Council-issued items such as computers and mobile phones. These will be returned if the Councillor is not elected and continues to hold office as a Councillor.

### 3. Improper Use of Position by Councillors

Sections 123, 125, and 126-131 of the Act prohibit Councillors from misusing or inappropriately making use of their position. A breach of sections 123 and 125 attract serious penalties, including possible imprisonment in the case of section 123.

### 4. Conflicting Roles

Prospective candidates and nominated candidates must ensure they do not act in matters where they have a conflict of roles due to being both a Councillor and a candidate, and must continue to adhere to the Councillors' Code of Conduct. In order to allow transparency and achieve clear separation in roles, Councillors who have nominated as candidates for State and Federal elections should take a leave of absence. This leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (nomination date), and conclude no earlier than when the election outcome is declared. During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.

Where the Mayor is a prospective or nominated candidate in a State or Federal Election, they should take a leave of absence in accordance with this section and the Deputy Mayor will perform the functions of the Mayor as prescribed in the Act, including being the principal spokesperson for Council.

A Councillor who is a prospective candidate or a nominated candidate should not use Council activities, including Council meetings, events and Council related external activities in relation to their candidacy.

### 5. Social Media

Councillors who are candidates in State or Federal elections will need to maintain separate social media accounts and ensure it is clear whether comments are being made as a Councillor or prospective candidate/nominated candidate. In all cases, Councillors should avoid making comments that could damage relationships between Council and other levels of government/groups or organisations.

### 6. Media Advice and Releases

No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves Councillors standing as candidates.

Media releases will not refer to specific Councillors in their capacity as prospective candidates or nominated candidates. During this time, the Mayor will not delegate to any Councillor who is a prospective or nominated candidate any responsibility to represent them.

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing for election.

Photos of and references to Councillors standing as candidates will only feature in Council's publications where this is related to usual Council business, functions or events.

### 7. Councillor Candidates Commenting on Council Issues

Where a Councillor comments on Council issues as a candidate in an election, the Councillor should clearly identify this fact. Councillors should seek independent advice relating to any legal implications which may arise as a result of such comments.

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## COUNCIL POLICY

### 8. Advocacy by Council

It is recognised that the community expects that Council will advocate prior to a State or Federal election for actions and projects for the benefit of the Surf Coast Shire community.

In undertaking advocacy, Council will avoid “party political” positions and will instead advocate in an apolitical manner, for the benefit of the Surf Coast Shire community.

### 9. Councillor/Officer Protocols

Established communication protocols will apply. Where required, the CEO will review if any additional provisions are required.

### 10. Successful election

Candidates are required to resign from Council if they are successfully elected into State or Federal parliament in accordance with section 34(2)(a) of the *Local Government Act 2020*. This requirement occurs immediately following the announcement of the election result, at which point they become a member of parliament and are therefore incapable of continuing as a Councillor. Penalties for non-compliance apply where a successful Councillor candidate does not resign upon becoming a member of parliament.

## Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	<i>Of particular relevance is 9(2)(b) which states that priority is to be given to achieving the best outcomes of the municipal community, including future generations. This is supported by having a policy which clearly defines roles and provides a framework to facilitate community representation without conflict of interest or misuse of position due to State or Federal election candidacy.</i>
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No	
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No	
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No	

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## COUNCIL POLICY

### Definitions

<b>Election</b>	the Federal or State election, or a by-election for either parliament.
<b>Formal Nomination Date</b>	the date set by the relevant electoral commission on which nominations to be a candidate in the election close.
<b>Nominated Candidate</b>	a Councillor who has taken the steps required to nominate as a candidate for election. Typically, nomination takes place three to six weeks prior to the relevant election date.
<b>Prospective Candidate</b>	a Councillor who either: <ul style="list-style-type: none"><li>a) Nominates for pre-selection as a candidate for election by a political party;</li><li>b) Is endorsed as a candidate for election by a political party; or</li><li>c) Who, if not a member of a political party, has announced their intention to nominate as a candidate in an election.</li></ul>

### Related Procedure

Nil.

### References

1. Local Government Act 2020
2. SCS-041 Councillor Media Policy
3. SCS-001 Councillor Entitlements, Expenses and Facilities Policy
4. Councillor Code of Conduct
5. Surf Coast Shire Council Governance Rules (including Election Period Policy)
6. [MAV Guidelines – Councillors Standing for State or Federal Elections](#)
- 7.

### Document History

Version	Document History	Approved by – Date
1		Council Resolution – 10 December 2019

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## SCS-045 Councillors as Candidates in State or Federal Elections Policy

Approved Date:	<del>10 December 2019</del> <u>28 November 2023</u>	Approved by:	Council
TRIM Reference:	<u>D19/189860D17/131582</u>	Due for Review:	December <del>2022</del> <u>2027</u>
Responsible Officer:	<del>General Manager Governance &amp; Infrastructure</del> <u>Manager Integrity and Governance</u>		

### Purpose

This policy defines a Councillor's obligations when standing as a candidate in State or Federal elections. It ensures good governance is practised by all Councillors and officers.

### Policy Principles

This policy assists Councillors who are candidates for state and federal elections by providing guidance that ensures the separation of the dual roles of Councillor and candidate to prevent improper use of the Councillor's position or Council resources to support the candidacy.

### Scope

This policy applies to Councillors who are candidates in state or Federal elections, all other Councillors and officers of Surf Coast Shire Council.

### Policy

Councillors who are prospective candidates or ~~endorsed-nominated~~ candidates for State or Federal elections are ~~expected-required~~ to ensure that their dual roles of candidate and Councillor are maintained separately, and there is no improper use of the Councillor's position or Council resources to support their candidacy.

~~Councillors standing as candidates for state and federal elections must ensure that they continue to comply with the requirements of the Local Government Act 1989 (Act) during the election period. Sections 76B and 76BA of the Act, in addition to the Councillor Code of Conduct, provide guiding principles for Councillors' conduct at all times. Specifically, under s.76B, Councillors must continue to:~~

- ~~(a) act with integrity; and~~
- ~~(b) impartially exercise his or her responsibilities in the interests of the local community; and~~
- ~~(c) not improperly seek to confer an advantage or disadvantage on any person.~~

~~In addition, under s.67BA, Councillors must:~~

- ~~(a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;~~
- ~~(b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;~~
- ~~(c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;~~
- ~~(d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;~~
- ~~(e) endeavour to ensure that public resources are used prudently and solely in the public interest;~~
- ~~(f) act lawfully and in accordance with the trust placed in him or her as an elected representative;~~

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~~(g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.~~

~~These principles require Councillors to put their Councillor duties — acting in the interest of their local municipal community — ahead of their private interests, including those as a candidate. These principles imply that Councillors should be taking all necessary steps to avoid any reasonably perceived or actual conflicts between their public interests and duties as a Councillor and their private interests and duties as a candidate. Specifically:~~

~~Councillors are elected to perform their duties in a lawful manner and must comply with relevant provisions of the *Local Government Act 2020* (the Act) including the standards of councillor conduct which are prescribed in regulation 12 of the *Local Government (Governance and Integrity) Regulations 2020*. When considering standing for Federal or State Parliament, Councillors should consider these duties and requirements under the Act, including standards of conduct and potential conflicts of interest.~~

~~As a prospective or nominated candidate, a Councillor needs to ensure they continue to act with integrity, avoid potential conflicts of interest, and ensure that they do not misuse their position and Council resources.~~

~~If a Councillor intends to nominate for election to Federal or State Parliament, it is recommended that they seek independent legal advice regarding any issues which may arise in association with being a candidate whilst still a Councillor.~~

### 1. Councillor to Declare Candidacy in an Election

~~A Councillor who becomes an endorsed candidate prior to an election should inform the CEO in writing as soon as practicable. The CEO will advise all Councillors in writing.~~

~~As soon as practicable after nominating as becoming an endorsed candidate of a registered political party, or publicly expressing an intention to run as an independent candidate in an election (a prospective candidate), a Councillor should advise the CEO in writing. The CEO will advise all Councillors in writing as soon as practicable. ~~Additionally, a Councillor who has nominated as a candidate should declare their intended candidacy~~ for a Sstate or Ffederal election ~~should declare this at a meeting of the Council as soon as practicable after the formal nomination date~~ notifying the CEO in accordance with this policy.~~

### 2. Council Resources – Use by Councillors

~~Council resources, including officers and support staff, hospitality services, equipment (eg mobile telephones, smart phones and computers), stationery, and photographs taken at or for official Council business and stationery, must be used exclusively for normal Council business at all times and must not be used in connection with an election campaign.~~

~~During a period of leave leading up to a state-State or Ffederal election, Councillor candidates are requested to must return Council-issued items such as tablets-computers and mobile phones. ~~These will be returned if the Councillor is not elected and continues to hold office as a Councillor.~~~~

### 3. Improper Use of Position by Councillors

#### **3. Sections 76D and 76E of the Local Government Act 1989 (the Act) prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.**

~~Sections 123, 125, and 126-131 of the Act prohibit Councillors from misusing or inappropriately making use of their position. A breach of sections 123 and 125 attract serious penalties, including possible imprisonment in the case of section 123.~~

### 4. Conflicting Roles

~~Prospective C~~andidates and ~~nominatedendorsed~~ candidates must ensure they do not act in matters where they have a conflict of roles due to being both a Councillor and a candidate, and continue to adhere to the Councillors' Code of Conduct. In order to allow transparency and achieve clear separation in roles, Councillors who have nominated as candidates for Sstate and Ffederal elections

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~~should be encouraged to~~ take a leave of absence during the election period. This leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (nomination date), and conclude no earlier than when the election result is declared. During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.

Where the Mayor is a prospective or nominated candidate in a State or Federal Election, they should take a leave of absence in accordance with this section and the Deputy Mayor will perform the functions of the Mayor as prescribed in the Act, including being the principal spokesperson for Council.

A Councillor who is a prospective candidate or a nominated candidate should not use Council activities, including Council meetings, events and Council related external activities in relation to their candidacy.

### ~~5. Functions and Events~~

~~Councillors, including those standing as candidates and endorsed candidates, may continue to attend functions and events.~~

~~Speeches will continue to be prepared for the Mayor's official functions and, if requested, speeches will be distributed to the media at the discretion of the CEO. During this time Councillors who are candidates will not be allocated roles that could conflict with their candidacy for example the Mayor will not delegate any responsibility to represent him or her to any Councillor who is standing as a candidate.~~

~~Ward forums will not be held across the municipality within six weeks of state and federal elections in instances where a Councillor candidate is running.~~

### 6.5. Social Media

Councillors who are candidates in Sstate or Ffederal elections will need to maintain separate social media accounts and ensure it is clear whether comments are being made as a Councillor or prospective candidate/endorsed/nominated candidate. In all cases Councillors should avoid making comments that could damage relationships between Council and other levels of government/groups or organisations.

### 7.6. Media Advice and Releases

No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves Councillors standing as candidates.

~~Media releases will not refer to specific Councillors in their capacity as prospective candidates or endorsed/nominated candidates. During this time, the Mayor will not delegate to any Councillor who is a prospective or nominated candidate any responsibility to represent them. ~~Councillors standing as candidates are not eligible to be Council's official spokesperson on Council's advocacy priorities. Council will nominate an alternative Councillor to be Council's advocacy spokesperson where required.~~~~

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign for a Councillor who is standing for election.

Photos of and references to Councillors standing as candidates will only feature in Council's publications where this is related to usual Council business, functions or events.

### 8.7. Councillor Candidates Commenting on Council Issues

Where a Councillor comments on Council issues as a candidate in an election, the Councillor should clearly identify this fact. Councillors should seek independent advice relating to any legal implications which may arise as a result of such comments.

### 9.8. Advocacy by Council

It is recognised that the community expects that Council will advocate prior to a sState or Ffederal election for actions and projects for the benefit of the Surf Coast Shire community.

In undertaking advocacy, Council will avoid "party political" positions and will instead advocate in an apolitical manner, for the benefit of the Surf Coast Shire community.

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Refer to 5.6 for advice on advocacy spokespeople.

### 10.9. Councillor/Officer Protocols

Established communication protocols will apply. Where required, the CEO will review if any additional provisions are required.

### 11. Mayor's Candidacy

The Mayor is encouraged to temporarily relinquish their position as Mayor for the duration of any state or federal election period in which they are a candidate.

Where the Mayor stands down in this way, Council will appoint a temporary Acting Mayor in accordance with Local Law No.2 – Council Meeting Procedures and Common Seal until the Mayor returns from the leave of absence or resigns as a Councillor due to being successfully elected.

Where the Mayor does not stand down or take a leave of absence, they must take additional care to maintain a clear distinction between the roles of Mayor and candidate, preserve the independence of the Mayoral role and ensure it is not politicised. In such circumstances it will be necessary to consider the Mayor's public profile, particularly in relation to communication and publicity, to keep this to a minimum during any such election period.

### 12. Other Council Policies

Council policies must be clearly understood and adhered to by Councillors who are candidates.

### 13.10. Successful election

Candidates are required to resign from Council if they are successfully elected into sState or Ffederal parliament in accordance with section 34(2)(a)28A of the Local Government Act 20201989. This requirement occurs immediately following the announcement of the election result, at which point they become a member of parliament and are therefore incapable of continuing as a Councillor. Penalties for non-compliance apply where a successful Councillor candidate does not resign upon becoming a member of parliament.

### Local Government Act 2020 Principles

Principles	Applicable to policy	If yes, provide details
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes	<i>Of particular relevance is 9(2)(b) which states that priority is to be given to achieving the best outcomes of the municipal community, including future generations. This is supported by having a policy which clearly defines roles and provides a framework to facilitate community representation without conflict of interest or misuse of position due to State or Federal election candidacy.</i>
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No	
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No	
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No	
<b>Financial Management</b>	No	

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<u>(Consideration of Financial Management Principles under s.101 of LGA 2020)</u>		
<b><u>Service Performance</u></b> <u>(Consideration of Service Performance Principles under s.106 of LGA 2020)</u>	<u>No</u>	

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### Definitions

<b><u>Election</u></b>	<u>the Federal or State election, or a by-election for either parliament.</u>
<b><u>Formal Nomination Date</u></b>	<u>the date set by the relevant electoral commission on which nominations to be a candidate in the election close.</u>
<b><u>Nominated Candidate</u></b>	<u>a Councillor who has taken the steps required to nominate as a candidate for election. Typically, nomination takes place three to six weeks prior to the relevant election date.</u>
<b><u>Prospective Candidate</u></b>	<u>a Councillor who either:</u> <ul style="list-style-type: none"> <li><u>a) Nominates for pre-selection as a candidate for election by a political party;</u></li> <li><u>b) Is endorsed as a candidate for election by a political party; or</u></li> <li><u>c) Who, if not a member of a political party, has announced their intention to nominate as a candidate in an election.</u></li> </ul>
<b><u>Endorsed Candidate</u></b>	<u>a Councillor who has been endorsed or pre-selected as a candidate by a political party or who, if not a member of a political party, has announced their intention to nominate as a candidate in a future State or Federal election.</u>
<b><u>Candidate</u></b>	<u>a Councillor who has nominated to run in a State or Federal election.</u>
<b><u>Election</u></b>	<u>the Federal or State election, or a by-election for either parliament.</u>
<b><u>Formal nomination date</u></b>	<u>the date set by the relevant electoral commission on which nominations to be a candidate in the election close.</u>

### Related Procedure

Nil.

### References

1. Local Government Act 1989-2020
2. SCS-041 Councillor Media Policy
3. SCS-001 Councillor Entitlements, Expenses and Facilities PolicyCouncillor Entitlements Policy
4. Councillor Code of Conduct
5. Election Period (Caretaker) Policy
6. Local Law No. 2 – Council Meeting Procedures and Common SealSurf Coast Shire Council Governance Rules (including Election Period Policy)
7. MAV – Candidature of Councillors State or Federal ElectionsMAV Guidelines – Councillors Standing for State or Federal Elections
8. VLGA – Councillors as Candidates in State or Federal Elections
9. LGV – Circular No. 13/2014
10. LGV – ‘Guide for Councillor Candidates for State and Federal Parliament’

### Document History

Version	Document History	Approved by – Date
1		<i>Council Resolution – 10 December 2019</i>

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## 4.9 Award of Contract T24-009 - Lorne Transfer Station Design and Construction

<b>Council Plan</b>	<b>Theme Three - Environmental Leadership</b>
	Strategy 9 - Divert more material from the waste stream.
<b>Author's Title:</b>	Project Manager
<b>General Manager:</b>	Chris Pike, General Manager Placemaking & Environment
<b>Division:</b>	Placemaking and Environment
<b>Department:</b>	Climate Action
<b>Attachments:</b>	Nil

### Purpose

1. To seek Council's approval to award contract T24-009 – Design & Construct, Lorne Transfer Station Upgrade.

### Recommendation

That Council:

1. Awards contract T24-009 – Design & Construct, Lorne Transfer Station Upgrade to Bowden Corporation Pty Ltd ABN 55 097 029 993 for the lump sum amount of \$1,081,725 (excluding GST).
2. Authorises the Chief Executive Officer to execute contract documents on behalf of Council.

### Council Resolution

**Moved Cr Barker, Seconded Cr Bodsworth**

That Council:

1. Awards contract T24-009 – Design & Construct, Lorne Transfer Station Upgrade to Bowden Corporation Pty Ltd ABN 55 097 029 993 for the lump sum amount of \$1,081,725 (excluding GST).
2. Authorises the Chief Executive Officer to execute contract documents on behalf of Council.

CARRIED 8|0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		

### **Outcome**

2. Following a comprehensive evaluation process, the recommended tenderer has demonstrated that they have the expertise, capacity, and resources to deliver the contracted services to a high standard and provide the best value for money outcome for Council.

### **Key Considerations**

3. A public tender process was conducted in accordance with Council's Procurement Policy.
4. A total of two suppliers submitted tenders for this contract.
5. Each submission was assessed against pre-determined evaluation criteria, including price and non-price criteria.
6. The contract will operate on a fixed lump sum with an expected completion date of June 2024.
7. The value of the contract exceeds officers' delegated authorities and therefore requires a decision by Council.

### **Background**

8. The Lorne Transfer Station facility, located at 370 Erskine Falls Rd, requires improvement works to meet the current and future demands of customers, improve site safety, and increase resource recovery.
9. In 2022, a Master Plan was developed proposing a concept layout within the existing site footprint that will meet these requirements while also maximising efficiency and reducing double handling of waste and resources.
10. An experienced civil contractor is required to undertake the detailed design and construction of the upgraded facility.

### **Options**

11. **Alternative Option 1** – Do not award the contract as per the recommendations in this report.

This option is not recommended by officers as Council has attracted an acceptable tender which allows the completion of the project to scope and budget. The officers' recommendation is a result of considerable due diligence and is in accordance with published evaluation criteria and conditions of tender. Any decision that is not in accordance with the formal conditions of tender may compromise good governance and probity standards.

## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Three - Environmental Leadership**

Strategy 9 - Divert more material from the waste stream.

12. Our goal is to work towards zero recoverable waste going to landfill in line with the concept of a circular economy, where materials continue to be reused rather than becoming waste.'

### **Financial Considerations**

13. The successful tender falls within the budget of the works for this segment of the works. Council has sufficient funds and resources to deliver the project.
14. A full description of the 'Financial and Resource Impact Analysis' is provided as part of Confidential Tender Evaluation Summary that has been issued to Councillors.
15. The project is partly funded by a \$250,000 grant from Sustainability Victoria.

### **Community Engagement**

16. Community engagement has not been undertaken as the both the design and construction of waste facilities are governed by EPA regulations and guidelines.

### **Statutory / Legal / Policy considerations**

17. This tender was conducted accordance with the requirements of section 108 of the *Local Government Act 2020* and Council's Procurement Policy.
18. In accordance with s.109 of the *Local Government Act 2020* the following information is provided in relation to any opportunities for collaborative procurement: *This tender is for site specific works at the Lorne Transfer Station within Surf Coast Shire, therefore does not include opportunity for collaborative tendering.*
19. Lorne Transfer Station is a registered waste and resource recovery site (EPA registration R000302306) and the design and construction is to be in accordance with Australian Standards and EPA best practice requirements.

### **Risk Assessment**

20. A tender risk assessment was completed in accordance with Council's Procurement Policy.
21. The design and construction of the upgraded facility by the appointed contractor must meet both Australian Standards and EPA best practice requirements in terms of structural integrity and its fitness for purpose.
22. The financial risk relating to the June 2024 expiry of the \$250,000 Sustainability Victoria grant funding component in this project's budget has been assessed by the evaluation panel and does not represent a critical risk to these works at Lorne Transfer Station. This is further discussed within the Confidential Tender Evaluation Summary, provided separately to Councillors.

**Sustainability Considerations**

23. The preferred tenderer has an ISO accredited Environmental Management System (EMS) in place to ensure compliance with the *Environmental Protection Act 2017*.
24. The recommended contractor aims to incorporate recycled and reclaimed products throughout the project. All materials from the demolition works will be stockpiled and recovered via the transfer station facility.
25. All works are to be undertaken to EPA best practice standards for operation of a transfer station and will minimise any impact the environment.

**Conflict of Interest**

26. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

**Confidentiality**

27. This report contains no confidential information under section 66(2) of the *Local Government Act 2020*.

**Audit and Risk Committee involvement**

28. This report is not within the scope of the Audit and Risk Committee.

**Council Briefings:**

29. This report has not been previously provided at Councillor Briefings.

**Tender Details*****Invitation to Tender***

30. Council issued an open tender T24-009 to appoint a suitably qualified and experienced contractor to undertake the design & construction of the upgrade works at Lorne Transfer Station.

*Table 1 Invitations to Tender*

Medium	Date Advertised
Council eTendering Portal (Tenderlink)	10/10/23

***Evaluation Panel***

31. The Tender Evaluation Panel comprised the following officers:

*Table 2 Tender Evaluation Panel*

Position / Title	Panel Role
Senior Contracts Manager	Chair Non-voting
Coordinator Waste Management	Voting Member
Coordinator Program Management	Voting Member
Project Manager	Voting Member

***Evaluation Criteria***

32. Submissions were evaluated by the panel against pre-established selection criteria.

*Table 3 Mandatory Evaluation Criteria*

Mandatory Criteria	Assessment
Occupational Health and Safety Systems	Pass / Fail
Financial Capacity	Pass / Fail
Insurance	Pass / Fail

33. Tenderers who satisfied the above mandatory criteria were then assessed against the following comparative criteria.

*Table 4 Comparative Criteria*

Comparative Criteria	Weighting
Financial Assessment	30%
Project Delivery & Experience	20%
Compliance & Methodology	40%
Systems	5%
Local Content	5%

34. Details of submissions received, pricing, and final rankings in the evaluation are included in the **Confidential Tender Evaluation Summary** which has been provided to Councillors.

## 4.8 Quarterly Budget Report – September 2023

### Council Plan

### Theme Seven - Accountable And Viable Council

Strategy 18 - Establish a sustainable financial position.

### Author's Title:

Manager Finance

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Finance

### Attachments:

1. September 2023 - Quarterly Budget Report [4.10.1 - 5 pages]
2. Surf Coast Shire Council - Asset Renewal Backlog - 1 July 2023 [4.10.2 - 3 pages]

### Purpose

1. The purpose of this report is to receive and note the Quarterly Budget Report – September 2023 (**Attachment 1**). This includes the Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Changes in Equity and Statement of Capital Works.
2. This report also provides the updated Asset Renewal Backlog (**Attachment 2**) which was not updated in the adopted Budget Report 2023-24 due to the timing of the asset condition audit.

### Recommendation

That Council notes the Quarterly Budget Report for September 2023 (**Attachment 1**) and the Asset Renewal Backlog (**Attachment 2**).

### Council Resolution

#### Moved Cr Hodge, Seconded Cr Gazzard

That Council notes the Quarterly Budget Report for September 2023 (Attachment 1) and the Asset Renewal Backlog (**Attachment 2**).

CARRIED 8|0

For	Against	Abstained
Cr Barker	Nil	Nil
Cr Bodsworth		
Cr Gazzard		
Cr Hodge		
Cr Pattison		
Cr Schonfelder		
Cr Stapleton		
Cr Wellington		



### **Outcome**

3. The September 2023 Quarterly Budget Report provides information about Council's financial position, including comparisons of actuals and budgeted results to date and explanations of material variances. Known variances to the adopted budget Comprehensive Income Statement and Statement of Capital Works have been forecast.
4. The asset renewal backlog lists assets that have a condition that requires intervention under Council's policies but have not yet been funded as an asset renewal project. This updated list is now being provided in-line with our commitment made in the adopted Budget Report 2023-24, as it wasn't available at the time of the adoption of the Budget due to the timing of the road asset condition audit.

### **Key Considerations**

5. This report contributes to public transparency with the quarterly financial budget report being made available to the community.
6. This report contributes to Council's compliance with the *Local Government Act 2020*.
7. Council's year to date actual result at 30 September compared to adopted year to date budget is \$491K unfavourable which is a variance of 1%. The Comprehensive Income Statement in Attachment 1 describes in detail each income and expense line item which contributes to the overall year to date result.
8. The Quarterly Financial Report describes the forecast variance at the end of the financial year. This includes unfavourable variances in depreciation due to revaluations of assets completed post budget adoption. Other unfavourable forecast variances include operational grants which is due to early payment of the 2023-24 Local Government Grants Commission in 2022-23 which is a timing issue only and timing of contributed/granted infrastructure assets from development activities. Council's operating surplus is forecast to be \$6.06 million unfavourable for the full financial year and this will be revised each quarter.

### **Background**

9. Council reports quarterly on its financial results in accordance with Section 97 of the *Local Government Act 2020*. As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a Quarterly Budget Report is presented to the Council at a Council meeting which is open to the public.

### **Options**

10. **Alternative Option 1** – That Council does not note the Quarterly Budget Report.

This option is not recommended by officers as this report provides information to the public about Council's financial position and meets the requirements of the *Local Government Act 2020*.

## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Seven - Accountable And Viable Council**

Strategy 18 - Establish a sustainable financial position.

11. This report contributes to Council's financial management principles with analysis and commentary on variances to budget.

### **Financial Considerations**

12. The report documents Council's financial position and variances to budget.

### **Community Engagement**

13. This report contains Council's financial statements for the September 2023 quarter. No community engagement has occurred in its development as the statements reflect Council's financial position at this moment in time.
14. This report contributes to public transparency by ensuring that the Quarterly Budget Report is made available to the community.

### **Statutory / Legal / Policy Considerations**

15. This report provides compliance with the *Local Government Act 2020*.

### **Risk Assessment**

16. Regular finance reporting helps manage the risks of budget overruns and ensures resources are spent as per the allocations set out in the 2023-24 budget.

### **Sustainability Considerations**

17. Council remains in a sound financial position, with the following key risks being monitored:
  - 17.1. Economic pressures on goods and services.
  - 17.2. Slow-down in development and its flow on impact to Council revenue sources.

### **Conflict of Interest**

18. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

19. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

## **Transparency**

### **Audit and Risk Committee involvement**

20. This was presented to the Audit and Risk Committee on 22 November 2023.

### **Councillor Briefings**

21. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at the briefing was as follows:

Councillor Briefing Date: 8 November 2023

<i>Councillor name</i>	<i>In attendance (Y/N)</i>	<i>Councillor name</i>	<i>In attendance (Y/N)</i>
<i>Cr Gary Allen</i>	<i>Y</i>	<i>Cr Liz Pattison</i>	<i>Y</i>
<i>Cr Paul Barker</i>	<i>N</i>	<i>Cr Adrian Schonfelder</i>	<i>Y</i>
<i>Cr Mike Bodsworth</i>	<i>Y</i>	<i>Cr Libby Stapleton</i>	<i>Y</i>
<i>Cr Kate Gazzard</i>	<i>N</i>	<i>Cr Heather Wellington</i>	<i>N</i>
<i>Cr Rose Hodge</i>	<i>Y</i>		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

## 1 Financial Statements

### 1.1 Comprehensive Income Statement

For the quarter ended 30 September 2023

Notes	YTD Actuals \$'000	YTD Adopted Budget \$'000	Adopted Budget \$'000	Variance YTD Actual v YTD Adopted Budget		Annual Forecast \$'000	Variance Annual Forecast v Adopted Budget		
				\$'000	%		\$'000	%	
<b>Income / Revenue</b>									
Rates and Charges	63,975	63,622	63,865	352	1%	64,189	324	1%	
Statutory Fees and Fines	627	389	1,989	238	61%	1,995	6	0%	
User Charges	1,475	1,520	6,904	(45)	3%	6,839	(65)	1%	
Grants - Operating	1,672	2,119	10,497	(447)	21%	5,552	(4,945)	47%	
Grants - Capital	2,200	2,152	5,502	48	2%	7,376	1,874	34%	
Contributions - Monetary	439	351	2,038	88	25%	2,497	458	22%	
Contributions - Non-Monetary	96	615	2,460	(519)	84%	2,460	-	0%	
Net Gain/(Loss) on Disposal of Property Infrastructure, Plant and Equipment	6	62	(15,146)	(56)	90%	(15,146)	-	0%	
Other Income	1,443	433	2,314	1,010	233%	4,419	2,105	91%	
<b>Total Income / Revenue</b>	<b>71,933</b>	<b>71,263</b>	<b>80,424</b>	<b>670</b>	<b>1%</b>	<b>80,180</b>	<b>(243)</b>	<b>0%</b>	
<b>Expenses</b>									
Employee Costs	9,053	9,132	40,069	79	1%	39,257	812	2%	
Materials and Services	8,695	8,574	32,395	(121)	1%	34,435	(2,040)	6%	
Depreciation	5,060	3,927	15,706	(1,134)	29%	20,851	(5,144)	33%	
Amortisation - Intangible Assets	-	-	4,843	-	0%	4,843	-	0%	
Amortisation - Right of Use Assets	46	46	381	-	0%	381	-	0%	
Bad and Doubtful Debts - Allowance for Impairment Losses	40	25	100	(15)	60%	100	-	0%	
Borrowing Costs	69	65	281	(4)	6%	281	-	0%	
Finance Costs Leases	8	11	34	3	24%	34	-	0%	
Other Expenses	214	244	4,890	30	12%	4,881	10	0%	
<b>Total Expenses</b>	<b>23,185</b>	<b>22,024</b>	<b>98,701</b>	<b>(1,161)</b>	<b>5%</b>	<b>105,063</b>	<b>(6,362)</b>	<b>6%</b>	
<b>Surplus/(Deficit) for the Year</b>	<b>48,749</b>	<b>49,239</b>	<b>(18,277)</b>	<b>(491)</b>	<b>1%</b>	<b>(24,883)</b>	<b>(6,606)</b>	<b>36%</b>	
<b>Other Comprehensive Income</b>									
<b>Items that will not be reclassified to surplus or deficit in future periods</b>									
Net Asset Revaluation Increment/(Decrement)	-	-	6,263	-	0%	6,263	-	0%	
<b>Total Comprehensive Result</b>	<b>48,749</b>	<b>49,239</b>	<b>(12,014)</b>	<b>(491)</b>	<b>1%</b>	<b>(18,620)</b>	<b>(6,606)</b>	<b>55%</b>	

#### Variance Notes:

- Rates and Charges:** Favourable supplementary rates and garbage charge income. In addition to supplementary rates, the Forecast also includes the special charge income related to the Sparrow Avenue Drainage and Road Upgrade project in Anglesea as outlined in the Adopted Budget 2022-23.
- Statutory Fees and Fines:** Favourable subdivision supervision fees and parking infringements year to date. Forecast reflects project income for Council's Litter Enforcement Program.
- User Charges:** Unfavourable due to timing of Gherang Gravel pits lease income. Forecast user charges is unfavourable due to Family Day Care service exit.
- Grants - Operating:** Unfavourable operational project grants due to Local Government Grants Commission allocation due to 100% of 2023-24 allocation being paid in late 2022-23, not the budgeted 50%. This is reflected in the Forecast along with other operational project grant funding recognised through Council's Project Budget Adjustments and Cash Reserve Transfer Table at Council meetings.
- Grants - Capital:** Reflects capital grant funding received. Revenue is recognised in accordance with AASB 15 and 1058, with an earned value assessment of contractual goods/services delivered applied at 30 June. The Forecast reflects additional grant income for the 2023-24 Federal Blackspot Program and Local Roads and Community Infrastructure Program Phase 4B.
- Contributions - Monetary:** New project contributions (both carried forward and new), and timing of development and open space contributions.
- Contributions - Non-Monetary:** Timing of contributed/granted infrastructure assets from development activities.
- Net Gain/(Loss) on Disposal of Property Infrastructure, Plant and Equipment:** Timing of transition of assets to Great Ocean Road Coast and Parks Authority.
- Other Income:** Favourable interest on investments due to higher interest returns available compared to budgeted 3.5%; with the higher returns reflected in the Forecast. Approx. \$855k to be assigned to the Surf Coast Health and Aquatic Facility at EOFY for interest earned on upfront grant payments as per agreement.

10. **Employees:** Variance due to vacancies, offset by higher backfill with casual, overtime, extended sick leave instances, WorkCover premium increase, and reduced employee project recovery. Known changes and savings are reflected in the Forecast (i.e. Family Day Care service exit), along with reduced actual carry forward operating project employee costs from Adopted Budget.
11. **Materials and Services:** Variance due to recurrent operations timing of service delivery and timing of project delivery. Reflected in the Forecast is additional project expenditure budget due to new project funding (i.e. Federal Blackspot Program) and higher actual carry forward for operating projects compared to the Adopted Budget.
12. **Depreciation:** Variance due to revaluations completed post budget adoption during 2022-23 which had increases in replacement cost, and therefore depreciation. This impact is reflected in the Forecast.

## 1.2 Balance Sheet

As at 30 September 2023

	Notes	YTD Actuals \$'000	Adopted Budget \$'000	30 June 2023 \$'000
<b>Assets</b>				
<b>Current Assets</b>				
Cash and Cash Equivalents	1	11,211	5,759	3,842
Trade and Other Receivables	2	50,720	6,194	5,751
Other Financial Assets	1	91,940	75,000	97,500
Inventories		30	47	30
Other Assets		1,963	917	2,362
<b>Total Current Assets</b>		<b>155,865</b>	<b>87,917</b>	<b>109,485</b>
<b>Non-Current Assets</b>				
Trade and Other Receivables		9	131	23
Property, Infrastructure Plant & Equipment	3	1,203,908	1,019,650	1,205,201
Investments in Associates and Joint Ventures		276	275	276
Right of Use Assets		646	516	662
Intangible Assets	4	25,585	19,372	25,585
<b>Total Non-Current Assets</b>		<b>1,230,423</b>	<b>1,039,944</b>	<b>1,231,747</b>
<b>Total Assets</b>		<b>1,386,288</b>	<b>1,127,861</b>	<b>1,341,232</b>
<b>Liabilities</b>				
<b>Current Liabilities</b>				
Trade and Other Payables	5	3,181	5,204	4,998
Unearned Income	6	23,407	17,000	25,889
Trust Funds and Deposits	7	6,590	5,408	5,398
Provisions	8	11,246	9,392	11,177
Interest Bearing Liabilities		1,630	2,183	2,171
Lease Liabilities		173	450	318
<b>Total Current Liabilities</b>		<b>46,226</b>	<b>39,637</b>	<b>49,952</b>
<b>Non-Current Liabilities</b>				
Provisions	8	19,788	16,817	19,778
Lease Liabilities		359	101	337
Interest Bearing Liabilities		12,539	10,356	12,539
<b>Total Non-Current Liabilities</b>		<b>32,687</b>	<b>27,274</b>	<b>32,654</b>
<b>Total Liabilities</b>		<b>78,913</b>	<b>66,910</b>	<b>82,606</b>
<b>Net Assets</b>		<b>1,307,375</b>	<b>1,060,950</b>	<b>1,258,626</b>
<b>Equity</b>				
Accumulated Surplus		566,543	636,451	450,107
Asset Revaluation Reserve		713,486	359,073	713,486
Other Reserves		27,345	65,425	95,033
<b>Total Equity</b>		<b>1,307,375</b>	<b>1,060,950</b>	<b>1,258,626</b>

Variance Notes:

1. **Cash and Cash Equivalents and Other Financial Assets Combined:** Total cash balance remains at similar levels to 30 June 2023 driven by rates and charges collected, along with timing of operational service and project delivery.
2. **Trade and Other Receivables:** Opening balance higher at the start of the financial year as rates and charges raised are collected across the financial year as instalments fall due.
3. **Property, Infrastructure, Plant and Equipment:** Opening balance higher than budget due to 2022-23 asset class revaluations.
4. **Intangible Assets:** Variance is due to a higher opening balance compared to budget forecast in relation to the landfill air space assets revaluation at 30 June 2023.
5. **Trades & Other Payables:** Variance is due to lower general creditor payments owing at report date (i.e. project and operational supplier payments).
6. **Unearned Income:** Variance is due to timing of income received in advance for projects; with the Surf Coast Aquatic and Health Centre Project being the most material project which will be delivered over multiple financial years.
7. **Trust Funds and Deposits:** Variance is due to variability in trusts monies being held.
8. **Provisions:** Variance due to higher actual opening balance compared to budget forecast for the landfill rehabilitation provision and employee provisions (mainly related to indexation/discounting rates).

1.3 Statement of Changes in Equity

As at 30 September 2023

	YTD Actuals \$'000	Adopted Budget \$'000	30 June 2023 \$'000
Equity Opening Balance	1,258,626	1,072,964	450,107
Surplus for the Year	48,749	(18,277)	713,486
Net Asset Revaluation	-	6,263	95,033
<b>Total Equity</b>	<b>1,307,375</b>	<b>1,060,950</b>	<b>1,258,626</b>

#### 1.4 Cash Flow Statement

For the quarter ended 30 September 2023

	Notes	YTD Actuals \$'000	Adopted Budget \$'000	YTD Actuals 30 Sept 2022 \$'000
<b>Cash Flow from Operating Activities</b>				
Rates and Charges	1	18,099	63,803	17,850
Statutory Fees and Fines	2	627	1,989	409
User Charges	2	1,630	7,135	2,601
Grants - Operating	3	1,821	10,867	1,727
Grants - Capital	3	668	6,002	49
Contributions - Monetary	4	438	2,038	157
Interest Received	5	1,206	1,750	123
Trust Funds and Deposits Taken/(Repaid)		1,192	-	1,231
Net GST Refund/(Payment)	6	1,438	6,011	1,311
Employee Costs	7	(8,780)	(39,345)	(8,148)
Materials and Services	8	(12,124)	(40,003)	(11,441)
<b>Net Cash Provided from Operating Activities</b>		<b>6,215</b>	<b>20,247</b>	<b>5,869</b>
<b>Cash Flows from Investing Activities</b>				
Proceeds from Sale of Property, Plant & Equipment	9	6	593	166
Payments for Property, Plant, Equipment & Infrastructure Assets	10	(3,641)	(34,527)	(3,046)
Cash Flows from Investments	11	5,560	15,000	8,500
<b>Net Cash Used in Investing Activities</b>		<b>1,925</b>	<b>(18,935)</b>	<b>5,619</b>
<b>Cash Flows from Financing Activities</b>				
Finance Costs		(69)	(282)	(79)
Repayment of Lease Liabilities		(153)	(426)	(143)
Interest Paid - Lease Liabilities		(8)	(34)	(4)
Repayment of Borrowings		(541)	(2,171)	(539)
<b>Net Cash Provided from Financing Activities</b>		<b>(771)</b>	<b>(2,914)</b>	<b>(764)</b>
<b>Net Increase/(Decrease) in Cash &amp; Cash Equivalents Held</b>		<b>7,369</b>	<b>(1,602)</b>	<b>10,724</b>
Cash & Cash Equivalents at the Beginning of the Period		3,842	7,361	5,581
<b>Cash &amp; Cash Equivalents at the End of the Period</b>		<b>11,211</b>	<b>5,759</b>	<b>16,305</b>
<b>Investments (Current and Non-Current Financial Assets)</b>	12	91,940	75,000	75,000
<b>Total Cash &amp; Investments at the End of the Period</b>		<b>103,151</b>	<b>80,759</b>	<b>91,305</b>

#### Variance Notes:

- Rates and Charges:** Collection of rates and charges year to date is considered on plan.
- Statutory Fees and Fines and User Charges:** On plan with cash collected across the financial year. Favourable Subdivision Supervision Fees and Parking Infringements year to date are favourable compared to the same period last financial year.
- Grants - Operating & Capital:** Timing of programs.
- Contributions - Monetary:** Timing of development contributions and contributions to projects.
- Interest Received:** Reflects favourable term deposit rates earned due to higher returns and cash balances than budgeted. Adopted Budget assumed 3.5% return. Compared to the prior period, the cash rate escalations by the Reserve Bank of Australia were increasing from historical lows.
- Net GST Refund/(Payment):** Reflects net position at balance date.
- Employees:** Employee costs are considered on plan, with some savings from vacancies.
- Materials and Services:** On plan and reflect timing of delivery of recurrent operations and operating projects.
- Proceeds from Sale of Property, Plant & Equipment:** Timing of renewal program purchases for plant and equipment.
- Property, Plant, Equipment & Infrastructure Assets:** Timing of capital program purchases.
- Cash Flow from Investing Activities:** Reflects year to date cash movement since 30 June 2023 in Other Financial Assets from the Balance Sheet. At balance date, cash is classified as either cash invested with a maturity greater than three months (Other Finance Assets) or cash on hand (Cash and Cash Equivalents).
- Investments:** Higher cash investment compared to Adopted because of the timing of capital program delivery, with the upfront grant payments received for the Surf Coast Aquatic and Health Centre being a material component.

## 1.5 Statement of Capital Works

As at 30 September 2023

	YTD	YTD	Adopted	Variance		Annual	Variance	
	Actuals	Adopted	Budget	YTD Actual v	YTD Adopted Budget	Forecast	Annual Forecast v	Annual Forecast v
	\$'000	\$'000	\$'000	\$'000	%	\$'000	\$'000	%
<b>Property</b>								
Land	-	-	-	-	0%	-	-	0%
<b>Total Land</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0%</b>	<b>-</b>	<b>-</b>	<b>0%</b>
Buildings	1,205	1,419	9,577	214	15%	8,577	1,000	10%
<b>Total Buildings</b>	<b>1,205</b>	<b>1,419</b>	<b>9,577</b>	<b>214</b>	<b>15%</b>	<b>8,577</b>	<b>1,000</b>	<b>10%</b>
<b>Total Property</b>	<b>1,205</b>	<b>1,419</b>	<b>9,577</b>	<b>214</b>	<b>15%</b>	<b>8,577</b>	<b>1,000</b>	<b>10%</b>
<b>Plant and Equipment</b>								
Plant, Machinery & Equipment	132	283	1,890	152	53%	1,440	450	24%
Fixtures, Fitting & Furniture		48	322	48	100%	322	-	0%
Computers & Telecomms	170	149	994	(21)	14%	994	-	0%
<b>Total Plant and Equipment</b>	<b>302</b>	<b>481</b>	<b>3,206</b>	<b>178</b>	<b>37%</b>	<b>2,756</b>	<b>450</b>	<b>14%</b>
<b>Infrastructure</b>								
Bridges	1	292	1,946	291	100%	51	1,895	97%
Drainage & Sewerage	287	535	3,472	248	46%	1,991	1,481	43%
Footpaths & Cycleways	23	320	1,946	297	93%	1,346	600	31%
Parks, Open Space & Streetscapes	378	153	986	(225)	147%	986	-	0%
Recreation, Leisure & Communities	127	236	1,562	109	46%	1,562	-	0%
Roads	1,223	1,394	9,291	171	12%	7,217	2,074	22%
Waste	59	231	1,542	173	75%	1,542	-	0%
Expensed Capital Works	430	243	1,835	(188)	77%	1,835	-	0%
Landfill Provision	36	150	1,000	114	76%	1,000	-	0%
<b>Total Infrastructure</b>	<b>2,564</b>	<b>3,554</b>	<b>23,579</b>	<b>990</b>	<b>28%</b>	<b>17,529</b>	<b>6,050</b>	<b>26%</b>
<b>Total Capital Works Expenditure</b>	<b>4,071</b>	<b>5,454</b>	<b>36,362</b>	<b>1,383</b>	<b>25%</b>	<b>28,862</b>	<b>7,500</b>	<b>21%</b>
<b>Represented by:</b>								
New Asset Expenditure	1,208	1,425	5,250	217	15%	4,230	1,020	19%
Asset Renewal Expenditure	1,255	2,846	22,973	1,591	56%	18,116	4,857	21%
Asset Expansion Expenditure	-	12	77	12	100%	77	-	0%
Asset Upgrade Expenditure	1,142	779	5,227	(363)	47%	3,605	1,622	31%
Expensed Capital Works	430	243	1,835	(188)	77%	1,835	-	0%
Landfill Provision Works	36	150	1,000	114	76%	1,000	-	0%
<b>Total Capital Works</b>	<b>4,071</b>	<b>5,454</b>	<b>36,362</b>	<b>1,383</b>	<b>25%</b>	<b>28,862</b>	<b>7,500</b>	<b>21%</b>

### Variance Notes:

Generally, Actual project spend variations compared to the Adopted Budget Spend are timing related (i.e. not a result of exceeding allocated project budgets). There are some projects reflected in the Forecast that have reduced spend in 2023-24 based on information available currently. These projects are ongoing, some over multiple financial years due to their size and scope, and as such will have spend in 2024-25 also. Any projects that require budget adjustments or closure are documented at Council meetings each month via the Project Budget Adjustments and Cash Reserve Transfer Table report to support transparency with the community.



## Asset Renewal Backlog

At the time of the adoption of Council's 2023-24 Budget, the road asset condition data was not available. The road condition audits have now been completed and an updated asset renewal backlog list is provided below.

The asset renewal backlog lists assets that have reached the point in their useful life (or intervention) at which Council renews assets, but at this stage have not been allocated funding. These items will be prioritised for consideration with any savings or additional capacity in future Council Renewal Programs.

Council continually assesses and ensures all assets are safe for the community. Council's asset renewal backlog has been increasing over the past few years. Council's high level of growth over the past few decades, which in turn has increased our asset base, has placed a greater demand on renewal requirements. It is anticipated that we will continue to see an increase in the backlog in the short to medium term, however Council has programmed and modelled the assets over a long term period to be able to ensure, to the best of our ability, that assets are renewed within a few years of intervention being reached.

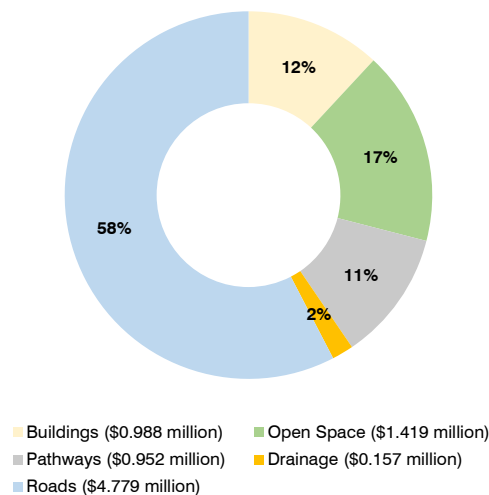
Township	Asset Location	Works Description	Estimated Replacement Cost \$	Reason on Backlog
<b>Unsealed Roads</b>			<b>1,062,306</b>	
Aireys Inlet	Gilbert Street, Aireys Inlet - Unnamed Rd RHS To Ch 5000m	Gravel Resheet	27,000	Service Decision Needed
Deans Marsh	Babenorek Track - 0396	Gravel Resheet	24,750	Delivery Capacity Constraint
Aireys Inlet	Boundary Road - 0120	Gravel Resheet	28,602	
Torquay	Briody Drive - 0129	Gravel Resheet	98,280	Awaiting resolution of road upgrade as part of Briody West DCP development
Lorne	Broadbent Road - 0133	Gravel Resheet	12,240	Delivery Capacity Constraint
Winchelsea	Gullian Lane - 1130	Gravel Resheet	15,120	
Bellbrae	Gundrys Road - 0362	Gravel Resheet	45,360	
Anglesea	Holmwood Avenue - 0405	Gravel Resheet	12,600	
Bambra	Jinda Park Lane - 0440	Gravel Resheet	53,280	
Anglesea	Kenneth Street - 0455	Gravel Resheet	12,690	
Lorne	Lascelles Terrace - 0478	Gravel Resheet	11,520	
Winchelsea	McCallums Lane - 0531	Gravel Resheet	33,984	
Freshwater Creek	McIntyres Road, Anglesea - 0543	Gravel Resheet	29,646	
Anglesea	Melba Parade - 0555	Gravel Resheet	19,710	
Anglesea	Minifie Avenue - 0564	Gravel Resheet	27,000	
Connewarre	Minya Lane - 0566	Gravel Resheet	72,000	
Anglesea	Peter Avenue - 0665	Gravel Resheet	15,696	
Barrabool	Polleys Road - 0677	Gravel Resheet	62,424	
Deans Marsh	Railway Terrace, Deans Marsh - 0698	Gravel Resheet	21,744	
Anglesea	Ramsay Street - 0699	Gravel Resheet	13,680	
Aireys Inlet	Reserve Road - 0709	Gravel Resheet	20,700	
Moggs Creek	Stephen Avenue - 0796	Gravel Resheet	27,864	
Anglesea	Tenth Avenue - 0824	Gravel Resheet	12,096	
Barrabool	Wedgetail Lane - 1282	Gravel Resheet	151,218	
Mount Duneed	Williams Road - 0889	Gravel Resheet	172,764	
Various	Various small gravel resheet segments	Gravel Resheet	40,338	
<b>Unsealed</b>			<b>1,439,250</b>	
Torquay	Aquarius Avenue - 0032	Shoulder Resheet	47,250	Delivery Capacity Constraint
Aireys Inlet	Bambra Road - 0059	Shoulder Resheet	24,000	
Winchelsea	Barwon Park Road - 0070	Shoulder Resheet	33,000	
Anglesea	Betleigh Street - 0099	Shoulder Resheet	22,150	
Aireys Inlet	Boundary Road - 0120	Shoulder Resheet	12,700	
Modewarre	Buckley Road South - 0140	Shoulder Resheet	82,500	
Winchelsea	Cressy Road, Winchelsea - 0209	Shoulder Resheet	33,300	
Jan Juc	Duffields Road - 0245	Shoulder Resheet	123,350	
Aireys Inlet	Eagle Rock Parade - 0258	Shoulder Resheet	11,500	
Paraparap	Forest Road - 0304	Shoulder Resheet	391,250	
Bells Beach	Jarosite Road - 0437	Shoulder Resheet	162,000	
Winchelsea	McConachy Street - 0535	Shoulder Resheet	47,500	
Torquay	Messmate Road - 0560	Shoulder Resheet	28,600	
Jan Juc	Ocean Boulevard - 0610	Shoulder Resheet	30,900	
Anglesea	ODonohue Road - 0615	Shoulder Resheet	14,250	
Winchelsea	Ondit Road - 0622	Shoulder Resheet	90,000	
Bells Beach	Point Addis Road - 0691	Shoulder Resheet	59,900	
Deans Marsh	Rifle Butts Road - 0717	Shoulder Resheet	80,550	
Bellbrae	School Road - 0750	Shoulder Resheet	50,350	
Jan Juc	Sunset Strip - 0808	Shoulder Resheet	17,950	
Wurdi Boluc	Wensleydale Station Road - 0880	Shoulder Resheet	12,650	
Various	Various small shoulder resheet segments	Shoulder Resheet	63,600	

Minutes - Council Meeting - 28 November 2023  
Attachment 4.10.2

Township	Asset Location	Works Description	Estimated Replacement Cost \$	Reason on Backlog	
<b>Sealed Roads</b>			<b>2,277,085</b>		
Anglesea	Bachli Court - 0050	Surface Renewal	87,784	Delivery Capacity Constraint	
Anglesea	Bannister Avenue - 0062	Surface Renewal	34,086		
Lorne	Cascades Lane - 1125	Surface Renewal	16,096		
Jan Juc	Dandy Court - 0219	Surface Renewal	45,312		
Lorne	Fern Avenue - 0286	Surface Renewal	111,590		
Anglesea	Gardiner Avenue, Anglesea - 0318	Surface Renewal	55,186		
Torquay	Gilbert Street, Torquay - 0331	Surface Renewal	264,347		
Anglesea	Inverlochy Street - 0429	Surface Renewal	131,405		
Torquay	Ironbark Court - 0502	Surface Renewal	13,391		
Jan Juc	Kinloch Avenue - 0464	Surface Renewal	118,420		
Jan Juc	Kristy Court - 0471	Surface Renewal	93,397		
Jan Juc	Matlock Court - 0527	Surface Renewal	51,399		
Anglesea	McRorie Street - 0552	Surface Renewal	102,324		
Jan Juc	Nicholson Crescent - 0598	Surface Renewal	174,012		
Anglesea	Paringa Crescent - 0640	Surface Renewal	30,772		
Torquay	Piper Lane - 0675	Surface Renewal	72,026		
Fairhaven	Ridge Road - 0716	Surface Renewal	267,544		
Anglesea	River Reserve Road, Anglesea - 0719	Surface Renewal	143,984		
Winchelsea	Schroeter Street - 0751	Surface Renewal	54,848		
Anglesea	Second Avenue - 0759	Surface Renewal	243,265		
Anglesea	Sixth Avenue - 0777	Surface Renewal	57,959		
Winchelsea	Smith Street, Winchelsea - 0783	Surface Renewal	54,848		
Jan Juc	St Andrews Drive - 0793	Surface Renewal	49,032		
Various	Various small surface renewal segments	Intersection Seal Renewal	4,058		
<b>Kerb</b>			-		
	Nil at intervention				
<b>Guardrail</b>			-		
	Nil at intervention				
<b>Drainage Pipes</b>			<b>89,803</b>		
Torquay	Deep Creek Catchment	Renewal of pipe	48,057	Delivery Capacity Constraint	
Lorne	Erskine River Catchment	Renewal of pipe	41,746		
<b>Water Sensitive</b>			<b>67,649</b>		
Lorne	Erskine River Catchment	Renewal of GPT	67,649	Delivery Capacity Constraint	
<b>Buildings</b>			<b>987,736</b>		
Deans Marsh	Deans Marsh Rec Reserve - Community Hall		798,761	Works on hold pending funding opportunity to deliver upgraded community facility as per communities vision	
Modewarre	Modewarre Community Centre (Bluestone)		29,925	Delivery Capacity Constraint	
Moriac	Moriac & District Lions Park - Toilet		18,406		
Torquay	Spring Creek Reserve - Netball Club Shed		11,816		
Winchelsea	Hesse Street Reserve - Toilet		30,368		
Winchelsea	Mirnee Tennis Club - Toilet		55,260		
Winchelsea	Mirnee Tennis Clubroom		43,200		
<b>Footpaths (Roads and Parks)</b>			<b>951,612</b>		
Aireys Inlet	Aireys Inlet - Open Space Reserves	Footpath Renewal	30,763	Delivery Capacity Constraint	
Lorne	Albert Street - 0009	Footpath Renewal	11,334		
Jan Juc	Alexandra Avenue - 0010	Footpath Renewal	10,100		
Winchelsea	Anderson Street, Winchelsea - 0947	Footpath Renewal	37,368		
Anglesea	Anglesea - Open Space Reserves	Footpath Renewal	38,558		
Torquay	Bell Street - 0086	Footpath Renewal	71,141		
Anglesea	Cameron Road - 0150	Footpath Renewal	49,617		
Torquay	Casuarina Avenue - 0165	Footpath Renewal	13,690		
Torquay	Coombes Road - 0201	Footpath Renewal	13,955		
Torquay	Corsair Way - 0203	Footpath Renewal	42,081		
Torquay	Fischer Street - 0292	Footpath Renewal	11,415		
Torquay	Foam Court - 0299	Footpath Renewal	32,992		
Torquay	Frog Hollow Drive - 0884	Footpath Renewal	14,442		
Torquay	Glengarry Drive - 0334	Footpath Renewal	20,872		
Anglesea	Great Ocean Road, Anglesea - 0462	Footpath Renewal	24,688		
Jan Juc	Harkin Close - 0878	Footpath Renewal	13,017		
Torquay	Holyhead Drive - 0407	Footpath Renewal	52,405		
Jan Juc	Hoylake Avenue - 0415	Footpath Renewal	54,762		
Jan Juc	Jan Juc - Open Space Reserves	Footpath Renewal	20,311		
Torquay	Kooringa Place - 0470	Footpath Renewal	15,710		
Torquay	Loch Lomond Crescent - 0231	Footpath Renewal	37,032		
Torquay	Lydia Court - 0511	Footpath Renewal	16,833		
Moriac	Moriac - Open Space Reserves	Footpath Renewal	50,413		
Anglesea	Noble Street - 0602	Footpath Renewal	18,404		
Anglesea	Paringa Crescent - 0640	Footpath Renewal	13,354		
Jan Juc	Princes Terrace - 0689	Footpath Renewal	13,017		
Jan Juc	Seaview Rise - 0294	Footpath Renewal	30,299		
Jan Juc	Sunset Strip - 0808	Footpath Renewal	32,767		
Torquay	The Esplanade - 0826	Footpath Renewal	38,572		
Torquay	Torquay - Open Space Reserves	Footpath Renewal	11,933		
Various	Various small pathway segments	Footpath Renewal	109,766		

Township	Asset Location	Works Description	Estimated Replacement Cost \$	Reason on Backlog
<b>Open Space</b>			<b>1,418,708</b>	
Aireys Inlet	Aireys Inlet - Open Space Reserves	Renewal of Open Space Items -	24,753	Delivery Capacity Constraint
Anglesea	Anglesea - Open Space Reserves	Renewal of Open Space Items -	481,575	
Bellbrae	Bellbrae - Open Space Reserves	Renewal of Open Space Items -	57,739	
Bells Beach	Bells Beach - Open Space Reserves	Renewal of Open Space Items -	22,803	
Buckley	Buckley - Open Space Reserves	Renewal of Open Space Items -	47,515	
Connewarre	Connewarre - Open Space Reserves	Renewal of Open Space Items -	160,783	
Deans Marsh	Deans Marsh - Open Space Reserves	Renewal of Open Space Items -	13,783	
Freshwater Creek	Freshwater Creek - Open Space Reserves	Renewal of Open Space Items -	21,973	
Jan Juc	Jan Juc - Open Space Reserves	Renewal of Open Space Items -	13,165	
Lorne	Lorne - Open Space Reserves	Renewal of Open Space Items -	28,429	
Modewarre	Modewarre - Open Space Reserves	Renewal of Open Space Items -	15,316	
Moriac	Moriac - Open Space Reserves	Renewal of Open Space Items -	71,575	
Mount Moriac	Mount Moriac - Open Space Reserves	Renewal of Open Space Items -	66,840	
Torquay	Torquay - Open Space Reserves	Renewal of Open Space Items -	300,653	
Winchelsea	Winchelsea - Open Space Reserves	Renewal of Open Space Items -	89,697	
Various	Various Other Reserves	Renewal of Open Space Items	2,107	
<b>Total Assets</b>			<b>8,294,149</b>	

**Asset Renewal Backlog  
as at 1 July 2023**



## 4.11 Council Meeting Dates 2024

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Coordinator Governance

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Integrity and Governance

### Attachments:

1. Council Meeting Schedule 2024 [4.11.1 - 1 page]

### Purpose

1. For Council to consider the adoption of the 2024 Council meeting schedule.

### Recommendation

That Council adopts the 2024 Council meeting schedule (**Attachment 1**).

### Council Resolution

#### Moved Cr Schonfelder, Seconded Cr Stapleton

That Council adopts the 2024 Council meeting schedule (**Attachment 1**).

CARRIED 7|1

For	Against	Abstained
Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Cr Barker	Nil

### Outcome

2. If Council accepts this recommendation, the schedule for Council meetings in 2024 will be set.

### Key Considerations

3. The propose 2024 Council meeting schedule is attached and shows that:
  - 3.1. Council meetings are generally planned for the fourth Tuesday of each month, with the following exceptions:
    - 3.1.1. The September Council meeting is proposed to be held on the third Tuesday of the month, so it takes place prior to the commencement of the 2024 local government Election Period.

#### 4.11 Council Meeting Dates 2024

- 3.1.2. The December meeting is proposed to be held on the second Tuesday of the month to avoid clashes with the Christmas period.
    - 3.1.3. There is no Council meeting in January, taking into account a high visitation period when many residents are taking holidays.
  - 3.2. Council meetings are proposed to commence at 6.00pm at the Surf Coast Shire Offices, 1 Merrijig Drive Torquay, or at selected locations around the shire.
4. It is proposed to hold three meetings in 2024 in Deans Marsh, Moriac and Anglesea. The exact month and venue for each of these meetings will be determined and communicated to the community.
5. Council has the ability to plan unscheduled meetings in addition to the dates listed in the schedule, and these will be advertised as required in accordance with Council's Governance Rules.

#### **Background**

6. Council has established an annual meeting schedule for many years to support managing Council business effectively and to provide certainty for community involvement.

#### **Options**

7. **Alternative Option 1** – That Council does not endorse the 2024 Council meeting schedule.

This option is not recommended by officers as each meeting would be required to be called separately as an unscheduled meeting and conducting Council business would become less effective and less certain for community members.

8. **Alternative Option 2** – That Council amends the 2024 Council meeting schedule.

This option is not recommended by officers as the consistency of when Council meets ensures effective planning and provides certainty for community members.

#### **Council Plan (including Health and Wellbeing Plan) Statement**

##### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

#### **Financial Considerations**

9. Costs associated for conducting Council meetings, such as live streaming, are included in Council's budget.

### **Community Engagement**

10. Holding meetings in different locations within the municipality will enhance community involvement in Council's decision-making process.
11. Council meetings are live streamed, recorded and uploaded to the website to provide greater access to Council meeting decisions.

### **Statutory / Legal / Policy Considerations**

12. The schedule of Council meeting dates 2024 complies with Council's Governance Rules.

### **Risk Assessment**

13. Having a schedule of Council meeting dates helps manage the risks of uncertainty and inefficiency in conducting the business of Council.
14. The proposed schedule takes into account key times of the year, in particular in 2024, the Council election date (26 October) and preceding election period (24 September – 26 October)

### **Sustainability Considerations**

15. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

16. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

17. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### ***Audit and Risk Committee involvement***

18. This matter is not in scope of the Audit and Risk Committee.

**Councillor Briefings**

19. This item was discussed at the following Councillor briefings prior to being presented to Council for consideration. Councillor attendance at each briefing was as follows:

Councillor Briefing Date: 14 November 2023

Councillor name	In attendance (Y/N)	Councillor name	In attendance (Y/N)
Cr Gary Allen	N	Cr Liz Pattison	Y
Cr Paul Barker	N	Cr Adrian Schonfelder	Y
Cr Mike Bodsworth	Y	Cr Libby Stapleton	Y
Cr Kate Gazzard	Y	Cr Heather Wellington	N
Cr Rose Hodge	Y		

Councillor attendance at briefings is not a statutory requirement. Councillors are able to access and request information through a number of mechanisms to understand matters being presented at a Council Meeting.

Meeting Date	Time	Location
Tuesday 27 February 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay
Tuesday 26 March 2024	6.00pm	Other location in the Shire
Tuesday 23 April 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay
Tuesday 28 May 2024	6.00pm	Other location in the Shire
Tuesday 25 June 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay
Tuesday 23 July 2024	6.00pm	Other location in the Shire
Tuesday 27 August 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay
Tuesday 17 September 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay
Tuesday 22 October 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay
Tuesday 26 November 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay
Tuesday 10 December 2024	6.00pm	Council offices, 1 Merrijig Drive, Torquay

*Note – offsite meetings will be held in Deans Marsh, Anglesea, and Moriac. Further information will be advertised closer to the meeting dates.*



## 4.12 Project Budget Adjustments and Cash Reserve Transfers - November 2023

<b>Council Plan</b>	<b>Theme Seven - Accountable and Viable Council</b>
<b>Author's Title:</b>	Strategy 18 - Establish a sustainable financial position.
<b>General Manager:</b>	Coordinator Management Accounting
<b>Division:</b>	Damian Waight, Acting General Manager Strategy and Effectiveness
<b>Department:</b>	Strategy and Effectiveness
<b>Attachments:</b>	Finance
	Nil

### Purpose

1. This report contains proposed project budget adjustments and cash reserve transfers for Council approval. The report presents adjustments including existing projects requiring adjustment, project closures, new projects to be initiated, Chief Executive Officer (CEO) approved transfers under delegation or corrections to prior reports presented to Council.

### Recommendation

That Council approves the project budget adjustments outlined in Tables 1 to 6 of this report, with the net changes to cash reserves summarised below:

<b>Funding Sources</b>	<b>Transfers From/ (To) Reserve \$</b>
Accumulated Unallocated Cash Reserve	700
Torquay Jan Juc DCP Reserve	(514,839)
Asset Renewal Reserve	(29,940)
<b>Grand Total</b>	<b>(544,079)</b>

### Council Resolution

#### **Moved Cr Bodsworth, Seconded Cr Stapleton**

That Council approves the project budget adjustments outlined in Tables 1 to 6 of this report, with the net changes to cash reserves summarised below:

<b>Funding Sources</b>	<b>Transfers From/ (To) Reserve \$</b>
Accumulated Unallocated Cash Reserve	700
Torquay Jan Juc DCP Reserve	(514,839)
Asset Renewal Reserve	(29,940)
<b>Grand Total</b>	<b>(544,079)</b>

CARRIED 8|0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Nil	Nil

### **Outcome**

- This report regularly brings decisions to Council about material changes to project budgets and provides visibility about CEO approved project changes. Material project budget transfers or new projects endorsed by the Executive Management Team not already approved by Council are presented for approval. This process ensures that Councillors decide on changes and are kept informed; whilst allowing for smooth project delivery. The report also provides transparency for the community.

### **Key Considerations**

- This report contributes to Council's financial management principles by recording the allocation and movement of project funds that may impact on current and future budgets.
- This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

### **Background**

- The project budget adjustments presented in this report relate to the 2023-24 financial year. All figures in this report are exclusive of GST.
- The following project adjustments, detailed in Table 1, are projects that require adjustments to their approved budgets to allow achievement of project scope and objectives, or there is a request to adjust project scope. The project adjustments in Table 1 have been endorsed by the Executive Management Team.

**Table 1 - Projects Requiring Adjustment**

<b>Project Name</b>	<b>Funding Source</b>	<b>Basis for Variation</b>	<b>Project Allocation / (Saving) \$</b>
Torquay North Open Space Pathways (PC02) - Contributions to Developer Works	Torquay Jan Juc DCP Reserve	The slower rate of subdivision development has delayed the requirement for Council to pay 'works in kind' contributions to developers for infrastructure assets. Council funds to be returned to reserve for future allocation when required.	(278,798)
Torquay Central & North (OR01) - Contributions to Developer Works			(236,041)
Pollocksford Road Bridge	Partner Contribution Funded	This renewal project is currently in the design phase. The return of the Golden Plains Shire Council contribution is until this project is ready to proceed to the construction phase. Golden	(500,000)

Project Name	Funding Source	Basis for Variation	Project Allocation / (Saving) \$
		Plains Shire Council remains committed to contributing to this project.	

The budget transfers, detailed in Table 2, are newly initiated projects. Projects in Table 2 have been endorsed by the Executive Management Team.

**Table 2 – New Projects**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Christmas Carols Event Funding - Aireys Inlet & Anglesea	Accumulated Unallocated Cash Reserve	Christmas event funding for Christmas carols in Aireys Inlet \$200 and Anglesea \$500.	700

Project closures detailed in Table 3 have been endorsed at an Executive Management Team meeting.

**Table 3 – Closed Projects**

Project Name	Funding Source	Basis for Variation	Project Allocation / (Savings) \$
Mount Duneed: Horseshoe Bend Road Culvert Upgrade and Shoulder Widening - Guard Rail	Asset Renewal Reserve	The guardrail scope was delayed due to service location issues. These works will now be carried out within the grant funded storm recovery project at Horseshoe Bend Road. Return funding to source.	(29,940)
Implementation of Mosquito Plan		Scope Complete. Life of project cost \$10,000	Nil
Strategic Fuel Break Program	Project Savings Account	Scope complete. Life of project costs \$19,997.	(3)
Prosperous Places Strategy		Scope complete. Life of project costs \$20,896.	(12,104)
Local Council Outdoor Eating and Entertainment Package	Project Savings Account	Scope complete. Life of project costs \$147,804.	(1,524)

Table 4 contains projects that have been endorsed under Council delegation by the Chief Executive Officer.

**Table 4 – CEO Approved Transfers**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Nil			

Table 5 contains corrections or adjustments to prior reports presented to Council.

**Table 5 – Corrections to Prior Reports**

Project Name	Funding Source	Basis for Variation	Project Allocation \$
Nil			

**Table 6 – Accumulated Unallocated Cash Reserve Movements**

Accumulated Unallocated Cash Reserve	2023-24 \$'000	2024-25 \$'000	2025-26 \$'000	2026-27 \$'000
Opening Balance	7,157	7,701	7,252	6,199
Budgeted Annual Surplus/(Deficit)	625	(449)	(1,053)	(1,545)
Net Allocations During Year (From)/To	(80)	-	-	-
New Allocations Proposed (From)/To	(1)	-	-	-
<b>Closing Balance *</b>	<b>7,701</b>	<b>7,252</b>	<b>6,199</b>	<b>4,654</b>

Accumulated Unallocated Cash Reserve	2023-24 \$'000
<b>Net Allocations During Year (From)/To</b>	
New Stretcher Access - Stribling Reserve Pavilions, Lorne	(14)
Stribling Reserve Pavilions Redevelopment, Lorne	(11)
LRCIP Phase 2 - Lorne School Traffic Management Improvement Stage 2	(55)
<b>Net Allocations (From)/To</b>	<b>(80)</b>
<b>New Allocations Proposed (From)/To</b>	
Christmas Carols Event Funding - Aireys Inlet & Anglesea	(1)
<b>Total New Net Allocations (From)/To</b>	<b>(1)</b>

\*Note: Includes budgeted annual surplus/(deficit) as per Adopted Budget 2023-24.

### **Options**

#### **7. Alternative Option 1 – Not approve transfers as recommended.**

This option is not recommended by officers because transfers are necessary to allow ongoing delivery and closure of projects that have been through a series of governance checks.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 18 - Establish a sustainable financial position.

### **Financial Considerations**

- This report contributes to Council's financial management principles by recording the allocations and movements of project funds that may impact on the budget, current and future, and the achievement the Council Plan strategies and objectives.

### **Community Engagement**

9. Community engagement was not undertaken on the content of this report. Most projects are subject to community engagement on scope and project completion is regularly communicated to community members involved in projects and the wider community. This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

### **Statutory / Legal / Policy Considerations**

10. Under the *Local Government Act 2020*, this report contributes to:
  - 10.1. Financial viability by ensuring Council approves and is well informed about the allocation and movement of project funds to achieve the best outcomes for the municipal community;
  - 10.2. Transparency by ensuring that the allocation and movement of project funds is made available to the community;
  - 10.3. Financial management principles by recording the allocation and movement of project funds that may impact on the budget, current and future; and
  - 10.4. Performance for project delivery by considering the allocation and movement of project funds for successful project outcomes.
11. Decisions in this report support project delivery and the implementation of the Council Plan (including Health and Wellbeing Plan 2021-25).

### **Risk Assessment**

12. If Council did not receive this report, this would risk public transparency and potentially reduce the financial rigour applied to managing projects.
13. This report helps mitigate the risk of projects not being delivered.

### **Conflict of Interest**

14. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

15. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020* (Vic).

### **Transparency**

#### **Audit and Risk Committee involvement**

16. This monthly Council Report item is not within the scope of matters considered by the Audit and Risk Committee.

### **Councillor Briefings**

17. This item was not presented at a Councillor Briefing.

## 4.13 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Acting Governance Officer

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Integrity and Governance

### Attachments:

1. 30 - S 11 A Authorisation - ( Planning and Environment Act 1987) [4.13.1 - 2 pages]
2. 30 - S 11 A Authorisation - ( Planning and Environment Act 1987) Tracked Changes [4.13.2 - 2 pages]

### Purpose

1. The purpose of this report is to seek Council's endorsement for authorised officers under the *Planning & Environment Act 1987* through the updated Instrument of Authorisation and Appointment ('the instrument'). This instrument requires updating due to recent staff changes.

### Recommendation

That Council:

1. Approves the Instrument of Authorisation appointing the Council officers listed in it as authorised officers under the *Planning and Environment Act 1987* (**Attachment 1**).
2. Authorises the Chief Executive Officer to execute the instrument by affixing the common seal in accordance with Local Law No. 2 of 2020 Common Seal and Miscellaneous Penalties.
3. Notes that the instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. Notes that the previous Instrument of Appointment and Authorisation is revoked upon execution.

## **Council Resolution**

### **Moved Cr Gazzard, Seconded Cr Hodge**

That Council:

1. Approves the Instrument of Authorisation appointing the Council officers listed in it as authorised officers under the *Planning and Environment Act 1987* (**Attachment 1**).
2. Authorises the Chief Executive Officer to execute the instrument by affixing the common seal in accordance with Local Law No. 2 of 2020 Common Seal and Miscellaneous Penalties.
3. Notes that the instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. Notes that the previous Instrument of Appointment and Authorisation is revoked upon execution.

CARRIED 8|0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Nil	Nil

### **Outcome**

2. By authorising the relevant officers to perform their duties under the *Planning and Environment Act 1987*, Council will ensure these officers have the required authority to carry out their roles within legislated requirements, enabling services to continue to be delivered to the community.

### **Key Considerations**

3. Officers acting under the *Planning and Environment Act 1987* have authorisation for regulatory and enforcement work if required, as appropriate to their level of experience and qualifications.
4. The specific authorisations provided through this instrument include:
  - 4.1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
  - 4.2. under section 313 of the *Local Government Act 2020*, authorisation generally to institute proceedings for offences against the Act and/or any regulations.
5. The attached instrument has been reviewed and updated to reflect recent staff changes.

### **Background**

6. Officers are appointed as authorised officers to exercise statutory powers under various Acts and regulations. Appointments of authorised officers are to individual staff members.
7. The power to appoint authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be done through a resolution of Council.

### **Options**

8. **Alternative Option 1** – That Council does not endorse the updated instrument of authorisation.

This option is not recommended by officers as it will prevent new officers from being able to properly carry out their roles and provide services to the community.

### **Council Plan (including Health and Wellbeing Plan) Statement**

#### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

9. There are no financial implications arising from this report.

### **Community Engagement**

10. Community engagement is not required to be undertaken when updating the Instrument of Appointment and Authorisation - *Planning and Environment Act 1987*.

### **Statutory / Legal / Policy Considerations**

11. The appointment of authorised officers under the *Planning and Environment Act 1987* ensures Council is compliant with the legislation and that officers are able to carry out their enforcement roles.

### **Risk Assessment**

12. If officers are not appropriately authorised, they will not have the legal authority to perform key aspects of their role which would result in a lack of enforcement and services across the Shire. If officers act without the correct authority, actions can also be challenged and invalidated on that basis.
13. Authorising this instrument provides certainty and improves conditions for staff undertaking the roles noted in the instrument.



**Sustainability Considerations**

14. There are no sustainability considerations associated with this report.

**Conflict of Interest**

15. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

**Confidentiality**

16. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

**Transparency**

**Audit and Risk Committee involvement**

17. This report is not in scope of the Audit and Risk Committee.

**Councillor Briefings**

18. This item was not required to be discussed at Councillor Briefings.



## Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "officer" means –

Andrew Hewitt  
Anthony (Tony) Rolfs  
Barbara Peppard  
Ben Hynes  
Ben Schmied  
Benjamin Lowe Jabornik  
Bianca Wilkin  
Carol Mitchell  
Chris Pike  
David O'Connor  
David Priddle  
Dee Gomes  
Emma Monteath  
Finn Tewson  
Foti Dimopoulos  
Gabrielle O'Shea  
Guy Price  
Jacqueline Randles  
Jason Scammell  
Jayde Whitten  
Jennifer Davidson  
Karen Campbell  
Kate Sullivan  
Kristin Davies  
Kristy Prothman  
Leah Protyniak

Leanne Rolfe  
Mathew Mertuszka  
Melinda (Mindy) Vardy  
Michelle Warren  
Narelle Tozer  
Nick Helliwell  
Paul Lees  
Paul Sarapuu  
Rhiannan Glenister  
Rhonda Gambetta  
Robert Page  
Robert Pitcher  
Robyn Neville  
Rochelle Humphrey  
Samantha Natt  
Sandra Tomic  
Sarah Farrer  
Sarah Storen  
Shaun Barling  
Tim Waller  
Travis Ferrari  
Veronica Abbot  
Wayne Sandars  
William (Bill) Cathcart

**By this instrument of appointment and authorisation Surf Coast Shire Council -**

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Surf Coast Shire Council pursuant to the Council resolution dated 28 November 2023.

*The COMMON SEAL of SURF COAST  
SHIRE COUNCIL was affixed in the  
presence of:* )  
)  
)

.....  
Chief Executive Officer

.....  
Mayor/Deputy Mayor

.....  
*Date*

.....  
*Date*



**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means –

- |                                    |                                 |
|------------------------------------|---------------------------------|
| Andrew Hewitt                      | Leanne Rolfe                    |
| Anthony (Tony) Rolfs               | Mathew Mertuszka                |
| Barbara Peppard                    | Melinda (Mindy) Vardy           |
| Ben Hynes                          | Michelle Warren                 |
| Ben Schmied                        | Narelle Tozer                   |
| Benjamin Lowe Jabornik             | Nick Helliwell                  |
| Bianca Wilkin                      | Paul Lees                       |
| Carol Mitchell                     | Paul Sarapuu                    |
| Chris Pike                         | Rhiannan Glenister              |
| David O'Connor                     | <a href="#">Rhonda Gambetta</a> |
| David Priddle                      | Robert Page                     |
| Dee Gomes                          | Robert Pitcher                  |
| Emma Monteath                      | Robyn Neville                   |
| <a href="#">Finn Tewson</a>        | Rochelle Humphrey               |
| Foti Dimopoulos                    | Samantha Natt                   |
| Gabrielle O'Shea                   | Sandra Tomic                    |
| Guy Price                          | Sarah Farrer                    |
| <a href="#">Jacqueline Randles</a> | Sarah Storen                    |
| Jason Scammell                     | Shaun Barling                   |
| Jayde Whitten                      | Tim Waller                      |
| Jennifer Davidson                  | <a href="#">Travis Ferrari</a>  |
| Karen Campbell                     | Veronica Abbot                  |
| Kate Sullivan                      | Wayne Sandars                   |
| Kristin Davies                     | William (Bill) Cathcart         |
| Kristy Prothman                    |                                 |
| Leah Protyniak                     |                                 |

**By this instrument of appointment and authorisation Surf Coast Shire Council -**

- under s 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that this instrument -**

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Surf Coast Shire Council pursuant to the Council resolution dated ~~24 October~~[28 November](#) 2023.

The COMMON SEAL of SURF COAST )  
SHIRE COUNCIL was affixed in the )  
presence of: )

.....  
Chief Executive Officer

.....  
Mayor/Deputy Mayor

*Date*

*Date*

## 4.14 Conflict of Interest Records

### Council Plan

### Theme Seven - Accountable and Viable Council

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### Author's Title:

Acting Governance Officer

### General Manager:

Damian Waight, Acting General Manager Strategy and Effectiveness

### Division:

Strategy and Effectiveness

### Department:

Integrity and Governance

### Attachments:

1. Conflict of Interest Record - Councillor Briefings - 24 October 2023 [4.14.1 - 1 page]
2. Conflict of Interest Record - Councillor Briefings - 8 November 2023 [4.14.2 - 2 pages]
3. Conflict of Interest Record - Councillor Briefing - 14 November 2023 [4.14.3 - 2 pages]

### Purpose

1. To present conflict of interest records received since the previous Council meeting.
2. Conflict of interest records are required in accordance with the *Local Government Act 2020* (the Act) and these records inform Council and the community of any conflicts of interest which have been declared by Councillors at meetings held under the auspices of Council which are not Council meetings.

### Recommendation

That Council notes the conflict of interest records as presented in **Attachments 1 to 3** for the following meetings:

1. Conflict of Interest Record - Councillor Briefings - 24 October 2023.
2. Conflict of Interest Record - Councillor Briefings - 8 November 2023.
3. Conflict of Interest Record - Councillor Briefings - 14 November 2023.

### Council Resolution

#### **Moved Cr Gazzard, Seconded Cr Bodsworth**

That Council notes the conflict of interest records as presented in **Attachments 1 to 3** for the following meetings:

1. Conflict of Interest Record - Councillor Briefings - 24 October 2023.
2. Conflict of Interest Record - Councillor Briefings - 8 November 2023.
3. Conflict of Interest Record - Councillor Briefings - 14 November 2023.

CARRIED 8|0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton Cr Wellington	Nil	Nil

### **Outcome**

3. This report promotes public transparency by disclosing any conflicts of interest declared by Councillors during meetings conducted under the auspices of Council.

### **Key Considerations**

4. The *Local Government Act 2020* (the Act) outlines requirements for Councillors to declare and manage conflicts of interests. Councillors disclosing conflicts of interests and following the prescribed requirements promote transparency in decision-making.
5. The attached conflict of interest records are prepared in accordance with the Act and Council's Governance Rules. The Act outlines that the procedure for disclosing conflicts must be included within the Governance Rules and Chapter 3 of these Rules prescribes that a record of any meeting held under the auspices of Council must be kept and presented to the next possible Council meeting.
6. Publication of these records is an important part of the overall management of conflicts of interest. By making these records publicly available, the community is made aware that interests are recorded and managed effectively. This helps Councillors perform their roles in a way that meets the requirements of legislation and is consistent with community expectation.

### **Background**

7. Conflict of interest records are required to be presented to Council in accordance with the *Local Government Act 2020* and Council's Governance Rules.
8. Council notes these conflict of interest records monthly. Declaring conflicts of interest helps Councillors comply with legal requirements and meet community expectation.
9. These records replace the previous requirement under the *Local Government Act 1989* to present an Assembly of Councillors to Council.

### **Options**

10. **Alternative Option 1** – That Council does not note the conflict of interest records.

This option is not recommended as it would mean Council is not compliant with legislation.

## **Council Plan (including Health and Wellbeing Plan) Statement**

### **Theme Seven - Accountable and Viable Council**

Strategy 19 - Improve Council's credibility as a trusted decision maker through meaningful engagement.

### **Financial Considerations**

11. There are no financial considerations associated with presenting the conflict of interest records.

### **Community Engagement**

12. Community engagement has not been undertaken as this report is a presentation of conflict of interest records.

13. Providing these records to the community ensures community members have the opportunity to understand if there are any Councillor conflicts of interest.

### **Statutory / Legal / Policy Considerations**

14. These records are published in accordance with section 131 of the *Local Government Act 2020*.

### **Risk Assessment**

15. This report mitigates the risk of non-compliance with the legislation and helps mitigate any reputation risk associated with the perception that decisions being made could be conflicted in any way.

### **Sustainability Considerations**

16. There are no sustainability considerations associated with this report.

### **Conflict of Interest**

17. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

### **Confidentiality**

18. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

### **Transparency**

#### **Audit and Risk Committee involvement**

19. This report has not been presented to the Audit and Risk Committee.

### **Councillor Briefings**

20. This item was not presented to a Councillor briefing.



File No F18/225-4  
Trim Reference Record Number



## Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

<b>Description of Meeting:</b> Councillor Briefings #4 and Agenda Review
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 24 October 2023
<b>In Attendance:</b> Yes (✓) No (X)

Councillors		Officers	
Cr. Liz Pattison, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Mike Bodsworth, Deputy Mayor	✓	General Manager Place Making & Environment - Chris Pike	✓
Cr. Gary Allen	✓	Acting General Manager Strategy & Effectiveness - Damian Waight	✓
Cr. Paul Barker	X	General Manager Community Life - Gail Gatt	✓
Cr. Kate Gazzard	✓	Acting Executive Manager - Strategic Projects and Partnerships - Darryn Chiller	✓
Cr. Rose Hodge	✓	Manager Integrity and Governance - Jake Brown	✓
Cr. Adrian Schonfelder	✓	Coordinator Governance - Liberty Nash	✓
Cr. Libby Stapleton	✓	Manager Planning & Compliance – Dee Gomes	✓
Cr. Heather Wellington	X		
<b>External Presenters</b>			
Mark Heeney – Mind Australia	✓		
Steven Moylan – Barwon Health	✓		

<b>MEETING COMMENCED</b>	9:30 AM	<b>MEETING RETURNED</b>	11:25 AM
<b>MEETING ADJOURNED</b>	10:15 AM	<b>MEETING CONCLUDED</b>	12:15 PM

<b>Matters considered at the meeting</b>		
Council Meeting Agenda Review		
Councillor Topics		
External Presentation: Haven Homes		
<b>Councillor Conflict of Interest Disclosures</b>		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil.		
<b>Responsible Officer Signature:</b>		<b>Print Name:</b> Robyn Seymour
To be completed on conclusion of session and provided to Governance Officer.		

**Governance Rules, Chapter 3, Clause 3**

- 3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—
- a) the names of all Councillors and members of Council staff attending;
  - b) the matters considered;
  - c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
  - d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

- 3.2. The Chief Executive Officer must ensure that the written record of a meeting held under this clause is, as soon as practicable—
- a) reported at a meeting of the Council; and
  - b) incorporated in the minutes of that Council meeting.

**Auspices of the Council**

Any meeting that is organised, sponsored or otherwise facilitated by the council should be treated as an 'auspiced' meeting. Council auspiced meetings may include, but are not limited to:

- regular councillor briefings or forums,
- other briefing meetings,
- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

File No F18/225-4  
Trim Reference Record Number



## Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

<b>Description of Meeting:</b> Councillor Briefings #1
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 8 November 2023
<b>In Attendance:</b> Yes (✓) No (X)


Councillors		Officers	
Cr. Liz Pattison, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Mike Bodsworth, Deputy Mayor	✓	Acting Chief Executive Officer - Gail Gatt	✓
Cr. Gary Allen	✓	Acting General Manager Place Making & Environment - John Bertoldi	✓
Cr. Paul Barker	X	Acting General Manager Strategy & Effectiveness - Damian Waight	✓
Cr. Kate Gazzard	X	General Manager Community Life - Gail Gatt	✓
Cr. Rose Hodge	✓	Acting Executive Manager - Strategic Projects and Partnerships - Darryn Chiller	✓
Cr. Adrian Schonfelder	✓	Coordinator Social Infrastructure and Open Space Planning - Kristin Davies	✓
Cr. Libby Stapleton	✓	Social Infrastructure and Open Space Planning Officer - Bryce Balsillie	✓
Cr. Heather Wellington	X	Manager Finance - Gabby Spiller	✓
		Coordinator Management Accountant - Tim Dickson	✓
<b>External Presenters:</b>		Coordinator Design and Traffic - Mark Gibbons	✓
Libby Mears (GORCAPA Board Chair)	✓	Senior Project Design Engineer - Aoife Corcoran	✓
Jodie Sizer (GORCAPA Chief Executive Officer)	✓	Coordinator Customer Experience - Virginia Morris	✓
Carley Scott (GORCAPA Director Strategy, Engagement and Transformation)	✓	Coordinator Community Health and Development - Shannon Fielder	✓
Andy Mathers (GORCAPA Director Commercial and Tourism)	✓	Manager Integrity and Governance - Jake Brown	✓
		Manager Community Support - Jarrod Westwood	✓
		Health and Wellbeing Advisor - Monika Stevanja	✓
		Coordinator Community Emergency Management - Sharna Whitehand	✓
		Manager Community Safety - Andrew Hewitt	✓
		Manager People and Culture - Jill Moodie	✓
		Coordinator Workplace Health and Safety - David Kisby	✓

<b>MEETING COMMENCED</b>	10:00 AM	<b>MEETING ADJURNED</b>	11:10 PM
<b>MEETING COMMENCED</b>	11:20 AM	<b>MEETING ADJURNED</b>	12:30 PM
<b>MEETING COMMENCED</b>	1:00 PM	<b>MEETING CONCLUDED</b>	2:45 PM

<b>Matters considered at the meeting</b>
<b>External Presentation:</b> Great Ocean Road Coast and Parks Authority (GORCAPA) Update – Operations, Coastal land Transfers and Other Transition Processes
<b>Debrief:</b> Great Ocean Road Coast and Parks Authority (GORCAPA) Update – Operations, Coastal land Transfers and Other Transition Processes



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Quarterly Finance Report – September 2023		
1 <sup>st</sup> Year Safer Cycling Strategy Action Plan Update		
SCS-032 Complaint Handling Policy Review		
Petition Response LGBTQIA+ Advisory Committee		
Emergency Management Annual Update & Seasonal Readiness		
Review of Councillors as Candidates in State and Federal Elections Policy		
Free From Violence MAV Grant Funding		
Councillor Topics		
<b>Councillor Conflict of Interest Disclosures</b>		
<b>Councillor</b>	<b>Left Meeting (Y/N)</b>	<b>Classification and nature of interest(s) disclosed</b>
Nil.		
<b>Responsible Officer Signature:</b> 		<b>Print Name:</b> Robyn Seymour
To be completed on conclusion of session and provided to Governance Officer.		

**Governance Rules, Chapter 3, Clause 3**

3.1. At a meeting under the auspices of Council that is not a meeting of the Council or delegated committee, the Chief Executive Officer must ensure that a written record is kept of—

- a) the names of all Councillors and members of Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending under subclause 3.3;
- d) whether a Councillor who has disclosed a conflict of interest as required by subclause 3.3 leaves the meeting.

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**Auspices of the Council**

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- committees other than a delegated or community asset committee (such as advisory committees),
- public consultations, and
- site meetings (incl. include meetings the council arranges jointly with other organisations).

File No F18/225-4  
Trim Reference Record Number



## Conflict of Interest Record Meetings conducted under the auspices of Council

Section 131 of the Local Government Act 2020 and Chapter 3 of Council's Governance Rules

<b>Description of Meeting:</b> Councillor Briefings #2
<b>Responsible Officer:</b> Chief Executive Officer
<b>Date:</b> 14 November 2023
<b>In Attendance:</b> Yes (✓) No (X)


Councillors		Officers	
Cr. Liz Pattison, Mayor	✓	Chief Executive Officer - Robyn Seymour	✓
Cr. Mike Bodsworth, Deputy Mayor	✓	General Manager Place Making & Environment - Chris Pike	✓
Cr. Gary Allen	X	Acting General Manager Strategy & Effectiveness - Damian Waight	✓
Cr. Paul Barker	X	General Manager Community Life - Gail Gatt	✓
Cr. Kate Gazzard	✓	Acting Executive Manager - Strategic Projects and Partnerships - Darryn Chiller	✓
Cr. Rose Hodge	✓	Manager Integrity and Governance – Jake Brown	✓
Cr. Adrian Schonfelder	✓	Coordinator Governance – Liberty Nash	✓
Cr. Libby Stapleton	✓	Governance Officer – Jess Menzel	✓
Cr. Heather Wellington	X	Manager Economic Development - Matt Taylor	✓
		Coordinator Tourism - Sarah Korakis	✓
		Senor Events Officer - Jim Lawson	✓
<b>External Attendees</b>			
Kelly Dickson - Visit Australia	✓	Tourism and Events Officer - Katie Boag	✓
Luke Murphy - Visit Australia	✓	Manager Environment and Sustainability - Jane Spence	✓
Kane Osler - O2	✓	Climate Action Officer - Adrian Ford	✓
Jason Baker – Signature Sport	✓	Climate Action Coordinator - Lauren Watt	✓
		Climate Resilience Officer - Donna Groves	✓
		Coordinator Community Projects and Partnerships - Meredith Kelly	✓
		Team Leader Community Facilities - Zoe Eastick	✓
		Coordinator Community Health - Shannon Fielder	✓
		Manager Community Strengthening – Katie Reaper	✓
		Manager Community Support – Jarrod Westwood	✓

<b>MEETING COMMENCED</b>	11:03 AM	<b>MEETING ADJOURNED</b>	12:34 PM
<b>MEETING RESUMED</b>	1:14 PM	<b>MEETING CONCLUDED</b>	2:37 PM

<b>Matters considered at the meeting</b>
External Presentation and Debrief – Major Event Proposal - CONFIDENTIAL
Event Grants and Sponsorship Guidelines
SCS-060 Environmental Management Policy
Community Asset Committees Update
Update on the Community Development Action Plan
Reports Coming to the November Council Meeting
Municipal Public Health and Wellbeing Plan Year 2 (July 22-June 23) Progress Update 2 of 2: Pillars 3, 4 and 5
SCS-031 Privacy and Data Protection Policy
Council Meeting Dates for 2024
Councillor Topics



File No F18/225-4  
Trim Reference Record Number

Councillor Conflict of Interest Disclosures		
Councillor	Left Meeting (Y/N)	Classification and nature of interest(s) disclosed
Nil.		
<p><b>Responsible Officer Signature:</b>  <b>Print Name:</b> Robyn Seymour</p>		
To be completed on conclusion of session and provided to Governance Officer.		

**Governance Rules, Chapter 3, Clause 3**

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- public consultations, and
- site meetings (incl.include meetings the council arranges jointly with other organisations).

## **5 Urgent Business**

Nil.

## **6 Closed Section**

## **7 Close of Meeting**

The Council Meeting - 28 November 2023 closed at 9.21pm.

