



MANSFIELD SHIRE

High Country, Lakes and Rivers

COUNCIL MEETING

21 APRIL 2020

**Notice and Agenda of meeting
to be held at the Mansfield Shire Council
33 Highett Street, Mansfield**

Commencing at 5.00pm

Our aspiration for our Shire and its community

We live, work and play in an inclusive, dynamic and prosperous place where community spirit is strong and people are empowered to engage in issues that affect their lives.

Councillors:

Tolmie Ward:	Cr Marg Attley (Mayor)
Mansfield Ward:	Cr Peter Olver (Deputy Mayor)
Bonnie Doon Ward:	Cr Paul Sladdin
Mansfield Ward:	Cr Paul Volkering
Jamieson Ward:	Cr Harry Westendorp

Officers:

<i>Chief Executive Officer:</i>	<i>Kaylene Conrick</i>
<i>Community Services Manager:</i>	<i>Melanie Hotton</i>
<i>Corporate and Organisational Development Manager:</i>	<i>Sharon Scott</i>
<i>Development Services Manager:</i>	<i>Ben McKay</i>
<i>Finance Manager:</i>	<i>Mandy Kynnersley</i>
<i>Infrastructure Manager (Interim):</i>	<i>Andre Kompler</i>



MANSFIELD SHIRE COUNCIL

Order of Business

1. OPENING OF THE MEETING

The Mayor, who chairs the meeting, will formally open the meeting and welcome all present.

2. STATEMENT OF COMMITMENT

The Council affirms its commitment to ensuring its behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter.

3. ACKNOWLEDGEMENT OF COUNTRY

The Council affirms its recognition of the Taungurung people being traditional owners of this area, and pays respect to their Elders past and present.

4. APOLOGIES

Where a Councillor is not present, his/her absence is noted in the Minutes of the meeting.

5. CONFIRMATION OF MINUTES

The minutes of the previous meeting are placed before Council to confirm the accuracy and completeness of the record.

6. DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with the *Local Government Act 1989*, a Councillor must declare any Conflict of Interest or Personal Interests pursuant to Sections 77A, 77B, 78, 79 and 79B of the Act in any items on this Agenda. (Note that Section 79(2)(a)(i) of the Act requires Councillors to disclose the nature of a Conflict of Interest or a Personal Interest immediately before the relevant consideration or discussion). Section 79B also requires that the Councillor declaring a Personal Interest must seek consent from Council to be exempt from voting on the item.

Council officers or contractors who have provided advice in relation to any items listed on this Agenda must declare a Conflict of Interest or Personal Interest regarding the specific item.

7. REPRESENTATIONS

Council receives or presents acknowledgements to the general public. Deputations may also be heard by members of the general public who have made submission on any matter or requested to address the Council. Council may also receive petitions from residents and ratepayers on various issues. Any petitions received since the previous Council meeting are tabled at the meeting and the matter referred to the appropriate Council officer for consideration.

8. NOTICES OF MOTION

A Motion is a request (Notice of Motion) that may be made by a Councillor for an issue not listed on the Agenda to be discussed at a Council meeting and for a decision to be made.

9. MAYOR'S REPORT

The Mayor provides a report on his/her activities.

10. REPORTS FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors appointed by Council to external committees will provide an update where relevant.

11. OFFICER REPORTS

11.1 Departmental Reports

Monthly Departmental reports will be presented to the Council as follows:

- Community Services
- Corporate and Organisational Development
- Development Services
- Executive Services
- Finance
- Infrastructure



11.2 Development Services

All planning and development applications and strategic planning items will be considered by the Council. Reports also considered will be Building, Environment, Environmental Health and Local Laws. A Council position is adopted on the matters considered.

11.3 Community Services

Detailed reports prepared by the Community Services Department reports and are considered by Councillors. A Council position is adopted on the matters considered.

11.4 Finance Department

Detailed reports prepared by officers from the Finance Department are considered by the Council. A Council position is adopted on the matters considered.

11.5 Infrastructure

Detailed reports prepared by officers from the Infrastructure Department are considered by the Council. A Council position is adopted on the matters considered.

11.6 Executive Services

Detailed reports prepared by officers from Executive Services Department will be considered by the Council. A Council position is adopted on the matters considered.

11.7 Corporate and Organisational Development

Detailed reports prepared by officers from Corporate and Organisational Development Department will be considered by the Council. A Council position is adopted on the matters considered.

12. ASSEMBLY OF COUNCILLORS

In accordance with section 80A of the *Local Government Act 1989*, Council must keep a written record of all assemblies of Councillors. An Assembly of Councillors is defined as a planned or scheduled meeting, comprising at least three Councillors and one member of Council staff, that consider matters that are intended or likely to be the subject of a decision of the Council or subject to the exercise of a function; duty or power of a Council that has been delegated to a person or committee [s.76AA].

13. ADVISORY AND SPECIAL COMMITTEE REPORTS

Council considers reports from Advisory Committees that Councillors represent Council on.

14. AUTHORISATION OF SEALING OF DOCUMENTS

Any documents that are required to be endorsed by the Chief Executive Officer under delegated authority and sealed by the Council are presented to the Council.

15. PUBLIC QUESTION TIME

Councillors will respond to questions from the community that have been received in writing prior to the Council meeting. A form is provided on Council's website.

16. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Whilst all Council meetings are open to members of the public, Council has the power under the *Local Government Act 1989* to close its meeting to the general public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public leave the Council Chamber while the matter is being discussed.

17. PRESENTATION OF CONFIDENTIAL REPORTS

18. REOPEN MEETING TO MEMBERS OF THE PUBLIC

The Mayor will reopen the meeting to members of the public.

19. CLOSE OF MEETING

The Mayor will formally close the meeting and thank all present for attending.

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AGENDA

21 APRIL 2020
MANSFIELD SHIRE COUNCIL
33 Highett Street, Mansfield
5.00PM

CONTENTS

1.	<i>OPENING OF THE MEETING</i>	3
2.	<i>STATEMENT OF COMMITMENT</i>	3
3.	<i>ACKNOWLEDGEMENT OF COUNTRY</i>	3
4.	<i>APOLOGIES</i>	3
5.	<i>CONFIRMATION OF MINUTES</i>	3
6.	<i>DISCLOSURE OF CONFLICTS OF INTEREST</i>	3
7.	<i>REPRESENTATIONS</i>	3
8.	<i>NOTICES OF MOTION</i>	3
9.	<i>MAYOR’S REPORT</i>	4
10.	<i>REPORT FROM COUNCIL APPOINTED REPRESENTATIVES</i>	6
11.	<i>OFFICER REPORTS</i>	7
	<i>11.1 DEPARTMENTAL REPORTS</i>	7
	<i>11.2 COMMUNITY SERVICES</i>	8
	<i>11.2.1 Community Matching Fund 2020</i>	8
	<i>11.3 CORPORATE AND ORGANISATIONAL DEVELOPMENT</i>	12
	<i>11.3.1 Public Interest Disclosure Act 2012 – Amendment of the Mansfield Shire Council Protected Disclosure Policy and Procedure 2019</i>	12
	<i>11.4 FINANCE DEPARTMENT</i>	15
	<i>11.4.1 Council Plan Performance Reporting Q3 2020</i>	15
	<i>11.4.2 Review of Mansfield Shire Council Instruments of Delegation</i>	17
	<i>11.5 INFRASTRUCTURE</i>	20
	<i>11.5.1 Award of Contract CM1920.001 – Mt Buller Pathway Construction</i>	20
	<i>11.5.2 Financial update, including tender options on the Dual Court Stadium project</i>	24
12.	<i>ASSEMBLIES OF COUNCILLORS</i>	24
13.	<i>ADVISORY AND SPECIAL COMMITTEE REPORTS</i>	32
14.	<i>AUTHORISATION OF SEALING OF DOCUMENTS</i>	33
15.	<i>PUBLIC QUESTION TIME</i>	33
16.	<i>CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC</i>	34



17. PRESENTATION OF CONFIDENTIAL REPORT	35
17.1 INFRASTRUCTURE CONFIDENTIAL REPORT	35
17.1.1 Tender Evaluation Report - Contract CM1920.001 – Mt Buller Pathway Construction.....	35
18. REOPEN MEETING TO MEMBERS OF THE PUBLIC	35
19. CLOSE OF MEETING.....	35



AGENDA

21 APRIL 2020
MANSFIELD SHIRE COUNCIL
33 Highett Street, Mansfield
5.00PM

1. OPENING OF THE MEETING

2. STATEMENT OF COMMITMENT

“As Councillors of Mansfield Shire we are committed to ensuring our behaviour meets the standards set by the Mansfield Shire Councillor Code of Conduct and Councillor Charter. We will, at all times, faithfully represent and uphold the trust placed in us by the community.”

3. ACKNOWLEDGEMENT OF COUNTRY

“Our meeting is being held on the lands of the Taungurung people and we wish to acknowledge them as Traditional Owners. We would also like to pay our respects to their Elders, past and present, and Aboriginal Elders of other communities who may be here today.”

4. APOLOGIES

5. CONFIRMATION OF MINUTES

Recommendation:

THAT:

- the Minutes of the Ordinary meeting of Mansfield Shire Council, held on 17 March 2020, will be confirmed as an accurate record.
- the Minutes of the Special meeting of Mansfield Shire Council, held on 30 March 2020, will be confirmed as an accurate record.
- the Minutes of the Special meeting of Mansfield Shire Council, held on 14 April 2020, will be confirmed as an accurate record.

6. DISCLOSURE OF CONFLICTS OF INTEREST

7. REPRESENTATIONS

8. NOTICES OF MOTION



9. MAYOR'S REPORT

Cr Marg Attley will present the monthly Mayor's report from 17 March 2020 to 14 April 2020 to the Council as follows:

This report is extremely difficult to write —given the drastic changes that have occurred in our communities and of course in Local Government.

We have all had to make sacrifices and change the way we are currently living. Many people have lost their jobs and our levels of anxiety and stress have increased. Everyone reacts differently and has varying obligations and needs. I know our community is already doing so, but we need to continue to support one another.

Council staff, led by our CEO, Kaylene Conrick, are to be commended for the manner in which they have responded to the changes. Essential services are continuing, with some services continuing online. Staff are working from home in order to provide business as usual. Some staff have been seconded to other roles.

According to the Local Government Act, Council meetings must be conducted with Councillors attending in person. These meetings will be live streamed on our Youtube channel and if possible, broadcast through Mansfield Community Radio. We have been attending other meetings via Zoom.

Mayors' Forums

I have had the opportunity to be involved in a meeting of the Local Government Mayors' Advisory Panel where 15 Mayors across Victoria, highlighted to the Minister for Local Government and to Local Government Victoria, the current issues for the sector. Among the important items were impacts on small communities and councils like ours and the requirement for councils to meet in person.

Rates and fee extension

We were pleased to announce this month, the time extensions offered to residents and ratepayers for the payment of Council fees and charges, which means they won't incur interest on payments made before 30 June 2020.

Under Council's 'Rates and Charges Financial hardship Policy' support can be tailored to individual needs during this time. Please get in touch to discuss your situation and develop a plan with our team.

Keep conversations going

I have missed my contact with the community at my Cafe Conversations but hopefully you have been able to watch my weekly messages. You can still of course contact me by phone.

Vale Graham Corless

Sadly, I'd like acknowledge the recent passing of Graham Corless who made a huge contribution to the Mansfield community. He was involved in the establishment of the Mansfield Community Bank and served on the Board. He was also the chair and Board member of MACE for many years. As a visionary, he developed Kaaren Estate and gave so much to Mansfield.



I am so proud of how our community continues to manage through the restrictions. The creativity and hard work of our businesses to continue to be able to operate has been inspiring to many

Thank you for supporting one another so caringly!

Keep up the great work, stay safe and stay healthy.

**Cr Marg Attley OAM
Mayor**

Recommendation:

THAT the Mayor's report for the period 18 March 2020 to 14 April 2020 be received.



10. REPORT FROM COUNCIL APPOINTED REPRESENTATIVES

Councillors appointed by Council to external committees will provide an update where relevant.

COMMITTEE	Responsible Councillor(s)
Australia Day Awards Committee	Mayor and Cr Paul Sladdin and Cr Paul Volkering
Goulburn Broken Greenhouse Alliance	Cr Marg Attley
Hume Regional Local Government Network (HRLGN)	Cr Marg Attley
Integrated Fire Management Planning Committee.	Cr Paul Volkering and Cr Marg Attley
Lake Eildon Land and On-Water Management Plan Implementation Committee	Cr Paul Sladdin
Mansfield Shire Audit and Risk Advisory Committee	Mayor and Cr Harry Westendorp
Mansfield Shire Environment Advisory Committee	Cr Marg Attley
Mansfield Sport and Recreation Advisory Committee	Cr Paul Sladdin
Municipal Association of Victoria (MAV)	Cr Marg Attley
Municipal Emergency Management Planning Committee (MEMPC)	Cr Paul Volkering and Cr Marg Attley
Municipal Fire Management Planning Committee (FMPC)	Cr Paul Volkering and Cr Marg Attley
North East Local Government Waste Forum	Cr Peter Olver
North East Tracks Local Learning and Employment Network	Cr Harry Westendorp
Rural Councils Victoria	Cr Harry Westendorp

Recommendation:

THAT Council note the verbal reports provided by Councillors in relation to their representation on external Committees.



11. OFFICER REPORTS

11.1 DEPARTMENTAL REPORTS

File Number: E103
Responsible Officer: Chief Executive Officer, Kaylene Conrick

Introduction

Departmental reporting allows a short briefing to be provided to Council on the current operations, tasks and projects undertaken within each Department over the past month.

The Chief Executive Officer will present the monthly Departmental reports to Council, as follows:

- Development Services
- Infrastructure
- Corporate and Organisational Development

Attachment

11.1.1 Departmental reports

Recommendation:

THAT Council receive and note the Departmental reports for the period 17 March 2020 to 9 April 2020.

DEVELOPMENT SERVICES STATISTICS – MARCH 2020

PLANNING

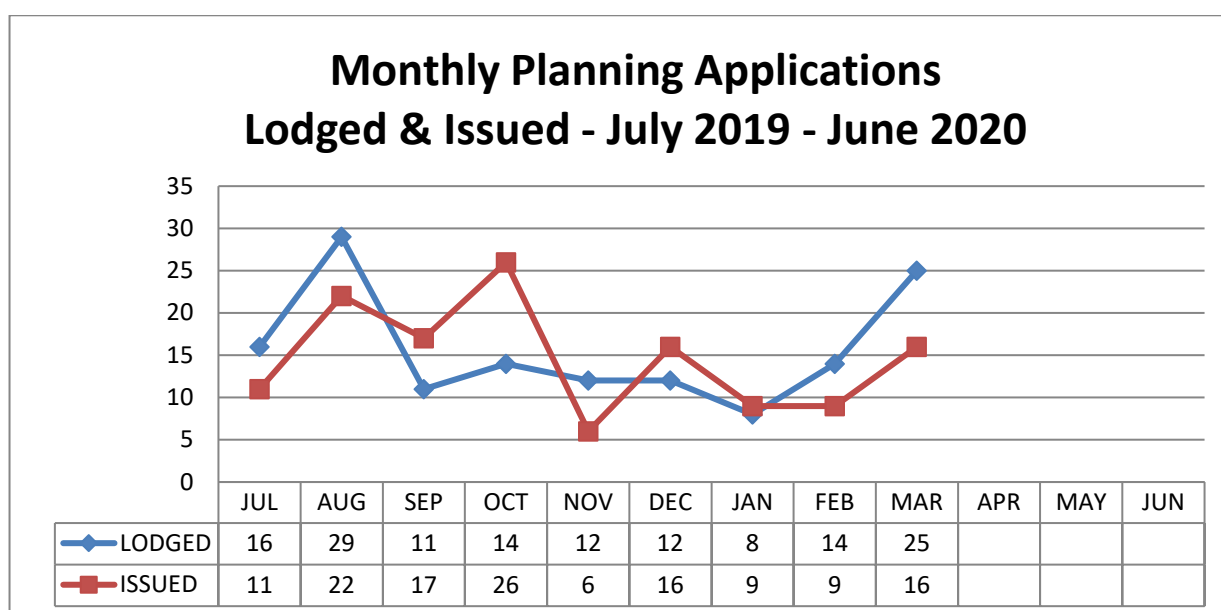
Planning Applications Lodged

Type of Application	Lodged
Development of dwelling (and outbuilding 4) (retrospective 1)	8
Development of an outbuilding/ agricultural shed	4
Section 173 Assessment Native Vegetation	1
Development of a replacement dwelling	1
Buildings & works – extension to existing dwelling	1
Amendment to stage multi lot subdivision	1
Two lot subdivision/boundary realignment/ consolidation	5
Use & development of land for education centre, training facility, accommodation, camping & subdivision of land	1
Existing use rights – use of land for a commercial laundry	1
Amendment to include low density outdoor poultry farm	1
Certification 10 lot subdivision	1
Total	25

Planning Applications Determined

File No	Description	Property Address	Total Applications Approved
DA6150	Amend condition – Development & use of a shed	317 Banumum Rd Mansfield	1
DA7267	Use of land as an indoor recreation facility	40B High St Mansfield	1
DA5424	Section 173 Assessment – native vegetation removal	22 Goughs Point Ridge Mountain Bay	1
DA4201	Development & use of a store	20 Powers Rd Merrijig	1
DA6938	Development of land for a convenience restaurant	2-4 Station St Mansfield	1
DA7232	Use & development for indoor recreational facility & signage	5-9 Eisners Lane Mansfield	1
DA6344	Use & development for a second dwelling	150 Ambrose Drive Tolmie	1
DA2531	Use & development for group accommodation	221 Wairere Rd Boorolite	1
DA2230	Development of shed (within 100 mtrs of a waterway)	20 Harbour Line Drive Goughs Bay	1
DA632/2	Amendment - Buildings & works use of land for a service station & convenience store	140 High St Mansfield	1
DA6574	Consolidation including use & development of a dwelling	46 Kubeils Rd Merton	1

DA7213	Development of a dwelling	33 Crosbys Lane Mansfield	1
DA6150	Buildings & works – outbuilding	35 High Vista Crt Mansfield	1
DA7275	Development of dwelling & agricultural shed	5092 Midland Hwy Mansfield	1
DA1883/2	Two lot subdivision	8 Timothy Lane Mansfield	1
DA2778/2	Development of an outbuilding	570 Three Chain Rd Boorolite	1
	Total applications approved		16



Other Planning Consents & Enquiries

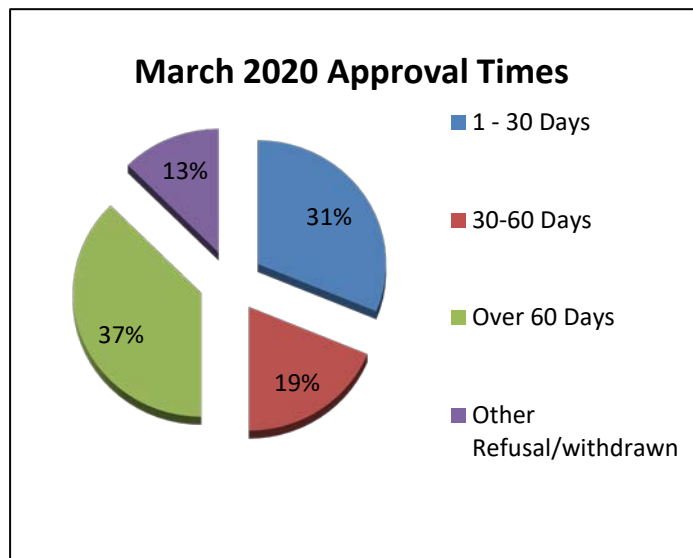
Extension of time	5
Secondary Consent (re-endorse amended plans)	3
Statement of Compliance	1
Endorse plans per condition on permit	3

Certification Applications Lodged for the Month

Application No	Date Lodged	Type	Location	Application Stage
S155304M/20	19/3/2020	Ten lot subdivision	Lot 2 Redleaf Court Mansfield	Under Assessment
S155440T/20	23/3/2020	Two lot consolidation	132 Magills Lane Maindample	Under Assessment

Days Taken to Approve Planning Application

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
1 - 30 days	3	5	5										13
31 - 60 days	3	0	3										6
Over 60 days	3	4	6										13
Withdrawn / Permit not req. / Lapsed/Refused		1	2										3
Number of applications finalised	9	10	16										35



BUILDING

Monthly Comparative Value of Building Permits Lodged

	2019-20	2018-19	2017-18
JUL	\$4,550,498	\$2,676,220	\$2,806,374
AUG	\$6,183,063	\$4,610,305	\$2,575,688
SEP	\$5,109,519	\$3,471,180	\$3,525,850
OCT	\$7,894,620	\$8,387,850	\$3,669,368
NOV	\$3,637,916	\$9,182,342	\$2,110,805
DEC	\$5,707,703	\$2,218,114	\$3,425,626
JAN	\$3,067,587	\$4,662,208	\$1,412,051
FEB	\$4,674,115	\$5,154,596	\$3,317,615
MAR	\$11,029,109	\$5,249,817	\$4,018,171
APR		\$4,275,654	\$6,325,641
MAY		\$3,190,061	\$7,272,446
JUN		\$3,745,818	\$8,458,304
TOTAL	\$51,854,130	\$56,824,167	\$48,917,939

Monthly Comparison of Permits Lodged for Dwellings

	2019-20		2018-19		2017-18	
JUL	16*	16	8	8	7	7
AUG	11	27	14	22	7	14
SEP	11	38	10	32	8	22
OCT	25	63	16	48	9	31
NOV	9*	72	18	66	5	36
DEC	16	88	6	72	7	43
JAN	6	96	12	84	3	46
FEB	10	106	12	96	9	55
MAR	9	115	8	104	10	65
APR			14	128	15	80
MAY			10	138	15	95
JUN			10	148	25	120
TOTAL	115		148		120	

* NB: One permit issued for 2 dwellings at 20 Collopy Street & 35 Cambridge Drive

Value of Building Permits Lodged with Council

Type	Number	Value
RESIDENTIAL (7 Urban 2 Rural)	9	\$2,312,075
ALT & ADDITIONS	6	\$1,067,255
DOMESTIC SHEDS & CARPORTS	15	\$460,155
SWIMMING POOLS & FENCES	1	\$34,335
COMMERCIAL & PUBLIC AMENITIES	5	\$7,155,289
TOTAL COST OF BUILDING WORKS	36	\$11,029,109

SEPTIC

Septic Applications Lodged, Approved and Issued for the Month

	Applications Lodged	Permits to Install Issued	Permits to Use Issued
JUL	10	4	6
AUG	11	13	11
SEP	4	7	4
OCT	10	11	11
NOV	4	9	4
DEC	5	9	6
JAN	1	5	3
FEB	5	3	7
MAR	6	4	7
APR			
MAY			
JUN			
TOTAL	56	65	59

Septic Applications Lodged

	2019-20		2018-19		2017-18	
JUL	10	10	4	4	5	5
AUG	11	21	6	10	4	9
SEP	4	25	7	17	6	15
OCT	10	35	9	26	5	20
NOV	4	39	14	40	2	22
DEC	5	44	8	48	6	28
JAN	1	45	3	51	3	31
FEB	5	50	9	60	5	36
MAR	6	56	5	65	10	46
APR			9	74	11	57
MAY			8	82	8	65
JUN			3	85	2	67
TOTAL	56		85		67	

Roadside Weed Control

The 2019-2020 Roadside weed control program is now complete.

Mansfield Shire Council's contractor's targeted blackberry, hawthorn and sweet briar rose in the following regions:

Greenacres Land Management:

- Bonnie Doon (Dry Creek Road, Glen Creek Road, Maintongoon Road);
- Ancona;
- Howes Creek (northern end);
- Gough's Bay; and
- Barjarg.

GLT Weed Management:

- Merrijig (primarily north of Mansfield-Mt Buller Road);
- Barwite;
- Bridge Creek; and
- Aldous Road, Long Lane region.

Mansfield and District Weed Control:

- Gough's Bay;
- Macs Cove;
- Howqua River Road and Howqua Inlet; and
- Jamieson.

Gorse and broom was treated across the whole of the Shire in October 2019.



INFRASTRUCTURE DEPARTMENT REPORT April Meeting 2020

FIELD SERVICES

Over the past few months, an assessment of training requirements has been completed. As a result, all staff attended in house “Spotter” training. Our newest staff member also completed training in the use of the Roller and Backhoe.

Grading has continued this month with roads located in the Jamieson and Booroolite areas, Mac’s Cove and Howqua Track.



Clearing of drains has also been completed this month along with the re-establishment of drains with the backhoe in Howes Creek Road, Cummins Road and Monkey Gully Road. Culverts in Bonnie Doon township have also been cleared. Council had the long reach mower out tidying up grassed areas at Oaksford Drive, High Vista Court, and Dead Horse Lane.

Council’s urban crew has been busy this month with general maintenance including

line marking at Goughs Bay intersection, painting Mansfield township street furniture and fixing a water leak at the Visitors Information Centre. Staff have understandably been busy with COVID-9 related activities, such as installation of signage, distance barriers at the Resource and Recovery Centre, and installing some hand sanitising units around Council buildings.

PARKS & GARDENS

Council’s Parks and Gardens team has remained busy ensuring all towns look amazing.

Work on the Mansfield monument roundabout garden has continued in readiness for planting. Some may have noticed Council’s new Parks & Garden’s Supervisor working with string lines around the garden beds. This work was undertaken to ensure the symmetry of the beds, and as a result the beds required reshaping. Steel garden edging has now been installed.

The “dead wooding” of hazardous trees at the north end of Highett Street has been completed. An interim upgrade and automation of the irrigation system along the south end of Highett Street has commenced.

Removal of dead and dying trees along Lake Valley Drive, Goughs Bay has also occurred.

The replacement of wooden barrier bollards in Jamieson has been completed.

Beatification of the Mansfield Cemetery has continued with a number of new trees being planted.



MAINTENANCE

Significant steps have been implemented to improve hygiene and cleaning services to defend against the COVID-19 pandemic.

40 wall mounted hand sanitiser units have been installed in Council buildings. Staff have been issued with a work station disinfecting solution and the cleaning contractors are sanitising all common use areas throughout the buildings daily. Staff have also been issued with personal bottles of hand sanitiser. Council vehicles have been equipped with sanitising solution and cleaning cloths. All depot vehicles and plant are also equipped with sanitiser.

An upgrade of the emergency and exit lights has taken place at the Mansfield Performing Arts Centre. General external building maintenance works have also taken place. This included the removal of debris and overgrown vegetation from the building perimeter and pressure cleaning of the walls. Internal works have also been undertaken to seal a variety of air leaks in the building.

A Request for Quotation for the Heating & Cooling Contract via tenderlink has closed with six submissions received. Evaluation is currently in progress.

CEMETERY

Two interments occurred at Mansfield Cemetery in March.

All cemeteries are looking great given the beautiful weather and with Parks and Gardens staff continuing to perform routine mowing and maintenance at all cemeteries. A number of established trees have been planted throughout the Mansfield cemetery with spring bulbs in the historic section. The March newsletter from the Cemeteries and

Crematoria Association of Victoria (CCAV) is attached.

CAPITAL WORKS



The construction and sealing of 550m of Withers Lane has come to a standstill over the month of March. This was due to an unexpected AC water main discovered at the intersection with Maroondah Highway. This has impacted the contractor's ability to complete this section of road. Council has worked with Goulburn Valley Water to have this issue resolved and works onsite should recommence very soon. The 400m section along the frontage of the Stockman's Rise development has been completed with only line marking remaining.

Council's 2019-20 Resheet Program has been completed with approximately 17kms of Council's unsealed road network being renewed.

Drainage works have commenced on Barwite Road with the contractor completing works as part of the road rehabilitation program. Council is still working closely with the contractor to rectify pavement defects.

Works on the new Dual Court Indoor Sports Stadium have commenced with site preparation works. Under slab plumbing is

underway, electrical mains and communication cabling has been installed and the structural steel has commenced fabrication. The expected completion date for the project is March 2021.



The refurbishment of the roundabout toilets has been completed. These works included tiled internal walls, epoxy floor coating, new toilet pans & urinals, new basins, hands free tapware along with a new sliding access door to the unisex/disabled toilet to facilitate easier access.



As part of the Dual Court Indoor Sports Stadium project, View Street will also receive an upgrade to improve access and traffic flow in the area. Survey and design is nearing completion with construction plans due by the end of April 2020. After this Council will proceed to the tender stage for construction.





CAPITAL WORKS PROGRESS REPORT

The March 2020 Capital Works Progress Report is shown below.

Some of the projects currently being delivered include:

- Withers Lane
- Alpine Ridge Drive Survey and Design
- Malcolm Street Survey and Design
- Dual Court Indoor Stadium
- View Street Survey and Design

Some of the projects that have been completed in March include:

- Mansfield Roundabout Public Toilet Refurbishment
- Resheet Program
- Additional Playing Fields Fence

March 2020

PROJECT STATUS	19/20 Current Budget	% Complete
Not Started	-	0.00%
Plan	3,170,519	21.47%
Design	2,100,000	14.22%
Procurement	465,500	3.15%
Deliver	7,684,907	52.04%
Complete	1,347,005	9.12%
Total	14,767,931	

FROM THE SECRETARIAT – KEEPING OUR MEMBERS INFORMED

On behalf of Cemeteries & Crematoria Association of Victoria we are pleased to bring you this CCAV Newsletter.

“IN THIS ISSUE...”

- Secretariat’s Introduction
- From the President
- Coronavirus (COVID-19)
- Statutory Declaration Form
- Our Community
- CCAV Annual Awards
- Cemetery Grants
- Congratulations
- Application To Establish Or Alter A Memorial At Place Of Interment
- Cemetery Stats

 Judith Voce CCAV President Boroondara Cemetery Trust	 Norelle Cole CCAV Vice-President Rye Cemetery Trust	 John McCormack CCAV Secretary Neerim Cemetery Trust	 Richard Vandeloo CCAV Treasurer Sunbury Cemetery Trust
 Rosemary Angus CCAV Committee Member Smythesdale Cemetery Trust	 Martin Lanyon CCAV Committee Member Geelong Cemeteries Trust	 Brendan Koch CCAV Committee Member The Greater Metropolitan Cemeteries Trust	<p>CCAV Committee of Management 2019 - 2020</p> 

Also, a reminder that if any member wishes to assist the Committee in any way, please contact the Secretariat and we will advise the President. As always, we are delighted to take this opportunity to thank and acknowledge the following sponsors for their strong support to CCAV throughout the year.

Our sponsors take a lot of interest in our industry, and they invest significant time to build relationships. We will only continue to receive loyalty from our sponsors if we give them fair consideration in our purchasing decisions or when tendering for services. Their investment in our association is used to subsidise the cost of events for all members and is greatly appreciated.

Chris Harrington, Luisa Natoli & Helena Hu - CCAV Secretariat

- CCAV SPONSORS -

PLATINUM SPONSORS		
		
GOLD SPONSOR		
		
SILVER SPONSORS		
		
		
BRONZE SPONSORS		
		

FROM THE PRESIDENT

These are unprecedented times that we are experiencing as the effects of the coronavirus pandemic dictate our daily lives on a scale that the majority of us have never witnessed before. Our Governments have implemented measures to hopefully control the spread of COVID-19 to provide a safe environment for all of us sooner rather than later. As a consequence, it is our individual responsibility to abide by their directives for the benefit of each other, including our colleagues, families and friends.

As members of the DHHS Strategic Working Group, Vice President, Norelle Cole, and I are participating in weekly telecommunication meetings with the Department to discuss COVID-19 issues that impact on our cemeteries and crematoriums. This enables us to provide regular updates to our Members to ensure that you are informed of the latest requirements for your operations. Please refer below for further information and links regarding COVID-19.

As advised at our General Meeting on March 13th and subsequent letters to Members and our Sponsors, we have cancelled the Country Conference at Mornington in May. The Committee is investigating options to provide some podcasts or webinars with the panellists and collect some of the questions Members may have to put to the panels prior to producing them. The planned professional development sessions included Cemetery Fees: Understanding fee structuring; Rights of Interment: The Who and The What; and Memorialisation Options: Are you having the conversation? Alternatively, we could consider having these panels form the 'guest speaker' role at future General Meetings when we are able to hold them again.

Unfortunately, we have also had to postpone all training for the immediate future. However, in the meantime you can register your interest in attending future training when it becomes available for Grave Safe, Trench Shoring, Grief Support, Confined Space and Cemetery Essentials course for Class B Secretaries with Brendan Koch or the Secretariat.

We have been provided with the following DHHS Abstracts of Accounts Yearly Statistics for your information. BDM data shows that in 2018-2019 there were 40,665 deaths in Victoria and 247 deceased persons were transported out of Victoria. (This data was provided to the Department on August 8, 2019 and was subject to change.) The Department has assumed that 40,418 disposals (cremation or interment) took place in Victoria in 2018-2019.

Total cremations was 20,638 so assume there were 19,780 interments of bodily remains, although this is an estimation given they have only received 84% of Class B Abstracts for 2018-2019. Class A Trusts = 10,316 and Class B Trusts = 9,464 interments. The actual Class B interments may be lower around 7,952 the Department estimates. More accurate data from BDM based on death registrations is available upon request and payment of a fee.



CORONAVIRUS (COVID-19)

IMPORTANT INFORMATION

Due to the rapidly changing information on this virus, please refer regularly to the Department of Health and Human Services, Office of the Victorian Premier and Federal Government websites for up to date developments.

www.dhhs.vic.gov.au/Victorian-public-coronavirus-disease-covid-19

<https://www.dhhs.vic.gov.au/>

<https://www.australia.gov.au/>

On the CCAV website at the following link <https://www.ccav.org.au/latest-news/pandemic-disaster-plan/> we have provided the following:

1. reference document that is a template for a Pandemic Disaster Plan for members to read and adopt - **CCAV Pandemic Disaster Plan Template**
2. link to a self-assessment for risk of Coronavirus (COVID-19) chart - **COVID-19 chart**
3. <https://ccav.org.au/latest-news/restrictions-on-funeral-gatherings/>
4. <https://www.ccav.org.au/latest-news/safe-handling-of-bodies/>
5. <https://www.ccav.org.au/latest-news/stage-2-restrictions-and-operational-changes/>

During unprecedented times of this virus, people working in cemeteries have their own unique demands and requirements. Have a conversation with your neighbouring cemetery trusts to see what assistance you may be able to provide and/or share such as grave diggers, local contractors, other licensed trades (e.g. registered plumbers, excavator operators) if your staffing levels are depleted.

Look after yourself by limiting contact with others, where possible. A sign on the office door asking visitors to call or send an email to make an appointment for assistance is recommended. Remember we are all subject to the personal spatial guidelines issued by the government both in the workplace and in the community.

To facilitate communication and critical decision making, use emails and telecommunication facilities for communication between Trust Members, including holding trust meetings.

Don't forget to have a conversation with the funeral directors in your area and exchange information regarding the cemetery guidelines in place, as well as the services you are offering.

There is also a 24 hours a day, 7 days a week, COVID-19 information line available on 1800 020 080.

STATUTORY DECLARATION FORM

A REMINDER

It has come to our attention that recently the statutory declaration form cemeteries were using became redundant on 1 January 2020 with the introduction of the Oaths and Affirmations Act 2018.

Please see below link to the Justice & Community Safety website with the instructions/notes for completing the declaration for your use.

<https://www.justice.vic.gov.au/statdecs>

OUR COMMUNITY

POLICIES

The CCAV encourages all members to visit the "Our Community" website. There are several policies available for download that members might find useful. Their policies are free to download and distribute at free will. There is currently a pandemic policy that entails valuable information.

<https://communitydirectors.com.au/policies/epidemic-pandemic-policy>

CCAV ANNUAL AWARDS

It is now time to think about nominations for our two annual awards donated by our Platinum sponsors Arrow Bronze, DP Jones & Co, and Everlon. We look forward to receiving your nominations for the following awards which will be announced at our Annual General Meeting in August:

Above and Beyond Award for an outstanding individual; and

Innovation Award for a project that is innovative and positively impacts a cemetery, the community or the industry.

CEMETERY GRANTS

A REMINDER

Cemetery grant applications close 31st March. The next round of grants close late November. Remember you can submit an application at any time of the year for consideration by the Department so consider all your training needs and apply now in preparation for future training sessions.

CONGRATULATIONS

ELTHAM CEMETERY TRUST

It is with pleasure that we acknowledge the contributions of **Bruce Charles Holland** and **Geoffrey John Watt** for 40 years of voluntary service to the community as Trust Members on Eltham Cemetery Trust. This is certainly a wonderful achievement and we sincerely thank Bruce and Geoffrey for their commitment to their community and to our sector as a whole.

APPLICATION TO ESTABLISH OR ALTER A MEMORIAL AT PLACE OF INTERMENT

AN UPDATE

The Figure 5 mentioned in the updated standard for this application form is applicable to headstones on concrete beams. We have checked that the purchase of this figure is not required as the dowel sizes, etc. are covered in Table 3 of the form.

CEMETERY STATS

NB: The below represent four of the five Class A cemetery stats.

Year to date: Feb 2020	Cremations		Cremated Remains Interments		Burials		Above Ground Burials	
	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019	2019/2020	2018/2019
	802	759	225	187	392	470	26	32

As always, please keep the CCAV informed of any member news by contacting the Secretariat by telephone, fax or email. (This includes updating of member contact details). If you are receiving this communication by post, we **strongly** recommend you provide an email address for receiving all future correspondence – please advise the Secretariat of your email address.



Judith Voce
CCAV President
www.cav.org.au | admin@cav.org.au
Suite North 1/215 Bell St Preston, VIC 3072
03 9863-6911


CEMETERIES & CREMATORIA
ASSOCIATION OF VICTORIA



CORPORATE AND ORGANISATIONAL DEVELOPMENT DEPARTMENTAL REPORT APRIL 2020

HUMAN RESOURCES

- The COVID-19 pandemic has not meant that Council ceases to provide essential services to the community. We have 38 employees currently working remotely, and a small team of 14 working within the Council offices. For the outdoor team it is business as usual, however measures for social distancing have been implemented with one person per vehicle and all vehicles wiped down first thing each morning and at the end of the day.
- Council's Customer Service and Records team welcome Kym Killeen who has replaced recently retired Kim Kipping.
- Congratulations and thanks go to the following staff who have reached impressive service milestones:
 - **10 years**
 - Jeni Fleming
 - Bess Gillard
 - Troy Menhenett
 - **20 years**
 - Moira Wells

INFORMATION MANAGEMENT

- As a result of the current pandemic, Council's IT team has worked incredibly hard ensuring those staff who are working remotely have the technological capabilities to do so. A number of additional laptops have been purchased to enable staff to continue with their day to day tasks remotely, and the effort involved by IT in configuring and testing prior to use was remarkable considering the circumstances.
- **IT Strategy**
Two companies were shortlisted and invited to present to the evaluation panel on their tender submission for development of Council's IT Strategy.

Unfortunately one tenderer was forced into self-isolation the week the presentations were scheduled, which delayed the presentations. All presentations were made via Zoom video conferencing, which although not ideal, went very well. Reference checking on the preferred company is underway a final decision will be made in the near future.

OCCUPATIONAL HEALTH AND SAFETY

Training and Induction

- Occupational Health and Safety inductions for employees and contractors continue to be undertaken via Survey Monkey.
- Scheduled training in First Aid and Prepare and Apply Chemicals and Transport and Store Chemicals were cancelled by the external training providers. These will be re-scheduled as soon as things are back to normal.

Incident Summary

Five incidents were reported for the month of March. Two were near miss incidents and three were property damage incidents.

Incident Investigation

One incident investigation (equipment) was undertaken for the month of March.

Customer Request Management System (CRMS) Status

One CRMS was raised for the month of March and 38 CRMS items closed. Sixty six items remain overdue. All CRMS items will now include an 'actual' and 'potential' risk rating.

Risk Assessments and Audit

- A 'safe work method' statement was undertaken with employees at the Resource Recovery Centre and at the Depot workshop.

- An external audit of Council’s OH&S Management System was undertaken as part of the Integrated Family Services Compliance Standards.

CUSTOMER SERVICE & RECORDS

With the Council offices currently closed for face-to-face service, the Customer Service team remain committed to providing excellent service to our customers via telephone and email. During this period the number of enquiries and requests have not diminished, in fact there has been a significant increase in the number of phone calls being received at the front desk. The team are to be congratulated on their continued professionalism during this uncertain time.

Customer Requests

CRMS statistics for the month show 181 customer requests registered, with 18 open requests and 135 closed during the month. The majority of requests opened were for Field Services (46%) with Local Laws (27%) as the second largest group. There were 10 overdue requests. The total performance of the organisation is 75%.

Records

- Records staff continue to back scan archives, and are currently preparing archive boxes for transfer to Council’s off site storage facility.
- Customer Service staff undertake data entry to assist Records Officers.



Records and Customer Services Co-ordinator, Jane Carter, amidst the box files for storage.

Customer Requests by Department

Department	Total Events	Events Closed	Open	Open Overdue	Pending	Pending Overdue
Customer Service and Records	8	7	0	0	1	0
Engineering	33	23	3	1	6	0
Environmental Health	2	1	0	0	0	1
Field Services	83	61	12	7	2	1
Information Technology	49	41	1	0	7	0
Local Laws	1	0	0	0	1	0
Unassigned	5	2	2	0	1	0
Total	181	135	18	8	18	2



11.2 COMMUNITY SERVICES

11.2.1 Community Matching Fund 2020

File Number: E6658

Responsible Officer: Community Services Manager, Melanie Hotton

Disclosure of Conflicts of Interest

A conflict of interest was declared by Property Management Officer, Angela Cesarec for the application from Women in the North East due to her role as a committee member. Although on the Assessment Panel, Ms Cesarec did not assess the application from Women in the North East, instead her score for this application was made up of an average of the scores provided by the other Assessment Panel members.

A conflict of interest is declared by Community Services Manager, Melanie Hotton for the application from Friends of the Goulburn Valley Rail Trail due to the officer's financial interest in a businesses that had provided a quote for the project. Ms Hotton although the author of this report was not involved in the assessment process.

Introduction

This report presents Council with a summary of 14 applications made to Council's 2020 Community Matching Fund (CMF), outlines the assessment process and recommends that Council provide four grants at a total value of \$19,796.

Background

Mansfield Shire Council's Community Matching Fund (CMF) provides grants to not-for-profit groups based in the Mansfield Shire. The Fund aims to support the valuable work undertaken by volunteers and community groups within the Shire.

Grants of up to \$5000 are available to not-for-profit groups based in the Mansfield Shire for projects that help to build a stronger, healthier and more sustainable community.

The total funding pool is \$20,000.

All applicants must be:

- open and inclusive, not-for-profit, non-political organisations
- an Incorporated Association, or auspiced by another group that is incorporated
- based in the Mansfield Shire

Council's latest funding round was released on 10 February 2020, advertised via Mansfield Courier, Council's Facebook page, the online Community Notice Board and a newsletter to all community groups currently listed on Council's Community Directory. Applications closed 16 March 2020.

Council's 2020 CMF was oversubscribed with 14 applications received at a total grant request of \$49,523.89.



11.2.1 Community Matching Fund 2020 cont.

The CMF Assessment Panel comprised:

Keira McDonagh	Community Development Officer
Angela Cesarec	Property Management Officer
Caitlin Riley	Project Officer
Nik Nye	Economic Development Officer, Tourism & Events
Jane Diplock	Family Services and Partnerships Coordinator

Applications were given a score out of 5 for each of the following four criteria:

1. Quality of the application
2. Demonstrated need for the project
3. Ongoing community benefit
4. Strategic Fit

Attached 1 is a table providing a summary of the applications received.

Statutory Requirements

Nil

Council Plan

Strategic Direction One – Participation and Partnerships

Strategic Direction Three – Community Resilience and Connectivity

Strategic Direction Four – Enhanced Liveability

Financial

Council has allocated \$20,000 to its CMF in the 2019-20 budget. This report recommends that Council makes four grants at a total cost of \$19,796.

Social

Council's CMF aims to support the valuable work undertaken by volunteers and community groups in the Mansfield Shire. The fund seeks to increase community groups' ability to plan and implement initiatives that are identified by local communities. As such, all of the projects supported by the fund are community-driven and build upon existing community assets to further strengthen and enhance our community.

The structure of the CMF seeks to promote collaboration between Council and the community by joining together Council resources and the community's own contributions.

Environmental

Nil

11.2.1 Community Matching Fund 2020 cont.

Economic

Nil

Risk Management

The matters that are the subject of this report are considered within normal operational risk parameters. Successful applicants are required to enter into a funding agreement stating that:

- Council shall not be responsible at any time for any liabilities incurred or entered into by the community organisation as a result of, or in connection with, any activities undertaken as a result of the funding being received.
- The community organisation agrees to indemnify Mansfield Shire Council and its staff, from and against any claim, demand, liability, suit, cost, expense or action arising out of or in any way connected with the project or the activities of the community organisation.

Community Engagement

Council holds an annual grants workshop coinciding with the opening of the CMF to assist community groups to apply and learn how to write successful funding applications. Council's Community Development Unit also fields one-on-one requests for support regarding applications.

An applicant feedback form is included as part of the CMF application form.

Officer's Comments

Following the assessment of applications to the Community Matching Fund in 2020, four of the 14 projects are recommended for endorsement by Council with a total allocation of \$19,796.



11.2.1 Community Matching Fund 2020 cont.

Recommendation:

THAT COUNCIL:

1. allocate \$19,796 of its Community Matching Fund 2020 to the following:
 - Mansfield Community Radio Inc. \$5,000 for *Paps FM transmitter rebuild for Mansfield Community Radio*
 - Tolmie Mechanics Institute and Recreation Reserve Committee Inc. \$5,000 to for *Refurbishment of Tolmie Reserve Toilet Block*
 - Women in North East (WiNE) Network \$5,000 for *Women in North East (WiNE) Network International Women's Day Event 2021*
 - Woods Point Cemetery Trust \$4,796 for *Cemetery Boundary Fence Replacement*
2. write to all applicants indicating Council's decision and thanking each applicant for applying

Attachment

1. Project spreadsheet

ATTACHMENT 1

Group	Project title	Project Description	Total Project Cost	Amount Requested	Total Score
Bonnie Doon Community Group Inc	Upgrade to Bonnie Doon Community Centre Computer Room	<p>The computer room is the most frequently used room in the centre utilized daily by residents with no internet access at home for essential online services such as Centrelink, MyGov and My Aged Care. Previous water damage from leaking windows and a damaged roof which was replaced around 5 years ago is now causing the ceiling in the computer room to sag and break apart around corners and window panes causing the room to become unsafe.</p> <p>Proposed works include:</p> <ul style="list-style-type: none"> - repairing, replacing and patching damaged walls and ceilings - painting of walls and ceiling - an upgrade to LED lighting to improve lighting, reduce energy usage and decrease costs <p>Officer Comments: As a Council owned building, Council is responsible for ensuring this facility is fit for purpose. This project is to be funded out of Council's capital works budget.</p>	\$11,060	\$5,000	87
Mansfield Community Radio Inc.	Pap's FM transmitter rebuild for Mansfield Community Radio	<p>Mansfield Community Radio is an emergency broadcaster and must maintain facilities to the highest standard, We need to install a high grade FM transmitting antenna and associated equipment replacing the current aged antenna and cabling from the FM transmitter at the Paps site. There has also been a long standing problem with a 5th harmonic interference with Mansfield Council communications transmission which required the MCR FM transmitter to operate at half power. A new communication system has been installed on a new frequency which will allow MCR to operate at the full licensed power of 1 kW and the more robust system will be better able to withstand extreme weather conditions.</p>	\$10,197	\$5,000	81

Group	Project title	Project Description	Total Project Cost	Amount Requested	Total Score
Tolmie Mechanics Institute and Recreation Reserve Committee Inc.	Refurbishment of Tolmie Reserve Toilet Block	<p>The existing toilet block at the Tolmie Recreation Reserve will be refurbished with new toilets and hand basins and repairs made to the plumbing to improve both drainage and supply. In addition, the floors will be re-screed and coated to improve the direction of water flow and for ease of cleaning. The walls will be bagged and painted.</p> <p>Upgrading the toilet block will offer all users, a cleaner, and more modern and functional facility. This will lead to greater visitation and camper numbers, which in turn will increase income and enable the Committee to continue to be financially independent and viable in maintaining this important community resource.</p>	\$10,488	\$5,000	78
Women in North East (WiNE) Network	Women in North East (WiNE) Network International Women's Day Event 2021	In honour of International Women's Day 2021 and the first anniversary of Women in North East (WiNE) Network, the WiNE Network propose a gala-style event hosted on 13/03/2021 at The Sebel, Merrijig. The event will be focused on inspiring, empowering, connecting, educating and nurturing the diverse women of our region and showcasing women's achievements. The grant will be used to partially fund Jamila Rizvi, author, presenter, political commentator, gender equality advocate and recipient of the 2020 Award for Excellence in Women's Leadership, as the event's keynote speaker.	\$31,840	\$5,000	74
Woods Point Cemetery Trust	Cemetery Boundary Fence Replacement	<p>This project will replace the boundary fence of the Woods Point cemetery to prevent Deer and other animals entering and to protect the history and heritage of the cemetery.</p> <p>Woods Point Cemetery Trust have received \$17,000 from DHHS to support this project.</p>	\$21,796	\$4,796	67

Group	Project title	Project Description	Total Project Cost	Amount Requested	Total Score
Mansfield Community Cubby House	Putting Smiles on Little Faces	This project aims to create an all-weather outdoor play space adjoining the babies' room by adding synthetic turf to the concreted area; install outdoor blinds on the verandah and purchase additional outdoor play equipment.	\$2,446	\$1,223	64
Mansfield Rudolf Steiner School & Kindergarten	Melliodora Hall PA system	This project seeks support to install a public address system at Mansfield Steiner School's Melliodora Hall. The venue offers an opportunity for community groups of all kinds to host functions with a fully functioning industrial kitchen and amenities. Adding a PA system to the venue facilities would enable community hires such as the WiNE network, MMUDS and school holiday programs to utilise the venue and facilities to its full potential.	\$5,998	\$2,999	64
Mansfield and District Basketball Association	Girls Got Game	Girls Got Game is a mentor program to encourage and develop playing and referee skills in young women. The program includes the acquisition of a USA Female import player who will provide training and coaching to players one night a week for a six month period. These Mentor sessions will include player development as well as Personal Goal setting and Leadership skills. Officer Comment: This program was scheduled to run from March to September 2020. Due to the current COVID-19 situation, the project is unable to proceed until further notice.	\$6,500	\$3,000	64
Rural Australians for Refugees Mansfield	Aequiles Ensemble with Guest Pianist Damien Mansfield	Mansfield RAR are seeking support to present the Aequiles Ensemble at the Mansfield Performing Arts Centre on 21 August 2020. The grant will go towards the hire of the PAC with profits from the performance to be donated to the Asylum Seeker Resource Centre for the support of refugees. Officer Comment: Due to the current COVID-19 situation, the project is unable to proceed until further notice.	\$2,685	\$500	61

Group	Project title	Project Description	Total Project Cost	Amount Requested	Total Score
Mansfield & District Racing Club	Community Furniture	The MDRC is looking to acquire 200 outdoor portable chairs, dedicated to providing older patrons (60+yrs) with free seating at events and saving them from bringing their own seating. This should make attending easier and more attractive for members of our community. By providing this service, we envisage increased attendance frequency and enjoyment of our social family fun days out, which will create improved participation and connectivity within the Mansfield Shire. The pool of infrastructure (200 chairs) will also be made available to Mansfield Shire community organisations to use free of charge and leverage the opportunity for greater community return on investment and benefit.	\$10,000	\$4,900	61
A Third Hand Volunteers Inc.	Mansfield Half Marathon & Fun Run	To provide a community Fun Run which will involve the local population, the local schools in the Shire and bring runners from across the country. To improve the health of the community and bring the community together and that at the same time raising funds for the local hospital and other community groups such as the Mansfield Scouts. The funding is required for the upfront costs for marketing, deposits for the timekeepers and the funding of barriers and portable toilets.	\$31,140	\$3,000	60
Friends of the Great Victorian Rail Trail	Tour de Trail	Hold a 'family friendly' bike ride along the Mansfield end of the Great Victorian Rail Trail in mid-October. The Ride will commence in Mansfield with two turnaround options - Mairdample @ 14kms and Bonnie Doon @ 22kms with the added attraction of riding across the 385 metre 'Glad Philips' bridge. Riders will then return to Mansfield to finish with a BBQ lunch at the end of the rail trail. The event is to coincide with the 'Spring In' program of activities and events for the Mansfield community. Funding is sought to provide event signage, printing, chair hire, catering, coffee van hire and graphic design.	\$5,975	\$2,825	58

Group	Project title	Project Description	Total Project Cost	Amount Requested	Total Score
Mansfield Agricultural and pastoral society	Sand Arena Seats	<p>This grant application seeks funding to install seating under the shade trees planted on the Mt Battery (north) end of the Sand Arena at the Mansfield Showgrounds. With the panels in place and greater spectator provision we anticipate that there will be increased opportunity for a wider range of horse sports to take place and attract local, state and national engagement.</p> <p>The seats will be of bench style in galvanised steel and will be cemented into the ground.</p>	\$1,280	\$1,280	58
Mansfield Motorcycle Club	MMC Track Upgrades	<p>This application seeks funds to carry out works to weatherproof and improve the safety of the motorcycle track at McCormack's Park.</p>	\$10,000	\$5,000	54

11.3 CORPORATE AND ORGANISATIONAL DEVELOPMENT

11.3.1 Public Interest Disclosure Act 2012 – Amendment of the Mansfield Shire Council Protected Disclosure Policy and Procedure 2019

File Number: E513/2
Responsible Officer: Corporate and Organisational Development Manager,
Sharon Scott

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

On 31 December 2019, the Protected Disclosure Act 2012 (PD Act) was amended to make Victoria's public sector whistleblowing scheme more accessible, and to encourage reporting of public sector corruption and other misconduct. Part of these reforms included the PD Act being renamed the Public Interest Disclosures Act 2012 (PID Act), which took effect on 1 January 2020.

The purpose of this report is to present Council with the Mansfield Shire Council Public Interest Disclosures Policy (Policy) and seeking adoption of the updated policy.

Background

The aim of Council's Public Interest Disclosures Policy is to ensure Council's compliance against the PID Act, including its associated regulations, and provide a framework for reporting public interest disclosures of corrupt or improper conduct as defined in the Act.

Previously known as Protected Disclosures, legislative changes took effect on 1 January 2020 introducing changes to Protected Disclosure which will now be known as Public Interest Disclosures.

Key changes in relation to Public Interest Disclosures include:

- Protected Disclosures will now be known as Public Interest Disclosures;
- the definition of improper conduct has been revised;
- less serious or trivial conduct has been excluded from the definition of improper conduct;
- a new 'no wrong door' provision has been included to allow for misdirected disclosures;
- a lower threshold for proving that detrimental action has taken place has been introduced; and
- confidentiality obligations have been revised.

Council's Protected Disclosure Policy has been updated to reflect this new legislation, as has the information on Council's website.

11.3.1 Public Interest Disclosure Act 2012 – Amendment of the Mansfield Shire Council Protected Disclosure Policy and Procedure 2019 cont.

Minor changes have been made to the accompanying Procedure document (attached).

Further information can also be obtained from the Independent Broad-based Anti-Corruption Commission (IBAC) website: www.ibac.vic.gov.au

Statutory Requirements

In accordance with Section 58 of the PID Act, Council is required to have available a Public Interest Disclosures Procedure to support the reporting of disclosures of improper conduct and response to detrimental action taken by Council or its employees, Councillors, officers or members of the general public.

A copy of the Procedure is appended to the Policy (attached), however it can also be read as a stand-alone document.

Council Plan

Council's reviewed Policy and Procedure falls in line with the 2017- 21 Council Plan Theme of *Responsible Leadership*.

Financial

There are no financial implications associated with the Policy and Procedure.

Social

The PID Act is a legislative framework that encourages reporting of public sector corruption and other misconduct. It encourages people to come forward and make complaints by offering legal protection under the PID Act.

The protection of persons making genuine public interest disclosures about improper conduct or detrimental action is essential for the effective implementation of the PID Act. Council will not tolerate any victimisation of a complainant or the subject of the protected disclosure.

In addition, the PID Act extends the need for welfare management to people who have co-operated or intend to co-operate with an investigation of a protected disclosure complaint. Persons who are the subject of allegations will also have their welfare looked after.

Mansfield Shire Council will ensure disclosers and those co-operating are protected from direct and indirect detrimental action being taken against them in reprisal for the protected disclosure. Council will ensure its workplace culture supports disclosers and those co-operating. Such support will extend to the relevant persons regardless of whether they are internal to the organisation (eg, employees, Councillors, other officers) or external members of the public.

Environmental

There are no environmental implications associated with the amendment of the Policy.



11.3.1 Public Interest Disclosure Act 2012 – Amendment of the Mansfield Shire Council Protected Disclosure Policy and Procedure 2019 cont.

Economic

There are no economic implications associated with the amendment of the Policy.

Risk Management

Council recognise the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety of the environment.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

By endorsing the Policy, Council will not be exposed to any significant risk.

Community Engagement

Given the nature of this Policy, the community has not been consulted to provide input into this document.

Upon endorsement of the Policy, a copy will be made available on Council's website, and the general public will be made aware of the procedures via local and social media.

Officer's Comments

The amended Policy will continue to provide Council with the tools to effectively manage corrupt and misconduct disclosures.

Members of the community must be able to rely on those in public office to conduct themselves properly and to use any powers they have in the service of the public.

Where there is a suggestion that public officials are, for example, breaching the trust invested in them, misusing information or mismanaging public resources, it is vital that those who observe or suspect such behaviour speak up and report the alleged misconduct.

The PID Act was enacted by Parliament as a legislative framework for receiving such public interest disclosures and protecting those who make them.

Recommendation:

THAT COUNCIL adopt the Mansfield Shire Public Interest Disclosure Policy 2020.

Attachments

1. Public Interest Disclosures Policy 2020

Public Interest Disclosures 2020

Department: Corporate and Organisational Development	First Implemented: <i>November 2002</i> Reviewed: <i>19 February 2013</i> <i>31 March 2016</i> <i>21 January 2019</i> <i>19 February 2020</i> Effective From: <i>xxx</i> Review Date: <i>XXX 2023</i> Version: <i>5</i> Trim Reference: <i>E513/2</i>	Origin: Responsible Officer: <i>Public Interest Disclosure Officer</i> Authorising Officer: <i>For endorsement by Council</i>
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PURPOSE/OBJECTIVE

The purpose of this policy is:

- to ensure Council is fully compliant with its obligations under the *Public Interest Public Interest Disclosures Act 2012 (Act)* and the *Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act)*; and
- to ensure there is an effective process for managing the receipt of public Interest disclosures, their assessment and notification; and

POLICY STATEMENT

Council will not tolerate improper conduct by its people, nor the taking of reprisals against those who come forward to disclose such conduct.

Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of public interest disclosures that reveal corrupt or improper conduct, or the taking of reprisals against those who come forward to disclose such conduct. Council is committed to the aims and objectives of the Act.

This policy outlines the way in which any individual, including members of the public, staff and Councillors can disclose information which enables to prevention of fraud and corruption.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person or body who is the subject of the disclosure.

An essential element of this protection is to ensure that information connected to a public interest disclosure, including the identity of a discloser and the contents of that disclosure, are kept strictly confidential.



DEFINITIONS

PID Act:	<i>Public Interest Disclosures Act 2012</i>
Council:	Mansfield Shire Council (organisation)
Councillors:	Mansfield Shire Council elected representatives
Contractors:	A person who is self-employed and provides a service specifically to Mansfield Shire Council
CEO:	Chief Executive Officer
PDO:	Public Interest Disclosures Officer
IBAC:	the Independent Broad-based Anti-Corruption Commission

SCOPE

Mansfield Shire Council supports a workplace culture where the making of disclosures is valued by the organisation, and the right of any individual to make a disclosures is taken seriously.

This Policy applies to disclosures of improper conduct or detrimental action by Mansfield Shire Council employees, Councillors and contractors, made in accordance with the Act.

RESPONSIBILITIES

All Council employees, contractors and Councillors are responsible for adhering to and implementing this policy.

Employees and Councillors are encouraged to report known or suspected incidences of corrupt or improper conduct in accordance with these procedures, whether such conduct or action has taken place, is suspected to have taken place, or is still occurring.

The individual managers will oversee adherence to the Public Interest Disclosures Policy, with any associated procedures implemented by the Governance Unit in consultation with the Public Interest Disclosure Officer (PDO) and CEO.

Council's Corporate and Organisational Development Manager has been appointed as the Council's PDO. The PDO is responsible for:

- ensuring these procedures are accessible to the public and to its employees, staff, officers and Councillors;
- receiving and assessing each disclosure;
- co-ordinating Council's reporting system; and
- in partnership with Council's Governance and Risk Co-ordinator, ensuring Council carries out its responsibilities under the Act, any regulations made pursuant to the Act and any guidelines issued by the IBAC.



The PDO is also Council's chief liaison with the IBAC.

The Governance unit is the owner of this Policy. Any reviews of this Policy must be made in consultation with the Public Interest Disclosure Officer and Governance and Risk Coordinator.

REFERENCES / RELATED POLICIES

- *Public Interest Disclosures Act 2012*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Ombudsman Act 1973*
- *Victorian Inspectorate Act 2011*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- Public Interest Disclosures Regulations 2013
- Guidelines for making and handling public Interest disclosures (IBAC – December 2019)
- Guidelines for public Interest disclosure welfare management (IBAC – December 2019)
- Mansfield Shire Council Staff Code of Conduct
- Mansfield Shire Councillor Code of Conduct and Councillor Charter 2017

IMPLEMENTATION

This policy is effective once endorsed by Council.

REVIEW DATE

Legislative changes necessitated this Policy to be reviewed prior to its previously endorsed review date.

This Policy is to be reviewed by XXX

Council reserves the right to review, vary or revoke this Policy at any time.

AUTHORISATION TO IMPLEMENT POLICY

This Policy must be endorsed by the Council.

Signed: _____
Councillor

Witnessed: _____
Chief Executive Officer

Dated: XXX

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.



PROCEDURES FOR MAKING AND HANDLING PUBLIC INTEREST DISCLOSURES

These procedures are designed to ensure Council is fully compliant with its obligations under the *Public Interest Public Interest Disclosures Act 2012* (PID Act) and the *Independent Broad-based Anti- corruption Commission Act 2011* (IBAC Act).

SUPPORTING STATEMENT

Mansfield Shire Council (Council) supports the strengthening of the integrity of the Victorian public sector and the promotion of community confidence in public sector accountability. Further, Council support a workplace culture where the making of disclosures is valued by the organisation, and the right of any individual to make a disclosures is taken seriously.

PURPOSE OF THESE PROCEDURES

The establishment of these procedures provides a system for reporting in accordance with the *Public Interest Disclosures Act 2012* (Act) and guidelines prepared by the Independent Broadbased Anti-Corruption Commission (IBAC). These procedures aim to:

- facilitate the making of disclosures of improper or corrupt conduct by public officers and public bodies;
- establish a system for the handling of disclosures and, where appropriate, for notification to the IBAC;
- ensure welfare management is provided to those included in the Public Interest Disclosure process.
- provide for the confidentiality of the content of disclosures and the identity of persons who make those disclosures.

It is important to note that Council can only deal with disclosures which concern Council, its employees, staff, contractors or officers.

Disclosures about improper conduct or detrimental action by Councillors must be made to the IBAC or to the Ombudsman. Those disclosures may not be made to Council officers.

Misdirected Disclosures

Council commits to the 'no wrong door' provision with the Act and will ensure any Public Interest Disclosures made to the wrong receiving entity will be redirected to another appropriate receiving entity. In doing so, the discloser will not lose any of the protections available to them under the Act.



CONTACTS

Public Interest Disclosures Officer

Corporate and Organisational Development Manager (Mrs Sharon Scott)
Mansfield Shire Council
33 Highett Street
MANSFIELD VIC 3722
Telephone: 5775 8555
www.mansfield.vic.gov.au

General Advice about the operation of the Act

Governance & Risk Co-ordinator (Ms Michelle Kain)
Mansfield Shire Council
33 Highett Street
MANSFIELD VIC 3722
Telephone: 5775 8555
www.mansfield.vic.gov.au

A disclosure about corrupt conduct or improper conduct by a Mansfield Shire Council Councillor or employee may also be made directly to the Ombudsman or IBAC. Disclosures relating to Councillors can only be made directly to the Ombudsman or IBAC.

IBAC

Level 1, North Tower
459 Collins Street
Melbourne 3000
Internet: www.ibac.vic.gov.au
Telephone: 1300 735 135

Victorian Ombudsman

Level 9, North Tower
459 Collins Street,
MELBOURNE VIC 3000
Internet: www.ombudsman.vic.gov.au
Email: ombudvic@ombudsman.vic.gov.au
Telephone: (03) 613 6222
Toll-free (regional only): 1800 806 314

ABOUT IBAC

IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct by:

- investigating serious corruption and police misconduct.
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.



KEY TERMS, DEFINITIONS AND ABBREVIATIONS

Assessable disclosure:	Any disclosure either made directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Inspectorate (VI), or if received by Mansfield Shire Council is required under s21 of the Act to be notified by the Council to the IBAC for assessment.
Corrupt Conduct:	In accordance with S4 of the Independent Broad-Based Anti-corruption Commission Act 2011 (refer to attachment 1 of this Policy)
Detrimental Action:	<ul style="list-style-type: none"> (a) action causing injury, loss or damage; (b) Intimidation or harassment; (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action
Discloser:	Person making a disclosure under the Act.
IBAC:	Independent Broad-based Anti-corruption Commission.
IBAC Act:	<i>Independent Broad-based Anti-corruption Commission Act 2011.</i>
Improper conduct:	In accordance with S4 of the Public Interest Disclosure Act 2012 (refer to attachment 2 of this Policy)
Investigative entity:	<p>Any one of the following bodies authorised to investigate a public interest disclosure complaint:</p> <ul style="list-style-type: none"> (a) the Independent Broad-based Anti-corruption Commission; (b) the Victoria Police (c) the Ombudsman (d) the Victorian Government Investigations and Compliance Inspectorate (e) the Chief Municipal Inspector (f) the Information Commissioner
Misdirected disclosure	A public interest disclosure made to an entity that is not an entity to which the disclosure may or must be made under the Act.
PDO	Public Interest Disclosure Officer.
Procedures:	This version of the procedures of Mansfield Shire Council, as established under s58 of the Act.
Public Interest:	A disclosure that has been determined under sections 26 or 31 to be a public interest
Public bodies:	Including a Council (established under the <i>Local Government Act 1989</i>).



Public Interest Disclosure	A disclosure by a natural person of information that shows or tends to show, or information that the person reasonably believes shows or tends to show, improper conduct or detrimental action (where the particular disclosure relates to an earlier Public Interest Disclosure).
Public officers:	Includes local government Councillors and Council employees.
Regulations:	Public Interest Disclosure Regulations 2019.
Specified Conduct:	Conduct that would, if proved, constitute a criminal offence or reasonable grounds for dismissal
VI:	Victorian Inspectorate.

THE REPORTING SYSTEM

Council has established a centralised reporting system for the receipt, assessment and investigation of public Interest disclosures.

The system ensures that these procedures, including detailed information about how disclosures may be made and to whom, are accessible on the Council website and available internally and externally to staff, employees, contractors and Councillors and any individual in the broader community.

Roles and Responsibilities

Public Interest Disclosure Officer

Council's PDO has a central role in the internal reporting system, and maintains oversight of it.

The PDO is also responsible for monitoring the welfare of the person making a Public Interest Disclosure and to provide advice and support.

Governance and Risk Co-ordinator

Council's Governance and Risk Co-ordinator is the contact point for general advice about the operation of the Act for any person wishing to make a disclosure. The Governance and Risk Co-ordinator will assist and work in conjunction with the PDO in matters relating to:

- co-ordinating the reporting system used by the organisation;
- the provision of general advice about the operation of the Act and for integrity agencies such as the IBAC;
- liaise with the IBAC in regard to the Act.

Direct and Indirect Supervisors and Managers

Employees of the Council who wish to make a Public Interest Disclosure may make that disclosure to their direct or indirect supervisor or manager.

If a person wishes to make a Public Interest Disclosures about an employee of Council, that person may make the disclosure to that employee's direct or indirect supervisor or manager.



CONFIDENTIALITY

Section 52 of the Act requires any person who receives information due to the handling or investigation of an assessable disclosure, not to disclose that information except in certain limited circumstances. These circumstances include:

- where exercising the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report.

The Act prohibits:

- the disclosure of the content, or information about the content, of any disclosure that has been assessed as a public interest disclosure. This restriction applies to a person or body that receives a disclosure or is provided information about the disclosure by an investigating entity assessing or investigating. The restriction does not apply to the discloser;
- the disclosure of information that would be likely to lead to the identification of a person who has made a public interest disclosure. This restriction applies to any person or body, other than the discloser.

MAKING A DISCLOSURE

What is a disclosure and who can make a disclosure?

A disclosure may be made about two things under the Act:

- (i) corrupt conduct of public bodies or public officers; and
- (ii) detrimental action taken by public bodies or public officers in reprisal against a person for the making of a public Interest disclosure.

How can a disclosure be made?

Verbally:

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

In writing:

- Personal delivery to the office
- Mail addressed to the organisation or Public Interest ed Disclosure Officer (PDO)
- Email to the organisation or to the PDO
- IBAC and the Ombudsman can also receive disclosures via an online form.

Facsimile is not an acceptable method

If the disclosure comes from an e-mail address from which the identity of the person making the disclosure cannot be determined, the disclosure will be treated as an



anonymous disclosure.

Any person can submit an allegation or complaint.

About whom can a disclosure be made?

Disclosures can be made about public bodies or public officers acting in their public role. This includes a Councillor and Council employee. Refer to the *Independent Broad-based Anti-corruption Commission Victoria – Guidelines for handling public Interest disclosures, January 2020* (p.4) for a complete definition.

To whom can a disclosure be made?

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

- If the subject of the disclosure is a Councillor, the disclosure must be made directly to the IBAC or the Victorian Ombudsman.
- Councillors can only receive disclosures that relate to themselves, officers, employees and contractors.

Refer to the *Independent Broad-based Anti-corruption Commission Victoria – Guidelines for handling public Interest disclosures, January 2020* (pp. 5-6) for a comprehensive list.

Misdirected Disclosures

Council commits to the 'no wrong door' provision with the Act and will ensure any Public Interest Disclosures made to the wrong receiving entity will be redirected to another appropriate receiving entity. In doing so, the discloser will not lose any of the protections available to them under the Act.

What disclosures are not protected?

Protection is not available for disclosures which:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

WHAT CAN A DISCLOSURE BE MADE ABOUT?

A disclosure must be about the conduct of a person, public officer or public body in their capacity as a public body or public officer as outlined in the following diagram:



The alleged conduct is either improper conduct or detrimental action taken against a person in reprisal for a public interest disclosure

and

The information shows or tends to show that the improper conduct or detrimental action against a person has occurred, is occurring or is proposed to be engaged in by a person.

or

The discloser believes on reasonable grounds the information shows or tends to show the improper conduct or detrimental action against a person has occurred, is occurring or is proposed to be engaged in by a person.

Definition of improper, conduct

Improper conduct encompasses the following:

- corrupt conduct
- criminal offence
- serious professional misconduct
- dishonest performance of public functions
- intentional or reckless breach of public trust
- intentional or reckless misuse of information
- substantial mismanagement of public resources
- substantial risk to health or safety of a person
- substantial risk to the environment
- conduct of any person that adversely affects the honest performance by a public officer of their functions
- conduct of any person that is intended to adversely affect the effective performance by a public officer of their functions for the benefit of the other person.
- Less serious or trivial conduct is excluded from the definition of improper conduct.

ASSESSING A DISCLOSURE

For a disclosure to be considered assessable by IBAC it must meet all the requirements for a Public Interest Disclosure in Part 2 of the PID Act. If it does not meet all the requirements then it is not a Public Interest Disclosure and should be dealt with under Council's complaint handling process.

The requirements for a disclosure to be assessable are:

- made verbally in private or in writing by email or mail
- must not be made via fax
- must be made to the CEO, the PDO, the discloser's manager or the manager of the subject of the disclosure



- must be made about public officer or public body in the performance of their public functions
- must be made about alleged improper conduct or detrimental actions taken in reprisal for a Public Interest Disclosure
- A complaint about a Councillor cannot be taken by staff in the Council – it must go straight to IBAC or the Ombudsman

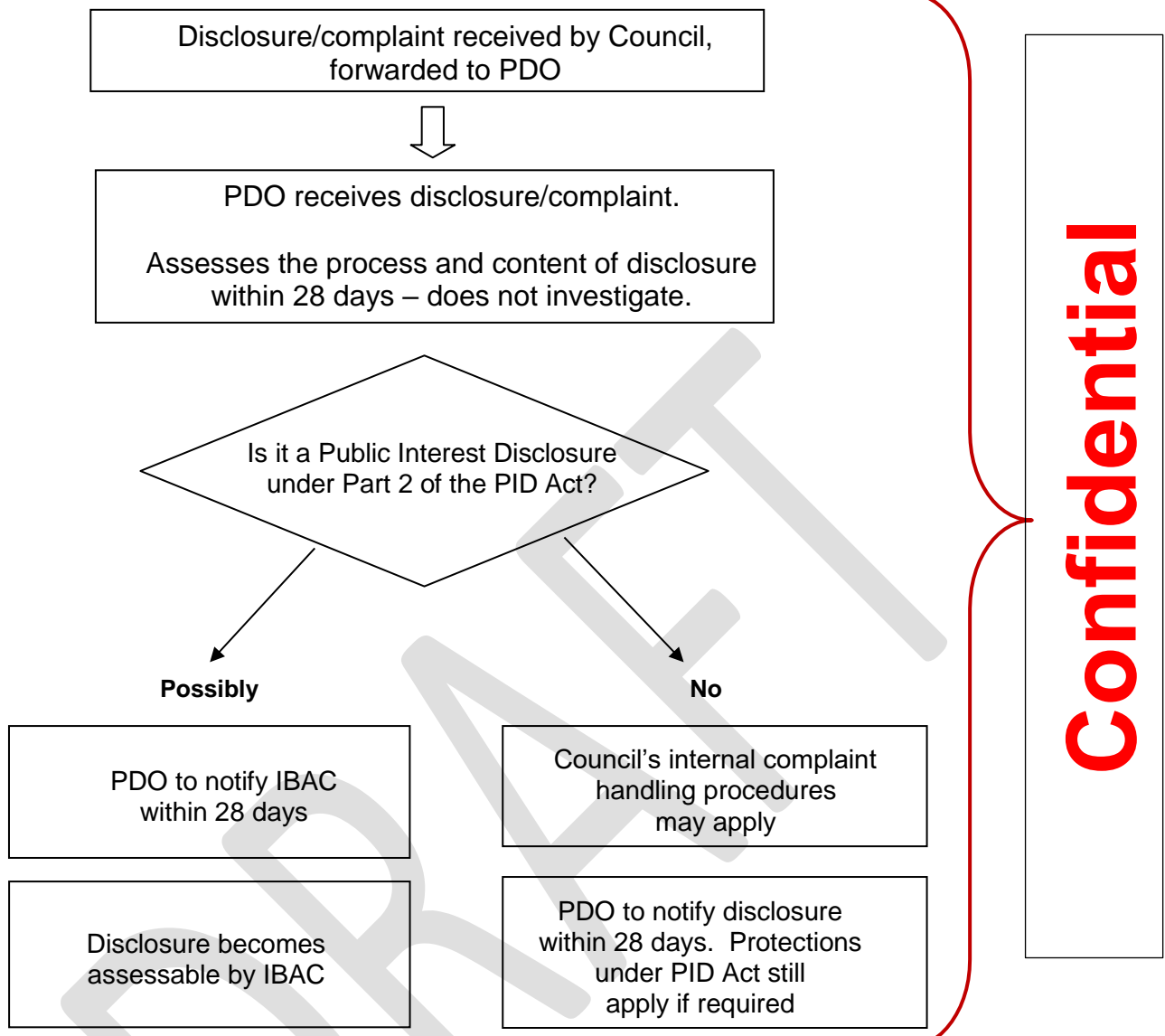
When a complaint or disclosure is received within Council, it should immediately be forwarded to the PDO for assessment to determine if it is required to be forwarded to IBAC for investigation.

The following diagram shows Council's internal procedure for dealing with public interest disclosures:





Internal procedure for dealing with disclosures



Making a notification to IBAC

If the PDO decides that the disclosure is not a public interest then it becomes an assessable disclosure and IBAC must be notified within 28 days.

The PDO must also notify the discloser in writing within 28 days that:

- The disclosure has been notified to IBAC for assessment
- That it is an offence to disclose that the disclosure has been notified to IBAC.



IBAC assessment

IBAC undertakes an assessment to determine if the disclosure is a public interest disclosure complaint. IBAC may dismiss the complaint under section 68 of the IBAC Act.

Whether or not IBAC dismisses the disclosure, the protections under Part 6 of the PID Act apply to the discloser. Following IBAC's assessment it must notify Council of its determination and the actions it intends to take.

At the conclusion of its investigation, IBAC may provide information about the conduct and result of the investigation to Council but it must not provide any information that might lead to the identification of a discloser.

Freedom of Information Act 1982

Council will ensure the Records and Customer Service Coordinator is aware that the *Freedom of Information Act 1982* does not apply to any document that relates to a public interest disclosure, an assessable disclosure or that is likely to lead to the identification of a person who has made an assessable disclosure.

WELFARE MANAGEMENT

Council will not tolerate any victimisation of a complainant or the subject of the public interest disclosure. If a person believes that he or she is the subject of victimisation, they should inform the PDO with sufficient information to enable an investigation of the complaint. The PDO will investigate and take any action required in respect of the complaint.

Part 6 of the Act sets out the public interest provisions provided to persons who may make a public interest disclosure.

The person making the disclosure will not be:

- subject to any civil or criminal liability or administrative action (including disciplinary action) for making the disclosure;
- committing an offence against the Constitution Act 1975 or any other Act that imposes obligations of confidentiality or any other restriction on the disclosure of information;
- breaching any other obligation (made by oath, rule of law or practice) requiring them to maintain confidentiality or otherwise restrict confidentiality;
- held liable for defamation in relation to information included in a public interest disclosure.

Limitation on protection

If the person has made a false disclosure or provided false information, the person is not protected.

There is also no protection for a discloser against legitimate management action and the discloser will still be held liable for their own conduct.

Disclosers commit an offence against the PID Act if they make it publicly known that their



disclosure has been notified to IBAC and / or that their complaint has been determined by IBAC to be a PD.

Management of the Person against whom the Disclosure is made

Natural Justice

Council will ensure that natural justice is adhered to in the receipt and management of a disclosure.

Employees, officers or members of the Council who are the subject of a disclosure will be provided with notification, in writing, of the disclosure, where that notification does not compromise the identity of the person making the disclosure or the investigation into the disclosure. The person will be given the opportunity to answer allegations before a final decision is made and informed about the substance of any adverse comment that may be included in any report arising from an investigation.

Confidentiality

Council will take all reasonable steps to ensure the confidentiality of the identity of the person against whom a disclosure has been made.

Protection against reprisal

Council's PDO will take responsibility for ensuring a person against whom a Public Interest Disclosure has been made, is protected from direct or indirect detrimental action. The PDO will also monitor the welfare of the person against whom a disclosure has been made and provide full support to the person where the allegations contained in a disclosure are clearly wrong or unsubstantiated.

REFERENCES

- *Public Interest Disclosures Act 2012*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Ombudsman Act 1973*
- *Victorian Inspectorate Act 2011*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- Public Interest Disclosures Regulations 2013
- Guidelines for making and handling public interest disclosures (IBAC – December 2019)
- Guidelines for Public Interest Disclosure welfare management (IBAC – December 2019)

ATTACHMENTS

1. Definition of Corrupt Conduct (IBAC Act 2011)
2. Definition of Improper Conduct (PID Act 2012)
3. Disclosures Assessment Process (at a glance)



ATTACHMENT 1

Definition of Corrupt Conduct (Independent Broad-based Anti-corruption Commission Act 2011)

4 Corrupt conduct

- (1) For the purposes of this Act, corrupt conduct means conduct—
 - (a) of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or
 - (b) of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body; or
 - (c) of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or
 - (d) of a public officer or a public body that involves the misuse of information or material acquired in the course of the performance of his or her or its functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person; or
 - (da) of a person (the first person) intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and result in the first person or an associate of the first person obtaining—
 - (i) a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or
 - (ii) an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or
 - (iii) a financial benefit or real or personal property; or
 - (iv) any other direct or indirect monetary or proprietary gain—

that they would not have otherwise obtained; or
 - (e) that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c), (d) or (da)— being conduct that would constitute a relevant offence.
- (1A) For the purposes of this Act, in determining whether conduct would constitute a relevant offence, the IBAC may assume that the required state of mind to commit the relevant offence can be proven.
- (2) Conduct may be corrupt conduct for the purposes of this Act if—
 - (a) all or any part of the conduct occurs outside Victoria, including outside Australia; and
 - (b) the conduct would be corrupt conduct if it occurred in Victoria.
- (2A) For the purposes of section 4(1)(da), the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body may be adversely affected notwithstanding that the public officer or public body does not engage in any corrupt conduct or other misconduct in performing or exercising those functions or powers.
- (2B) For the purposes of section 4(1)(da), an associate of a first person is—
 - (a) a person or entity who has an agreement, arrangement or understanding with the first person or holds any relevant financial interest in any business of the first person;
 - (b) if the first person is a natural person, a person who is a relative of the first person;
 - (c) if the first person is a body corporate—
 - (i) an entity of whom the first person is an associate within the meaning of section 11 of the Corporations Act; or
 - (ii) an employee or officer of a related body corporate within the meaning of the Corporations Act to the first person.



(2C) For the purposes of subsection (2B)—

relative means—

- (a) the spouse or domestic partner of the first person;
- (b) a parent, son, daughter, brother, sister, aunt, uncle, grandparent, cousin, nephew or niece of the first person;
- (c) a step-father, step-mother, legal guardian, step-son, step-daughter, step-brother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law of the first person;
- (d) a parent, son, daughter, brother, sister, aunt, uncle, grandparent, cousin, nephew or niece of the spouse or domestic partner of the first person;
- (e) a step-father, step-mother, legal guardian, step-son, step-daughter, step-brother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law of the spouse or domestic partner of the first person;

relevant financial interest includes any share in the capital of a business of the first person or any entitlement to receive any income or payment from a business of the first person.

(3) This Act does not apply to any conduct of any person that can be considered by the Court of Disputed Returns in proceedings in relation to a petition under Part 8 of the **Electoral Act 2002**.

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ATTACHMENT 2

Definition of Improper Conduct (Public Interest Disclosures Act 2012)

4 *Meaning of improper conduct*

- (1) For the purposes of this Act, improper conduct means—
 - (a) corrupt conduct; or
 - (b) conduct of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes—
 - (i) a criminal offence; or
 - (ii) serious professional misconduct; or
 - (iii) dishonest performance of public functions; or
 - (iv) an intentional or reckless breach of public trust; or
 - (v) an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; or
 - (vi) a substantial mismanagement of public resources; or
 - (vii) a substantial risk to the health or safety of one or more persons; or
 - (viii) a substantial risk to the environment; or
 - (c) conduct of any person that—
 - (i) adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or
 - (ii) is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining—
 - (A) a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or
 - (B) an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or
 - (C) a financial benefit or real or personal property; or
 - (D) any other direct or indirect monetary or proprietary gain—
that the person or associate would not have otherwise obtained; or
 - (d) conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to in paragraph (a), (b) or (c).
- (2) Despite subsection (1), conduct that is trivial does not constitute improper conduct for the purposes of this Act.
- (2A) For the purposes of section 4(1)(c)(ii), the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body may be adversely affected notwithstanding that the public officer or public body does not engage in any corrupt conduct or other misconduct in performing or exercising those functions or powers.
- (2B) For the purposes of section 4(1)(c)(ii), an associate of a first person is—
 - (a) a person or entity who has an agreement, arrangement or understanding with the first person or holds any relevant financial interest in any business of the first person;
 - (b) if the first person is a natural person, a person who is a relative of the first person;
 - (c) if the first person is a body corporate— (i) an entity of whom the first person is an associate within the meaning of section 11 of the Corporations Act; or (ii) an employee or officer of a related body corporate within the meaning of the Corporations Act to the first person.



(2C) For the purposes of subsection (2B)—

relative means—

- (a) the spouse or domestic partner of the first person;
- (b) a parent, son, daughter, brother, sister, aunt, uncle, grandparent, cousin, nephew or niece of the first person;
- (c) a step-father, step-mother, legal guardian, step-son, step-daughter, stepbrother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law of the first person;
- (d) a parent, son, daughter, brother, sister, aunt, uncle, grandparent, cousin, nephew or niece of the spouse or domestic partner of the first person;
- (e) a step-father, step-mother, legal guardian, step-son, step-daughter, stepbrother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law of the spouse or domestic partner of the first person;

relevant financial interest includes any share in the capital of a business of the first person or any entitlement to receive any income or payment from a business of the first person.

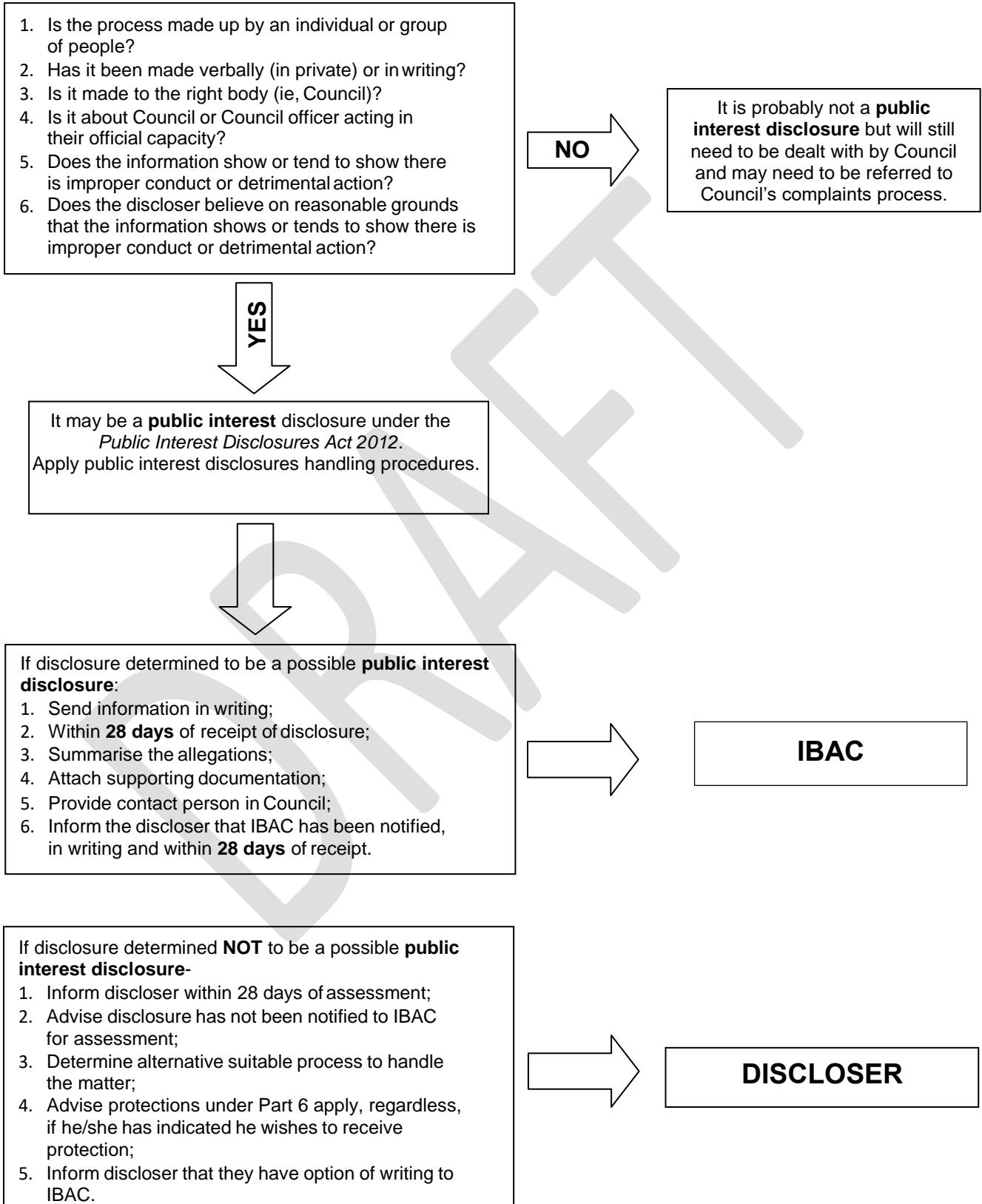
- (3) This Act does not apply to any conduct of any person that can be considered by the Court of Disputed Returns in proceedings in relation to a petition under Part 8 of the Electoral Act 2002.
- (4) This Act does not apply to a disclosure relating to any conduct that may constitute a criminal offence in relation to an alleged contravention under section 30 of the Members of Parliament (Standards) Act 1978 that must be referred by the Presiding Officer to the appropriate law enforcement agency under section 30(3) of that Act.

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ATTACHMENT 3

Disclosures Assessment Process (at a glance)



Protected Disclosure 2019

Unit: <i>Governance</i>	First Implemented: <i>November 2002</i> Reviewed: <i>19 February 2013</i> <i>31 March 2016</i> <i>21 January 2019</i> Effective From: <i>19 March 2019</i> Review Date: <i>31 March 2023</i> Version: <i>5</i> Trim Reference: <i>E513</i>	Origin: Responsible Officer: <i>Protected Disclosure Officer</i> Authorising Officer: <i>Endorsed by Council 19 March 2019</i>
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PURPOSE/OBJECTIVE

The purpose of this policy is:

- to ensure Council is fully compliant with its obligations under The *Protected Disclosure Act 2012 (Act)* and the *Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act)*; and
- to ensure there is an effective process for managing the receipt of protected disclosures, their assessment and notification; and
- to provide protection for those who make a disclosure and those who might be cooperating in a protected disclosure.

POLICY STATEMENT

Council will not tolerate improper conduct by its people, nor the taking of reprisals against those who come forward to disclose such conduct.

Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct or the taking of reprisals against those who come forward to disclose such conduct.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person or body who is the subject of the disclosure



DEFINITIONS

PD Act:	<i>Protected Disclosure Act 2012</i>
Council:	Mansfield Shire Council (organisation)
Councillors:	Mansfield Shire Council elected representatives
Contractors:	A person who is self-employed and provides a service specifically to Mansfield Shire Council
CEO:	Chief Executive Officer
PDO:	Protected Disclosure Officer
IBAC:	the Independent Broad-based Anti-Corruption Commission

SCOPE

This Policy applies to disclosures of improper conduct or detrimental action by Mansfield Shire Council employees, Councillors and contractors, made in accordance with the Act.

RESPONSIBILITIES

All Council employees, contractors and Councillors are responsible for adhering to and implementing this policy.

Employees and Councillors are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures, whether such conduct or action has taken place, is suspected to have taken place, or is still occurring.

The individual managers will oversee adherence to the Protected Disclosure Policy, with any associated procedures implemented by the Governance Unit in consultation with the Protected Disclosure Officer (PDO) and CEO.

Council's Corporate and Organisational Development Manager has been appointed as the Council's PDO. The PDO is responsible for:

- receiving and assessing each disclosure;
- co-ordinating Council's reporting system; and
- in partnership with Council's Governance and Risk Co-ordinator, ensuring Council carries out its responsibilities under the Act, any regulations made pursuant to the Act and any guidelines issued by the IBAC.

The PDO is also Council's chief liaison with the IBAC.

The Governance unit is the owner of this Policy. Any reviews of this Policy must be made in consultation with the Protected Disclosure Officer and Governance and Risk Co-ordinator.



REFERENCES / RELATED POLICIES

- *Protected Disclosure Act 2012*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- Guidelines for making and handling protected disclosures (IBAC – January 2016)
- Guidelines for protected disclosure welfare management (IBAC – January 2016)
- *Freedom of Information Act 1982*
- Mansfield Shire Council Staff Code of Conduct
- Mansfield Shire Councillor Code of Conduct

IMPLEMENTATION

This policy is effective once endorsed by Council.


REVIEW DATE


This Policy is to be reviewed by 31 March 2023

Council reserves the right to review, vary or revoke this Policy at any time.

AUTHORISATION TO IMPLEMENT POLICY

This Policy must be endorsed by the Council.

Signed: 
Councillor

Witnessed: 
Chief Executive Officer

Dated: 19 March 2019

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.



PROCEDURES FOR MAKING AND HANDLING PROTECTED DISCLOSURES

These procedures are designed to ensure Council is fully compliant with its obligations under the *Protected Disclosure Act 2012* (PD Act) and the *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act).

SUPPORTING STATEMENT

Mansfield Shire Council (Council) supports the strengthening of the integrity of the Victorian public sector and the promotion of community confidence in public sector accountability.

PURPOSE OF THESE PROCEDURES

The establishment of these procedures provides a system for reporting in accordance with the *Protected Disclosure Act 2012* (Act) and guidelines prepared by the Independent Broadbased Anti-Corruption Commission (IBAC). These procedures aim to:

- facilitate the making of disclosures of improper or corrupt conduct by public officers and public bodies;
- establish a system for the handling of disclosures and, where appropriate, for notification to the IBAC;
- provide protection from detrimental action to any person affected by a protected disclosure;
- provide for the confidentiality of the content of disclosures and the identity of persons who make those disclosures.

It is important to note that Council can only deal with disclosures which concern Council, its employees, staff, contractors or officers.

Disclosures about improper conduct or detrimental action by Councillors must be made to the IBAC or to the Ombudsman. Those disclosures may not be made to Council officers.



CONTACTS

Protected Disclosure Officer

Corporate and Organisational Development Manager (Mrs Sharon Scott)
Mansfield Shire Council
33 Highett Street
MANSFIELD VIC 3722
Telephone: 5775 8555
www.mansfield.vic.gov.au

General Advice about the operation of the Act

Governance & Risk Co-ordinator (Ms Michelle Kain)
Mansfield Shire Council
33 Highett Street
MANSFIELD VIC 3722
Telephone: 5775 8555
www.mansfield.vic.gov.au

A disclosure about improper conduct or detrimental action by a Mansfield Shire Council Councillor or employee may also be made directly to the Ombudsman or IBAC. Disclosures relating to Councillors can only be made directly to the Ombudsman or IBAC.

IBAC

Level 1, North Tower
459 Collins Street
Melbourne 3000
Internet: www.ibac.vic.gov.au
Telephone: 1300 735 135

Victorian Ombudsman

Level 9 North Tower
459 Collins Street,
MELBOURNE VIC 3000
Internet: www.ombudsman.vic.gov.au
Email: ombudvic@ombudsman.vic.gov.au
Telephone: (03) 613 6222;
Toll-free (regional only): 1800 806 314

ABOUT IBAC

IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct by:

- investigating serious corruption and police misconduct.
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.



KEY TERMS, DEFINITIONS AND ABBREVIATIONS

Assessable disclosure:	Any disclosure either made directly to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Inspectorate (VI), or if received by Mansfield Shire Council is required under s21 of the Act to be notified by the Council to the IBAC for assessment.
Corrupt Conduct:	Is conduct that would, if proved beyond reasonable doubt at trial, constitute and indictable offence or the common law offence of attempting to pervert the course of justice or bribery of a public official
Detrimental Action:	(a) action causing injury, loss or damage; (b) Intimidation or harassment; (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.
IBAC:	Independent Broad-based Anti-corruption Commission.
IBAC Act:	<i>Independent Broad-based Anti-corruption Commission Act 2011.</i>
Improper conduct:	Improper conduct means conduct by a public body or public official as defined in the IBAC Act and specified conduct as defined in the PD Act. The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal.
Investigative entity:	Any one of the four bodies authorised to investigate a protected disclosure complaint, being the IBAC, the Victorian Ombudsman, the Chief Commissioner of Police and the VI.
PDO	Protected Disclosure Officer.
Procedures:	This version of the procedures of Mansfield Shire Council, as established under s58 of the Act.
Protected disclosure:	A report made by a person about improper conduct of public officers or public bodies
Protected disclosure complaint:	A protected disclosure which has been determined and assessed by the IBAC to be a protected complaint
Public bodies:	Include a Council (established under the <i>Local Government Act 1989</i>).
Public officers:	Include local government Councillors and Council employees.
Regulations:	Protected Disclosure Regulations 2013.
Specified Conduct:	Conduct that would, if proved, constitute a criminal offence or reasonable grounds for dismissal
VI:	Victorian Inspectorate.



THE REPORTING SYSTEM

Council has established a centralised reporting system for the receipt, assessment and investigation of protected disclosures.

The system ensures that these procedures, including detailed information about how disclosures may be made and to whom, are accessible on the Council website and available internally and externally to staff, employees, contractors and Councillors and any individual in the broader community.

Roles and Responsibilities

Protected Disclosure Officer

Council's PDO has a central role in the internal reporting system, and maintains oversight of it.

The PDO is also responsible for monitoring the welfare of the person making a protected disclosure and to provide advice and support.

Governance and Risk Co-ordinator

Council's Governance and Risk Co-ordinator is the contact point for general advice about the operation of the Act for any person wishing to make a disclosure. The Governance and Risk Coordinator will assist and work in conjunction with the PDO in matters relating to:

- co-ordinating the reporting system used by the organisation;
- the provision of general advice about the operation of the Act and for integrity agencies such as the IBAC;
- liaise with the IBAC in regard to the Act.

Direct and Indirect Supervisors and Managers

Employees of the Council who wish to make a protected disclosure may make that disclosure to their direct or indirect supervisor or manager.

If a person wishes to make a protected disclosure about an employee of Council, that person may make the disclosure to that employee's direct or indirect supervisor or manager.

CONFIDENTIALITY

Section 52 of the Act requires any person who receives information due to the handling or investigation of an assessable disclosure, not to disclose that information except in certain limited circumstances. These circumstances include:

- where exercising the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report.



The Act prohibits:

- the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the person making a protected disclosure;
- the disclosures of particulars in an annual report and other reports to Parliament that might lead to the identification of a person against whom a protected disclosure is made.

MAKING A DISCLOSURE

What is a disclosure and who can make a disclosure?

A disclosure may be made about two things under the Act:

- (i) corrupt conduct of public bodies or public officers; and
- (ii) detrimental action taken by public bodies or public officers in reprisal against a person for the making of a protected disclosure.

How can a disclosure be made?

Verbally:

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

In writing:

- Personal delivery to the office
 - Mail addressed to the organisation or Protected Disclosure Officer (PDO)
 - Email to the organisation or to the PDO
 - IBAC and the Ombudsman can also receive disclosures via an online form.
-
- Facsimile is not an acceptable method

If the disclosure comes from an e-mail address from which the identity of the person making the disclosure cannot be determined, the disclosure will be treated as an anonymous disclosure.

Any person can submit an allegation or complaint.

About whom can a disclosure be made?

- Disclosures can be made about public bodies or public officers acting in their public role. This includes a Councillor and Council employee. Refer to the *Independent Broad-based Anti-corruption Commission Victoria – Guidelines for making and handling protected disclosures, 2013* (p.10) for a complete definition.



To whom can a disclosure be made?

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

- If the subject of the disclosure is a Councillor, the disclosure must be made directly to the IBAC or the Victorian Ombudsman.
- Councillors can only receive disclosures that relate to themselves, officers, employees and contractors.

Refer to the *Independent Broad-based Anti-corruption Commission Victoria – Guidelines for making and handling protected disclosures, 2013* (pp.11-12) for a comprehensive list.

What disclosures are not protected?

Protection is not available for disclosures which:

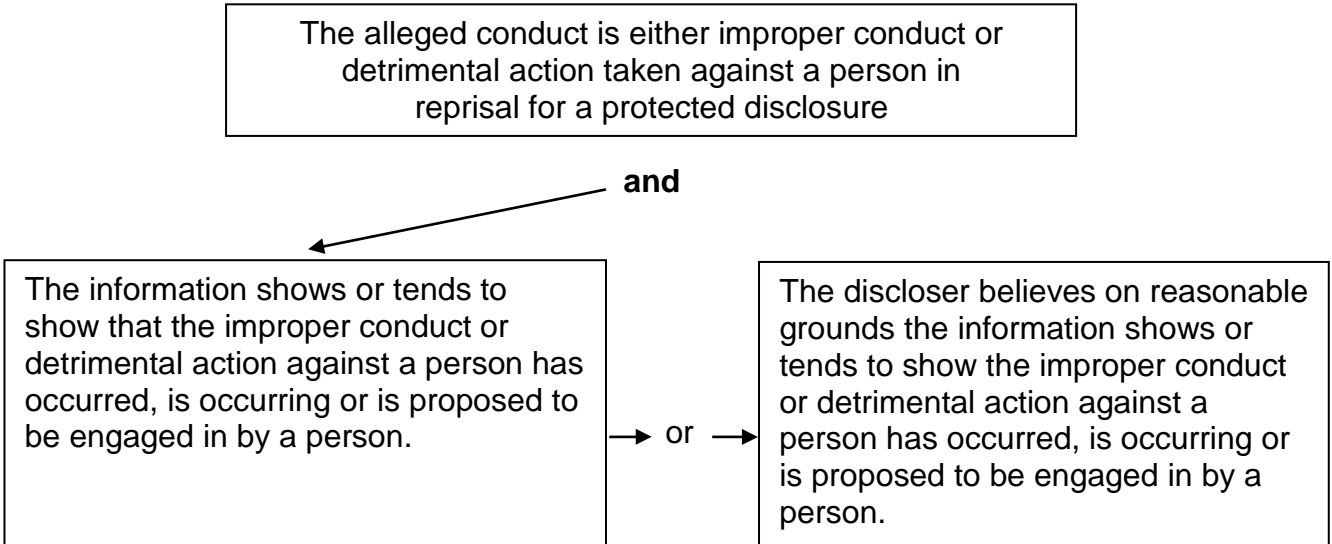
- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.



WHAT CAN A DISCLOSURE BE MADE ABOUT?

A disclosure must be about the conduct of a person, public officer or public body in their capacity as a public body or public officer as outlined in the following diagram:



Definition of improper, corrupt or specified conduct by public officers or entities

Improper conduct can be either corrupt or specified conduct and be either criminal conduct or conduct serious enough to result in a person’s dismissal.

- Dishonest performance of a public officer
- Knowingly breaching public trust by a public officer
- Misuse of information obtained by a public officer in that capacity
- Conspiracy to commit or attempt to commit any of the above
- Conduct that implies:
 - Substantial (level determined per case) mismanagement of public resources
 - Substantial (level determined per case) risk to public health or safety
 - Substantial (level determined per case) risk to the environment



ASSESSING A DISCLOSURE

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

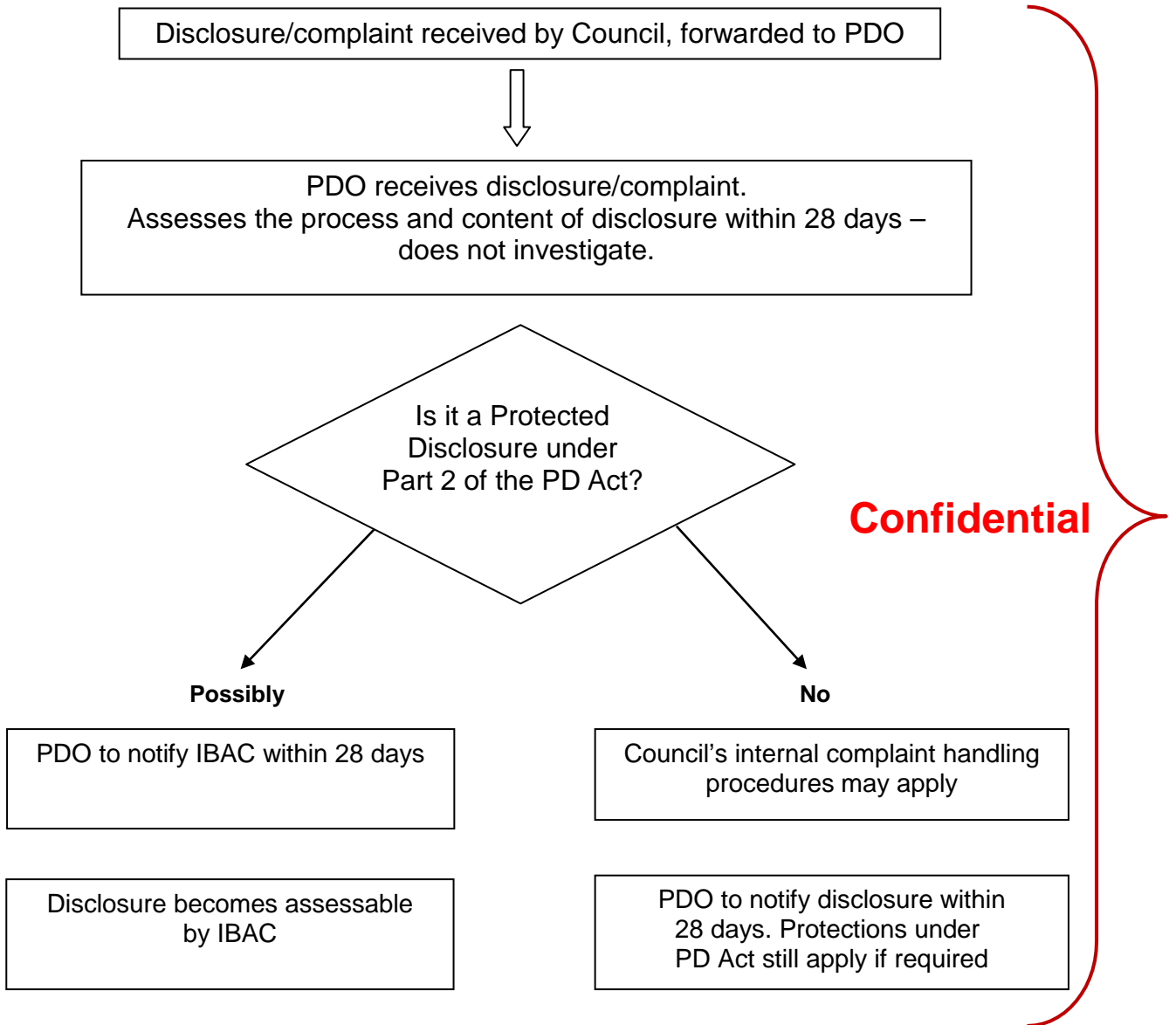
The requirements for a disclosure to be assessable are:

- made verbally in private or in writing by email or mail
- must not be made via fax
- must be made to the CEO, the PDO, the discloser's manager or the manager of the subject of the disclosure
- must be made about public officer or public body in the performance of their public functions
- must be made about alleged improper conduct or detrimental actions taken in reprisal for a protected disclosure
- A complaint about a Councillor cannot be taken by staff in the Council – it must go straight to IBAC or the Ombudsman

When a complaint or disclosure is received within Council, it should immediately be forwarded to the PDO for assessment to determine if it is required to be forwarded to IBAC for investigation.



Figure 2 - Internal procedure for dealing with disclosures.



Making a notification to IBAC

If the PDO decides that the disclosure may be protected then it becomes an assessable disclosure and IBAC must be notified within 28 days.

The PDO must also notify the discloser in writing within 28 days that:

- The disclosure has been notified to IBAC for assessment
- That it is an offence to disclose that the disclosure has been notified to IBAC.



IBAC assessment

IBAC undertakes an assessment to determine if the disclosure is a PD complaint. IBAC may dismiss the complaint under section 68 of the IBAC Act.

Whether or not IBAC dismisses the disclosure the protections under Part 6 of the PD Act apply to the discloser. Following IBAC's assessment it must notify Council of its determination and the actions it intends to take.

At the conclusion of its investigation, IBAC may provide information about the conduct and result of the investigation to Council but it must not provide any information that might lead to the identification of a discloser.

Freedom of Information Act 1982

Council will ensure the Records Coordinator is aware that the *Freedom of Information Act 1982* does not apply to any document that relates to a protected disclosure, an assessable disclosure or that is likely to lead to the identification of a person who has made an assessable disclosure.

WELFARE MANAGEMENT

Council will not tolerate any victimisation of a complainant or the subject of the protected disclosure. If a person believes that he or she is the subject of victimisation, they should inform the PDO with sufficient information to enable an investigation of the complaint. The PDO will investigate and take any action required in respect of the complaint.

Part 6 of the Act sets out the protections provided to persons who may make a protected disclosure.

The person making the disclosure will not be:

- subject to any civil or criminal liability or administrative action (including disciplinary action) for making the disclosure;
- committing an offence against the Constitution Act 1975 or any other Act that imposes obligations of confidentiality or any other restriction on the disclosure of information;
- breaching any other obligation (made by oath, rule of law or practice) requiring them to maintain confidentiality or otherwise restrict confidentiality;
- held liable for defamation in relation to information included in a protected disclosure.

Limitation on protection

If the person has made a false disclosure or provided false information, the person is not protected.

There is also no protection for a discloser against legitimate management action and the discloser will still be held liable for their own conduct.



Disclosers commit an offence against the PD Act if they make it publicly known that their disclosure has been notified to IBAC and / or that their complaint has been determined by IBAC to be a PD.

Management of the Person against whom the Disclosure is made

Natural Justice

Council will ensure that natural justice is adhered to in the receipt and management of a disclosure.

Employees, officers or members of the Council who are the subject of a disclosure will be provided with notification, in writing, of the disclosure, where that notification does not compromise the identity of the person making the disclosure or the investigation into the disclosure. The person will be given the opportunity to answer allegations before a final decision is made and informed about the substance of any adverse comment that may be included in any report arising from an investigation.

Confidentiality

Council will take all reasonable steps to ensure the confidentiality of the identity of the person against whom a disclosure has been made.

Protection against reprisal

Council's PDO will take responsibility for ensuring a person against whom a protected disclosure has been made, is protected from direct or indirect detrimental action. The PDO will also monitor the welfare of the person against whom a disclosure has been made and provide full support to the person where the allegations contained in a disclosure are clearly wrong or unsubstantiated.

REFERENCES

Protected Disclosure Act 2012

IBAC Guidelines for Making and Handling Protected Disclosures

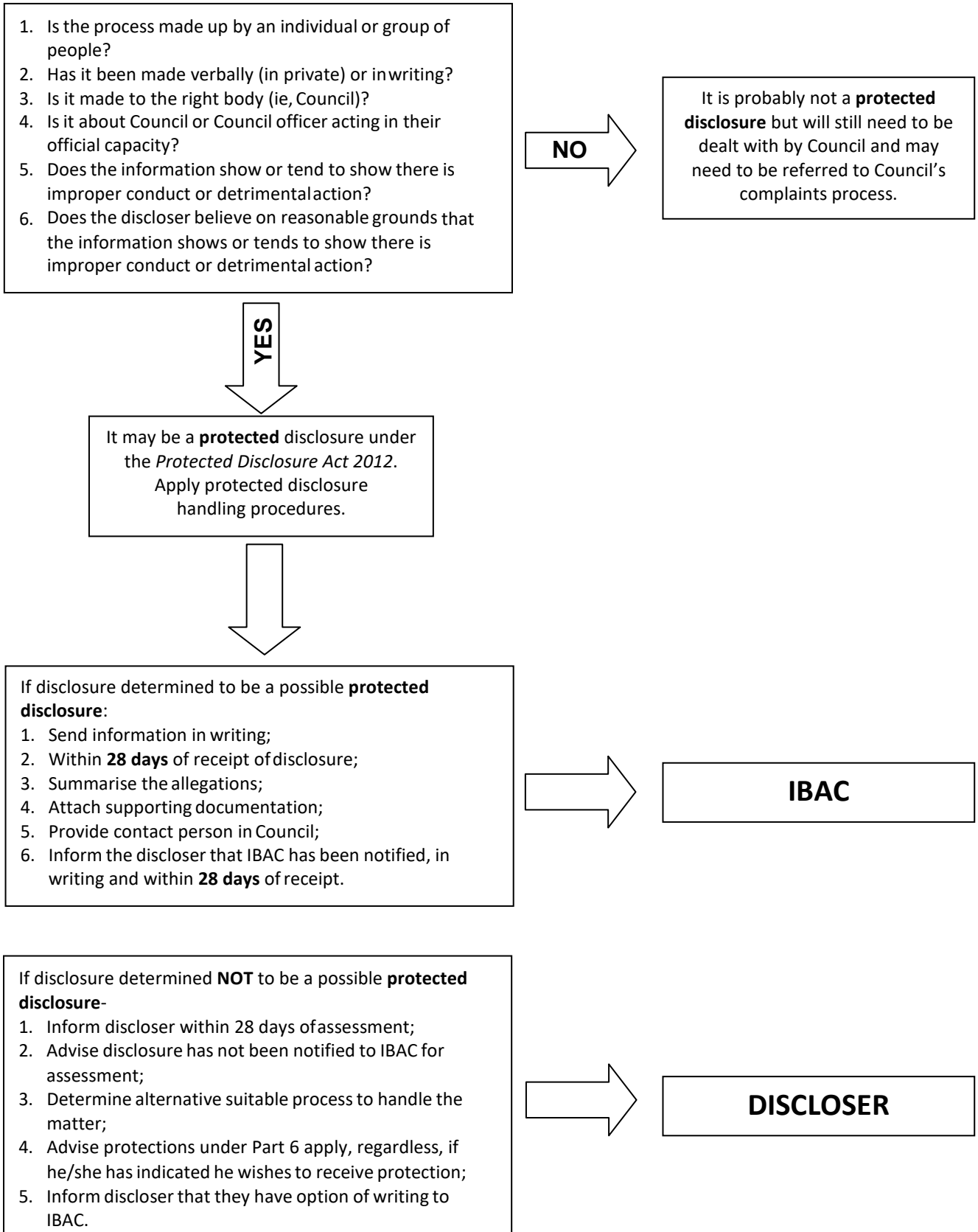
IBAC Guidelines for Protected Disclosure Welfare Management

ATTACHMENTS

1. Disclosures Assessment Process (at a glance)



Attachment 1 - Disclosures Assessment Process (at a glance)



11.4 FINANCE DEPARTMENT.

11.4.1 Council Plan Performance Reporting Q3 2020

File Number: E4397
Responsible Officer: Finance Manager, Mandy Kynnersley

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

This report presents an update on performance against the Mansfield Shire Council Plan 2017-21.

Background

Item 5.3.2 of the Council Plan 2017-2021 requires management to provide quarterly updates on the delivery of the Council Plan and its performance measures.

Statutory Requirements

The Local Government Performance Reporting Framework requires councils to indicate publically (in the annual report) whether they have received:

- Council Plan reporting - A report reviewing the performance of the Council against the Council Plan, including the results in relation to the strategic indicators, for the first six months of the financial year; and
- Performance reporting - six-monthly reports of indicators measuring the results against financial and non-financial performance, including performance indicators referred to in section 131 of the *Local Government Act 1989* (the LGPRF indicators).

Council Plan

Strategic Direction Five: Responsible Leadership

Strategic Objective 5.3: Our organisation transparently reports on its performance through a comprehensive reporting and audit framework.

Financial

Financial and Human Resources are determined annually via the Budget (short term outlook – 12 months), Strategic Resource Plan (medium term outlook – 4 years) and Long Term Financial Plan (long term outlook – 10 years). These plans are designed around delivery of the Council Plan.

Social

There are no direct social impacts.

Environmental

There are no direct environmental impacts.

11.4.1 Council Plan Performance Reporting Q3 2020 cont.

Economic

There are no direct economic impacts.

Risk Management

There are no inherent risks in relation to this matter.

Community Engagement

The Council Plan is subject to community consultation under s223 of the *Local Government Act 1989*. The Plan must be reviewed annually (s125(7)). If changes are made, the Plan must be made available for public submissions pursuant to s223.

Mansfield Shire Council typically review the Council Plan in June of each year, together with the Strategic Resource Plan and the Annual Budget. The revised Council Plan was made available for public engagement on 17 April 2019, closing 14 May 2019.

Council adopted the revised Council Plan on 25 June 2019.

Officer's Comments

See the attached report for details of performance against the Mansfield Shire Council Plan as at 31 March 2020 (quarter three of the 2019-20 financial year).

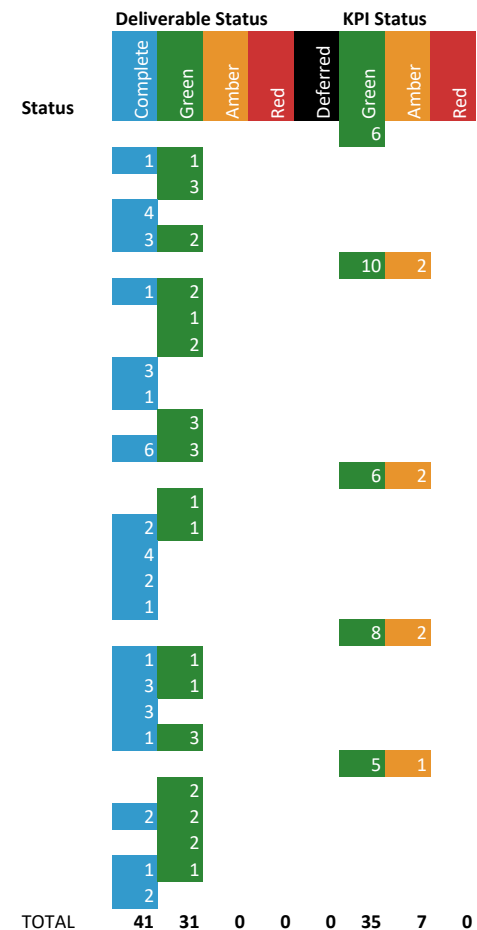
Recommendation:

THAT Council receive and note the Council Plan Performance Report as at 31 March 2020.

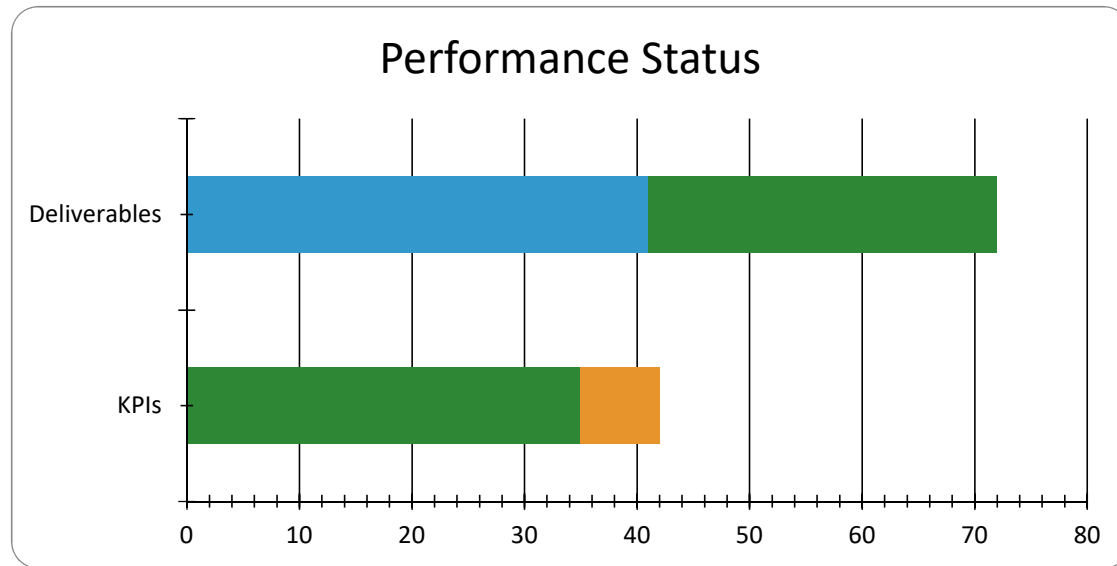
Attachments

1. Council Plan Performance Report Q3 2020

Label	Strategy
Strategic Direction One	Participation and Partnerships
Objective 1.1	Our community has a say in matters of interest to them.
Objective 1.2	Council is an effective advocate on behalf of its community.
Objective 1.3	Partnerships are strong between key service providers and authorities across the municipality.
Objective 1.4	We have high levels of community participation, with growing levels of engagement from our senior citizens and people of all abilities
Strategic Direction Two	Financial Sustainability
Objective 2.1	Council has a strategic, long term financial plan to secure its ongoing financial sustainability
Objective 2.2	We embrace innovation to maximise service efficiency and reduce costs.
Objective 2.3	We prudently manage our asset maintenance and capital works programs in line with our long term financial plan
Objective 2.4	Council has secured sustainable levels of recurrent funding and own source revenue.
Objective 2.5	Council has maximised shared services with other councils and authorities to minimise service costs
Objective 2.6	Our population continues to steadily grow, supported by the provision of sustainable community infrastructure and services
Objective 2.7	Mansfield's economy is diverse, with the agility to respond to changing consumer demands.
Strategic Direction Three	Community Resilience and Connectivity
Objective 3.1	Our website and social media outlets are responsive, effective information portals for our community
Objective 3.2	We support our communities in meeting their own needs.
Objective 3.3	Mansfield is a welcoming, supportive and inclusive place to be.
Objective 3.4	Our community and emergency responders work together to ensure we are prepared for emergencies and natural disasters
Objective 3.5	Council supports the community in its efforts to lobby for the infrastructure it needs to be connected and progressive
Strategic Direction Four	Enhanced Liveability
Objective 4.1	We have long term strategies and capital works programs in place to respond to changing community needs
Objective 4.2	We are a community that is passionate about arts, culture, heritage and the environment
Objective 4.3	Our community proactively manages its health and wellbeing.
Objective 4.4	We have strong policy and decision making frameworks in place to protect and enhance the unique character of our Shire for future generations
Strategic Direction Five	Responsible Leadership
Objective 5.1	We achieve the highest standards of good governance.
Objective 5.2	Our organisation is driven by a positive culture.
Objective 5.3	Our organisation transparently reports on its performance through a comprehensive reporting and audit framework
Objective 5.4	We make transparent decisions facilitated by community participation at Council meetings
Objective 5.5	We have a strong framework in place to proactively mitigate risk.



Performance Category	Complete	Green	Amber	Red	Deferred
KPIs		35	7	0	0
Deliverables	41	31	0	0	0



Strategic Direction One - Participation and Partnerships

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KPI Performance

Status	KPIs	Target	Currently	Variance	Achieved	Comments
Green	CP SD1 Number of Council meetings held in outlying townships per annum.	4	3	-1	No	Council meeting held in Barjarg in August 2019, Jamieson in November 2019, and Bonnie Doon in February 2020.
Green	CP SD1 Community satisfaction rating for Council decisions made in the interest of the community.	60	0	-60	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	CP SD1 Community satisfaction rating for community consultation and engagement.	61	0	-61	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	CP SD1 Community satisfaction rating for Council's advocacy efforts.	59	0	-59	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	CP SD1 % of event applications that receive approval via the Event Management Plan process.	95%	100	5	Yes	100%
Green	CP SD1 % of persons who help out as a volunteer.	30%	29	-1	No	

Objective 1.1 - Our community has a say in matters of interest to them.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 1.1.1 Reflect community expectations for communication and collaboration by developing and implementing a Community Engagement Strategy.	30/06/2020	30/06/2020		40%	Council briefing on 3 March Outline impacts and present actions and timelines to comply with new Act requirements in this space. Timeline developed at briefing to guide updated completion dates. Ongoing no status change.
Complete	CP 1.1.2 Schedule Ordinary Council meetings in townships across the municipality to encourage local participation and to provide high levels of access to Councillors.	30/06/2020	19/11/2019	19/11/2019	100%	Councillors authorised council meeting venues at the November 2019 Council Meeting, including 3 at outlying communities.

Objective 1.2 - Council is an effective advocate on behalf of its community.

/

Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 1.2.1 Develop a Community Vision in partnership with the community to help articulate long term goals for our shire.	30/06/2019	30/06/2021		20%	Councillors were briefed in February 2020 on the process involved in developing the Community Vision, based on the expected requirements of the new Local Government Act.
Green	CP 1.2.2 Develop a Stakeholder Engagement Plan to identify key partnerships that can assist the Council in achieving its goals.	30/06/2019	30/06/2021		20%	Councillors were briefed in February 2020 on the process involved in developing the Community Engagement Policy, based on the expected requirements of the new Local Government Act.
Green	CP 1.2.3 Articulate Council and community views on major Federal and State government initiatives including telecommunications Black Spot funding, sustainable funding for small regional councils, legislative reviews and protection and enhancement of the environment in partnership with local environmental groups.	30/06/2021	30/06/2020		75%	Council continue to monitor opportunities to advocate on behalf of the community and Council.

Objective 1.3 - Partnerships are strong between key service providers and authorities across the municipality.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 1.3.1 Explore opportunities for integrated and shared service delivery with other local service providers, including Mansfield District Hospital and the Mt Buller/Mt Sterling Resort Management Board.	30/06/2019	30/06/2019	30/06/2019	100%	CEO meets regularly with the Mt Buller/Stirling ARMB CEO. Ongoing consideration for shared services is performed on a case by case basis. Joint program delivery is ongoing with the Hospital.
Complete	CP 1.3.2 Engage with regional partners, including the Hume Regional Road Group, to deliver infrastructure planning and works that will benefit our municipality.	30/06/2019	30/06/2019	24/06/2019	100%	Have engaged with regional partners and Regional Roads Victoria to discuss the development of a strategy that will assist in the delivery of infrastructure planning and works that will benefit the community. Council facilitates the Traffic Liaison Committee meetings for the Shire and these are held on a quarterly basis.
Complete	CP 1.3.3 Coordinate an events management plan process involving internal and external stakeholders to streamline event organisation and delivery quality events for our community and visitors.	30/06/2019	30/07/2018	30/07/2018	100%	A simplified EMP application was developed in conjunction with the local laws and Environmental Health team so as only one point of contact is required for anyone wanting to hold an event within the Mansfield Shire.
Complete	CP 1.3.4 Co-operate with Tourism North East, Mt Buller/Mt Stirling Resort Management, Goulburn Murray Water and other key industry stakeholders to deliver a range of tourism and visitor services.	30/06/2019	30/06/2019	13/12/2018	100%	This is an ongoing process that is part of the Tourism teams standard workplans.

Objective 1.4 - We have high levels of community participation, with growing levels of engagement from our senior citizens and people of all abilities.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 1.4.1 Develop and implement an Active Ageing Strategy.	30/06/2019	15/05/2019		75%	The community engagement process has already commenced with survey and community meeting workshops undertaken across the Shire. The writing of the Plan is currently being drafted internally. The development of the Draft has been put on hold due to staff being redeployed into other roles currently.
Complete	CP 1.4.2 Actively communicate volunteering opportunities and benefits through the Shire's website, Facebook page and the media.	30/06/2019	30/06/2019	30/06/2019	100%	Ongoing. The new Volunteering policy has been drafted and reviewed by the SLG. Where required old Volunteering role pd's have been reviewed and new ones developed where new opportunities have presented.
Complete	CP 1.4.3 Ensure the needs of senior citizens and people of all abilities are catered for during the development of the Mansfield Streetscape Rejuvenation Project and the preparation of the Housing Strategy.	30/06/2019	30/06/2021	19/02/2020	100%	Housing Strategy was delivered in Year 1. Streetscape Rejuvenation project will be considered in the long term financial plan.
Green	CP 1.4.4 Develop and implement an Access and Inclusion Plan which aligns with the State Disability Plan.	30/06/2020	15/05/2020		75%	This will be included within the Active Ageing Strategy. As per CP1.4.1
Complete	CP 1.4.5 Deliver and support a diverse events program that offers numerous accessible and affordable opportunities for participation.	30/06/2019	30/06/2019	30/06/2019	100%	Events program consistent with prior year.

Strategic Direction Two - Financial Sustainability

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KPI Performance

Status	KPIs	Target	Currently	Variance	Achieved	Comments
Green	Expenses per property assessment (no. of rateable properties)	2,460	1594	-866	No	Expenditure is low due to being at the end of the Q3 only. On track to deliver below target.
Amber	Time taken to decide planning applications (median number of days)	60	63	3	No	This has been reduced from 83 days in the previous FY. This cannot be quantified until the next edition of Know Your Council data is released.
Green	Community satisfaction for business & community development performance	65	0	-65	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction for tourism development performance	75	0	-75	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Adjusted underlying surplus (or deficit) as a % of underlying revenue	2%	35	33	No	Income includes a full year of rate income, while expenditure has not yet been incurred.
Green	Renewal/replacement of assets as a % of depreciations	70%	0	-70	No	Depreciation is posted at the end of the year.
Green	Loans and borrowing as a % of rate revenue	20%	15	-5	No	
Green	Rates as a % of adjusted underlying revenue	68%	74	6	No	
Green	Own source revenue per head of population	1,674	1800	126	No	
Green	Recurrent grants per head of population	515	330	-185	No	
Green	Resident population	8,474	8979	505	No	This is not a measure that Council can control directly.
Amber	Percentage of people aged >15 in part or full time employment	97%	90	-7	No	This is not a measure that Council can control directly.

Objective 2.1 - Council has a strategic, long term financial plan to secure its ongoing financial sustainability.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 2.1.1 Develop a Long Term Financial Plan.	30/06/2020	01/07/2018	01/07/2018	100%	
Green	CP 2.1.2 Complete service reviews across all departments in response to the findings of the Long Term Financial Plan.	30/06/2019	30/06/2020		40%	The Financial Management Strategy 2018 enshrined in Policy a requirement to perform a service review across each department at least once in a term of Council (ie not every department, every year). Service Reviews in 2019-20 include Infrastructure works, planning and aged services
Green	CP 2.1.3 Hold discussions with the community around the findings of the Long Term Financial Plan and departmental service review findings to identify service and infrastructure priorities.	30/06/2021	31/05/2020		50%	Early engagement performed in December 2019. Statutory Community engagement process for the 2020-21 budget will commence in April 2020.

Objective 2.2 - We embrace innovation to maximise service efficiency and reduce costs.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 2.2.1 Identify opportunities for streamlining processes, data collection and in the field connectivity using mobile technology to maximise service efficiency.	30/06/2021	30/06/2020		20%	This is an ongoing process. Movement toward enabling more use of mobile devices (ie BYO device policy), work from home capability and field connectivity is in progress as part of a wider IT evolution post the successful Outlook implementation. The IT strategy to be developed in 2019-20 as per the budget will further inform this direction.

Objective 2.3 - We prudently manage our asset maintenance and capital works programs in line with our long term financial plan.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 2.3.1 Adopt a "whole of life costing" approach to asset management as part of a cost benefit analysis to inform decisions around the creation of any new asset.	30/06/2019	30/12/2021		90%	Significant new asset proposal require a feasibility study and business case including an assessment of ongoing cost. Discretionary budget request submissions internally are required to detail whole of life costs for all proposed projects.
Green	CP 2.3.2 Review asset management practices and data to ensure optimal useful life and value for money across Council's infrastructure and assets.	30/06/2021	30/06/2020		80%	Transition to Assetic is now in year two of the implementation plan and progressing

Objective 2.4 - Council has secured sustainable levels of recurrent funding and own source revenue.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 2.4.1 Develop and implement a co-ordinated review of Council assets in consultation with the community focusing on whether or not the disposal of key assets would realise greater net community benefit.	30/06/2019	30/06/2019	19/02/2019	100%	Surplus land assets subject to community consultation in 2018-19 include Minerva Street, Kitchen Street and the Sale Yards. Consultation process is now closed for all three of these proposals. New property management officer will continue to review existing lease arrangements and identify other land assets that should be considered.
Complete	CP 2.4.2 Review the need to apply for a variation to the State's rate capping with the Long Term Financial Plan.	30/06/2019	31/03/2019	31/03/2019	100%	Submission lodged with ESC 31 March 2019 and approved. the 2019-20 variation allowed the reallocation of income from waste management across into rates, but did not increase the total income to Council. The LTFP will be reviewed with every annual budget cycle and a determination around rate variations made on an as needs basis.
Complete	CP 2.4.3 Articulate the outcomes of the Long Term Financial Plan and key challenges to our ongoing financial sustainability to State and Federal governments with the view of changing policy around recurrent grants and our ability to increase "own source" revenue.	30/06/2020	01/07/2019	01/07/2019	100%	The Financial Assistance Grants model was amended by the Victoria Grants Commission for the 2019-20 year to the benefit of Mansfield, recognising the impact of a large proportion of non-resident ratepayers as well as significant tourist visitation levels.

Objective 2.5 - Council has maximised shared services with other councils and authorities to minimise service costs.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 2.5.1 Actively seek shared service opportunities with other councils of a similar profile to reduce recurrent expenditure.	30/06/2020	30/06/2020	01/01/2020	100%	Ongoing, we continue to look for opportunities, like through our High Country Library Network, GVRT and Activating Lake Eildon

Objective 2.6 - Our population continues to steadily grow, supported by the provision of sustainable community infrastructure and services.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 2.6.1 Develop and implement a local policy on housing provision covering issues such as type, mix, subdivision design and best practice environmental outcomes.	30/06/2019	30/06/2020		40%	The housing strategy provides a blueprint for residential design guidelines and notes the requirement for these to be adopted through a scheme amendment process. This will occur once the planning strategy has been developed, which will help provide the strategic direction to the infill and greenfield development opportunities across the shire.
Green	CP 2.6.2 Develop and implement the Streetscape Rejuvenation Project for the Mansfield township to promote growth that respects and enhances the amenity and character of the town.	30/07/2021	22/06/2021		10%	A program for streetscape improvement might be highlighted in the open space strategy. This will need to be incorporated into the future capital works program.
Green	CP 2.6.3 Prepare and implement an Integrated Water Management Plan for the Mansfield township in partnership with DELWP and Goulburn Valley Water.	30/06/2021	30/06/2021		80%	Draft document has been received by officers for review and comment. Councillors have been briefed, the plan is with the project partners for endorsement and will then go out for advertising

Objective 2.7 - Mansfield's economy is diverse, with the agility to respond to changing consumer demands.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 2.7.1 Develop a strategic plan to optimise economic benefits from cycling based tourism in partnership with businesses operating within this sector and our tourism partners such as Tourism North East and the Great Victorian Rail Trail.	30/06/2020	30/06/2020	07/04/2020	100%	GVRT Development Plan completed and implementation plan and budget to be considered by Council during the budget process. The first year of the GVRT has been funded externally. Implementation of first year actions have commenced however have been delayed due to staff being redeployed to respond to COVID-19 response.
Complete	CP 2.7.2 Implement the Lake Eildon Land and On-Water Management Plan in partnership with Goulburn Murray Water and other key agencies.	30/06/2019	30/06/2019	30/06/2019	100%	Ongoing attendance at the LOWMP meetings where actions from LERBFIB are discussed and prioritised. Engaging with RDV on the development of the Activating Lake Eildon Project, three stage project. Stage 1 is a High level Economic Analysis of the LE impact on small townships across the Mansfield and Murrindindi Shires. stage 2 and 3 revolve around blue sky thinking projects with the development of business cases. Linking in LERBFIB as related literature. This body of work has been linked with the Lake Eildon Masterplan and will be considered as a collective body of work when State Govt funding is sort.
Complete	CP 2.7.3 Develop a Paddock to Plate Agri-tourism Alliance Growth Plan in partnership with key stakeholders across the Shire.	30/06/2019	01/07/2018	19/10/2017	100%	Year 1 action.

Complete	CP 2.7.4 Facilitate and support existing and new events to build on our strengths and increase economic returns across the Shire.	30/06/2019	30/06/2019	30/06/2019	100%	Targa continues to being a key economic event for the Shire. This will continue to be ongoing.
Green	CP 2.7.5 Investigate options for delivery of a Business Hub to support new and expanding businesses.	30/06/2019	30/06/2021		10%	Funding for a Commercial and Industrial land use strategy has been secured and will provide guidance on establishing growth scenarios which will form the basis for defining the required infrastructure. The strategy will also determine the suitability of potential areas for a business hub.
Green	CP 2.7.6 Investigate a new visitor servicing model for Mansfield Shire taking account of visitor and business needs.	30/06/2021	30/06/2021		20%	Has been identified in the proposed budget for 20-21.
Complete	CP 2.7.7 Develop a master plan for the Station Precinct in partnership with key stakeholders.	30/06/2019	30/06/2019	30/06/2019	100%	The Concept Master Plan was endorsed by Council in March 2019, completing Stage 2 of the 3 stage project.
Green	CP 2.7.9 Review Council's Economic Development Strategy in partnership with the business community to ensure a medium term plan is in place to support ongoing economic growth.	30/06/2019	01/05/2020		95%	Economic Development Strategy is currently under going consultation. Draft plan on track to be considered by Council in the March Council meeting. Draft endorsed by Council and final public consultation online is being undertaken.
Complete	CP 2.7.10 Encourage local businesses to increase productivity through energy efficiency.	30/06/2019	30/06/2019	31/01/2020	100%	Council's Environment Strategy and Economic Development Strategies will support local businesses to increase productivity

Strategic Direction Three - Community Resilience and Connectivity

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KPI Performance

Status	KPIs	Target	Currently	Variance	Achieved	Comments
Green	Community satisfaction rating for informing the community	63	0	-63	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for emergency and disaster management performance	74	0	-74	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for elderly support services	77	0	-77	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	% of the population who are members of the Mansfield Library and who have borrowed in the past 12 months	18%	0	-18	No	Data not available yet. 30 June 2019 result was 18%. Data not yet received will be provided at June 2020.
Green	% of infants enrolled in the Maternal and Child Health service who receive the first Maternal and Child Health service	100%	99	-1	No	
Green	% of children enrolled who use the Maternal and child Health service	72%	77	5	Yes	
Amber	Rating for feeling part of the community	82	0	-82	No	This Council Plan performance indicator was designed based on an external Community Indicators Victoria dataset that is no longer being published, therefore a result cannot be reported at this time.
Amber	Rating for perception of connectedness - % of those who agree others are willing to help each other	95	0	-95	No	This Council Plan performance indicator was designed based on an external Community Indicators Victoria dataset that is no longer being published, therefore a result cannot be reported at this time.

Objective 3.1 - Our website and social media outlets are responsive, effective information portals for our community.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 3.1.1 Develop and implement an Information Strategy with an immediate focus on improving the capabilities of our website as an interactive information portal for the community.	30/06/2019	30/06/2020		60%	A new website has been developed and is up and running , improvements to the site are ongoing. An RFQ for a Digital Transformation Strategy has been put out on Tenderlink submissions close on 12 February 2020, A preferred tenderer has been chosen by the selection panel and ref checks are currently underway. These should conclude by COB 9 April

Objective 3.2 - We support our communities in meeting their own needs.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 3.2.1 Support local businesses through the provision of training and information, including the Business 2 Business workshops.	30/06/2019	30/06/2019	30/06/2019	100%	Initiatives to date include Start Up Shake Up, and participation in the Victorian Small Business festival (presentations/workshops in retail). Currently investigating a digital solutions workshop program for delivery in 2019. Continuous piece of work.
Green	CP 3.2.2 Assist communities to implement and review priorities listed in their Community Plans while supporting and building capacity within the Community Groups to achieve their objectives independent of Council.	30/06/2019	30/06/2020		80%	Almost all current Community Plans have been completed. The Community Development team will include the development of individual community priorities within a broader Shire wide community vision / plan. Briefing to Council in February to formalise direction. Project engagement currently on hold as staff redeployed and no face to face engagement can be undertaken.
Complete	CP 3.2.3 Provide advice to support local community events, including assistance with sourcing funding opportunities and event management plan co-ordination.	30/06/2019	31/01/2020	31/01/2020	100%	Ongoing this support is provided across the full 12 months of the year.

Objective 3.3 - Mansfield is a welcoming, supportive and inclusive place to be.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 3.3.1 Develop a youth strategy and action plan to guide Councils role within the youth sector, focusing on developing partnerships and collaborative approaches to deliver responsive and co-ordinated services.	15/12/2019	15/10/2019	19/08/2019	100%	
Complete	CP 3.3.2 Facilitate stronger communities and foster intergenerational engagement by developing and implementing the Active Ageing Strategy, incorporating the Diversity Plan and the Active Service Model Plan.	30/06/2019	31/05/2019	31/05/2019	100%	Community Consultation has commenced.
Complete	CP 3.3.3 Facilitate social inclusion and participation of both residents in remote townships, and our senior citizens, through the provision of visiting library services.	30/06/2019	30/06/2019	30/06/2019	100%	Visiting library service continues.
Complete	CP 3.3.4 Promote volunteering opportunities across the Shire and develop a process to increase opportunities for residents to contribute to community life.	30/06/2019	15/01/2019	15/01/2019	100%	

Objective 3.4 - Our community and emergency responders work together to ensure we are prepared for emergencies and natural disasters.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 3.4.1 Review Council's Emergency Management Plan to ensure it responds to legislative change, process improvements following incident reviews and changing community expectations.	30/06/2019	21/09/2018	30/06/2019	100%	The Municipal Emergency Management Plan was audited by the Vic SES in September 2018 and received a compliant result.
Complete	CP 3.4.2 Participate in a State-wide review of Emergency Management practices, processes, progressively implementing relevant outcomes.	30/06/2019	30/06/2020	30/06/2019	100%	There is 2 year implementation of the new Emergency Management Legislation Amendment Bill 2018 - we are participating in ongoing consultation. Local Government Victoria is running the Councils and Emergencies program to understand the current capacity and capability of councils to respond to emergencies. The program has so far established the actions that Council may have to undertake (over 100) and the next step (May 2019) will benchmark Councils ability to deliver. This work is ongoing.

Objective 3.5 - Council supports the community in its efforts to lobby for the infrastructure it needs to be connected and progressive.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 3.5.1 Continue to work in partnership with the community to prioritise and apply for Federal government Telecommunication Black Spot funding.	30/06/2019	31/12/2019	31/12/2018	100%	Eight towers have been funded across Tolmie, Kevington, Ancona, Enochs Point, Goughs Bay, Howqua Inlet, Sawmill Settlement and Woods Point.

Strategic Direction Four - Enhanced Liveability

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KPI Performance

Status	KPIs	Target	Currently	Variance	Achieved	Comments
Green	Community satisfaction rating for customer service	70	0	-70	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for family support services performance	73	0	-73	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for recreational facilities performance	74	0	-74	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for planning permit performance	45	0	-45	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for waste management performance	70	0	-70	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Number of visits to aquatic facilities per head of population	2.43	0	-2.43	No	Data not available yet - pool opens in late November 2019. Data available June 2020.
Green	Kerbside collection waste diverted from landfill	34%	36	2	Yes	Ongoing target which Council is currently exceeding. Data extracted from Know your Council. Further data will not be available until the end of the 2020-21 financial year.
Green	Shire rating - SEIFA (Socia Economic Indexes for Areas)	8%	7	-1	No	This indicator cannot be controlled by Council directly.
Amber	Rating for perceptions of safety - when walking alone during the day or at night	97.80	0	-97.8	No	This Council Plan performance indicator was designed based on an external Community Indicators Victoria dataset that is no longer being published, therefore a result cannot be reported at this time.
Amber	% of people self rating their health as excellent or good	53%	0	-53	No	This Council Plan performance indicator was designed based on an external Community Indicators Victoria dataset that is no longer being published, therefore a result cannot be reported at this time.

Objective 4.1 - We have long term strategies and capital works programs in place to respond to changing community needs.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 4.1.1 Plan a rolling program of streetscape improvements and "place making" projects for the Mansfield township and smaller settlements.	30/06/2021	30/06/2021		10%	A program for streetscape improvements might be highlighted in the open space strategy. This will need to be incorporated into the future capital works program
Complete	CP 4.1.2 Develop and implement a new Sports Facility Strategy in consultation with sporting groups and funding bodies.	30/06/2019	01/07/2018	01/07/2018	100%	Sport Facilities Strategy completed in June 2018.

Objective 4.2 - We are a community that is passionate about arts, culture, heritage and the environment.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 4.2.1 Provide advice and expertise to community groups around event organisation and management.	30/06/2019	25/03/2019	25/03/2019	100%	Ongoing with Community Groups as a matter of course.
Green	CP 4.2.2 Promote community awareness of, and participation in, Arts and Cultural services, programs and facilities.	30/06/2019	30/06/2020		90%	Draft PAC Strategy to be considered by Council in March. Budget allocation for the development of a Arts and Culture Strategy for Mansfield Shire to be considered in the 2020 / 21 budget.
Complete	CP 4.2.3 Support the work of key environmental groups and organisations, including Landcare.	30/06/2019	30/06/2019	30/06/2019	100%	Ongoing – Environment Officer continues to provide support to local environmental organisations. Letters of support for grant applications have also been provide to local environmental groups.
Complete	CP 4.2.4 Collaboration with our communities, other Councils and Agencies to benefit from collaborative actions on climate change	16/06/2020	15/04/2020	20/02/2020	100%	This action is ongoing. Mansfield Shire Council is a member of the Goulburn Broken Greenhouse Alliance and participates in collaborative projects to reduce greenhouse emissions across the Goulburn Broken Region. Recent collaborative projects included an Electric Vehicle Fleet feasibility study for local government. Mansfield Shire Council supports local environmental action with groups such as Renewable Energy Mansfield (REM) with in-kind Environment staff time. REM have successfully run events such as Mansfield Sustainable House day and a Heat Pump Hot Water bulk buy.

Objective 4.3 - Our community proactively manages its health and wellbeing.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 4.3.1 Establish a database of physical activity opportunities for senior citizens, distributing this information through a range of channels tailored to their preferred method of communication.	30/06/2019	30/03/2020	31/01/2020	100%	Developed during the Age Friendly Communities consultation. Will be refined and listed on the website.
Complete	CP 4.3.2 Prepare and implement a new Municipal Public Health and Wellbeing Plan in partnership with key players across the Shire and informed by collaborative community consultation.	30/06/2019	01/07/2018	01/07/2018	100%	Municipal Health and Wellbeing Plan was endorsed by Council 20 February 2018.
Complete	CP 4.3.3 Build on the Active Mansfield initiative and campaign to promote healthy, active lifestyles and increasing the use of Council's leisure facilities.	30/06/2019	25/03/2019	30/06/2019	100%	Ongoing. Facilities at capacity but looking for alternative opportunities and passive recreation alternatives.

Objective 4.4 - We have strong policy and decision making frameworks in place to protect and enhance the unique character of our Shire for future generations.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 4.4.1 Progressively undertake the further strategic work outlined in the Local Planning Policy Framework of Mansfield Planning Scheme.	30/06/2019	17/06/2020		50%	This Strategic work has commenced with the Commercial and Industrial Land Use strategy commencing in October. Consultants have been engaged for the Planning Strategy with a background report due early June
Complete	CP 4.4.2 Review the Mansfield Shire Environment Strategy to ensure its ongoing relevance and identify actions for implementation.	30/06/2019	30/09/2019	23/10/2019	100%	Draft Environment Strategy was adopted at the October Ordinary Council meeting.
Green	CP 4.4.3 Review and progressively implement the Mansfield Shire Waste Management Strategy.	30/06/2019	20/05/2020		80%	Consultants appointed. community consultation commenced. Draft strategy has been developed. further consultation to start in May
Green	CP 4.4.4 Progressively implement the Domestic Wastewater Management Plan Action Plan in partnership with water corporations.	30/06/2019	30/06/2019		80%	The major actions from the DWMP have been implemented in consultation with relevant stakeholders. Discussions have commenced with the water corporations to progress the next iteration of the DWMP.

Strategic Direction Five - Responsible Leadership

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KPI Performance

Status	KPIs	Target	Currently	Variance	Achieved	Comments
Green	% of Council decisions made in meetings closed to the public	8%	8	0	No	13 Confidential resolutions out of 161 resolutions in total, across 9 ordinary meetings and 5 special meetings YTD.
Amber	% of Councillor attendance at Council meetings	90%	89	-1	No	Results YTD across 9 Ordinary meetings and 5 Special meetings
Green	Community satisfaction rating for Council's customer service	70	0	-70	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for Council's overall performance	64	0	-64	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	Community satisfaction rating for Council's direction	55	0	-55	No	The results of the 2020 Community Satisfaction Survey are expected in May 2020.
Green	% Shire employees who feel valued for their work	70%	40	-30	No	Based on most recent staff survey (May 2019). The level of satisfaction from staff has decreased from the previous survey. Work is being done to ensure we can improve the overall morale for all staff across the organisation. It should also be noted persistent badgering from external sources have not helped staff in being able to feel valued for their work.

Objective 5.1 - We achieve the highest standards of good governance.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 5.1.1 Complete a good governance audit with progressive implementation of its recommendations, using the Commission of Inquiry into the Greater City of Geelong as a guide.	30/06/2019	30/06/2021		0%	scheduled in the internal audit plan for Feb 2021 to encapsulate new Councillors post the 2020 election
Green	CP 5.1.2 Develop and implement an annual Good Governance Training Program for Councillors, including a self-evaluation of performance.	30/06/2019	30/06/2021		0%	This action will be part of the governance and risk coordinators work program, to be ready for delivery with the new Council in 2020.

Objective 5.2 - Our organisation is driven by a positive culture.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 5.2.1 Develop and implement a Human Resource Strategy, including the adoption of a succession management approach and rewarding high performance employees with development opportunities.	30/06/2019	30/04/2020		50%	Work has commenced on this. There is still a significant amount of work to be done here. Have moved estimated completion date from 3/12/19 to 30/4/20 The COVID-19 has significantly impacted the HR team in being able to write the strategy this will be done as soon as possible.
Green	CP 5.2.2 Deliver an annual corporate training program focussing on leadership and performance management skills.	30/06/2019	30/03/2020		90%	Competency assessment for Depot staff has been completed and training Identified. Corporate Training program is nearly completed in draft form and will go out for comment by mid February.
Complete	CP 5.2.3 Complete a Biennial employee culture survey to assess the health of the organisation.	30/06/2019	30/06/2019	30/04/2019	100%	Survey was completed,with an increase in number of staff participating in the survey for this round. Information sessions will be scheduled throughout the organisation. The next survey is scheduled for April 2021
Complete	CP 5.2.4 Develop and implement a policy to meet our obligations under the Child Safe Standards, enhancing our culture around child safety practices across the organisation.	30/06/2019	14/08/2018	14/08/2018	100%	Endorsed in Council meeting Aug 2018

Objective 5.3 - Our organisation transparently reports on its performance through a comprehensive reporting and audit framework.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 5.3.1 Complete three independent internal audits per annum, with the findings and management responses reported to both Council and the Audit and Risk Advisory Committee.	30/06/2019	30/06/2020		33%	Three internal audits are scheduled for 2019-20 including Fraud and corruption risk management Feb 2020 (complete awaiting final report), OHS April 2020 (commenced), and Strategic and Service Level Planning in June 2020.
Green	CP 5.3.2 Provide quarterly updates on the delivery of the Council Plan and its performance measures.	30/06/2019	30/06/2020		50%	Q1 delivered to the October Council Meeting. Q2 delivered to the Feb Council meeting.

Objective 5.4 - We make transparent decisions facilitated by community participation at Council meetings.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Green	CP 5.4.1 Investigate options for the audio recording and online streaming of Council meetings to allow greater community access to decision making processes.	30/06/2019	30/06/2020		50%	Equipment (microphones) have been ordered to be installed by March 2020. Investigation into live-streaming to be complete by May 2020.
Complete	CP 5.4.2 Conduct a review of Council's Advisory Committee system, informed by the Community Engagement Strategy, to ensure they provide the most meaningful and efficient means of strengthening Council-community collaboration.	30/06/2019	31/03/2019	19/02/2019	100%	Advisory Committees continuance has been reviewed and Councillors have endorsed their continuation at the November 2018 Council meeting. Terms of reference were endorsed by council at the February 2019 ordinary council meeting. Membership of all advisory committees (excluding Audit and Risk) will be spilled at the next meeting of the committee and advertised for Expressions of Interest and subsequent appointment.

Objective 5.5 - We have a strong framework in place to proactively mitigate risk.

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Deliverable Performance

Status	Deliverables	Approved Completion	Estimated Completion	Actual Completion	% Completed	Comments
Complete	CP 5.5.1 Review the Corporate Risk Register through the configuration of the Omni performance management systems risk register to track and report on mitigation initiatives.	30/06/2020	30/06/2020	06/11/2019	100%	OMNI is not capable of managing the risk register. Excel will be used initially with investigation of a software system to be incorporated into the IT strategy to be delivered in 2019-20. Staff risk register workshops are scheduled for October and November, with the first draft of the refreshed register to be presented to the ARAC in November 2019. Cr Workshops will also be arranged.
Complete	CP 5.5.2 Oversight of Councils Risk Management Strategy and corporate risk register by the Audit and Risk Advisory Committee through the introduction of a bimonthly risk management report.	30/06/2019	25/11/2019	25/11/2019	100%	Reporting of risk to the Audit and Risk Advisory Committee is quarterly (not bi-monthly) to match the meeting schedules. A refreshed risk register and reporting/monitoring process will be delivered during FY2020, commencing at the November 2019 ARAC meeting.

11.4 FINANCE DEPARTMENT CONT.

11.4.2 Review of Mansfield Shire Council Instruments of Delegation

File Number: E328
Responsible Officer: Finance Manager – Mandy Kynnersley

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989* (the Act).

Introduction

This report seeks Council endorsement the following revised Instruments of Delegation and Authorisation:

- Instrument of Delegation from Council to Members of Council Staff
- Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*)

Background

Delegation to undertake a specific duty or power in accordance with a specific section of an Act of Parliament are essential to enable Council staff to carry out professional duties, particularly in areas which involve enforcement, such as Planning, Local Laws, Environmental Health, Animal Management, Parking Control and Road Management.

Council subscribes to a delegations and authorisations service produced by the legal firm, Maddocks. The firm reviews all legislation that impacts upon local government in Victoria, and distributes an updated schedule of delegations, reflecting recent legislative changes. This is provided on a six monthly basis. This template is used by many Victorian councils and reflects common practice within the industry.

Drawing on these updates, Instruments are updated periodically as legislation is amended, or new legislation is introduced which impacts upon the operations of Council.

Statutory Requirements

Section 98(1) of the Act provides that a council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a council under the Act or any other Act other than some powers (such as the adoption of the budget or Council Plan) that are reserved for Council decision.

Council Plan

Strategic Direction Five - *Responsible Leadership*.

Financial

There is no financial impact.

11.4.2 Review of Mansfield Shire Council Instruments of Delegation cont.

Social

There is no social impact.

Environmental

There is no environmental impact.

Economic

There is no economic impact.

Risk Management

The review and update of Council's delegation instruments mitigates the risk of non-compliance with statutory legislation.

Community Engagement

There has been no community engagement.

Officer's Comments

Council utilises five Instruments of Delegation, some which are endorsed by Council and some which are approved by the Chief Executive Officer under delegation from Council.

Council also utilises three Instruments of Appointment and Authorisation that identify staff members who have been appointed to a position that receives authority to act directly from a particular Act.

The instruments that require endorsement by Council include:

- Schedule 5 – Council to the Chief Executive Officer
- Schedule 6 – Council to Members of Council Staff
- Schedule 11A – Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

The Schedule 5 – Council to Chief Executive Officer was recently endorsed by Council at the Special Council Meeting on 30 March 2020.

The most recent advice provided by Maddocks has been applied to ensure Council's instruments are current and reflect any changes to legislation.

11.4.2 Review of Mansfield Shire Council Instruments of Delegation cont.

In relation to Schedule 6:

- the *Rail Safety (Local Operations) Act 2006 (Vic)* was repealed and has therefore been removed;
- there has been additional sections of the *Residential Tenancies Act 1997 (Vic)* (RTA) inserted, and some sections that will be repealed in July 2020; and
- there has been amendments to sections of the *Road Management Act 2014 (Vic)* (RMA).

Schedule 11A requirements endorsement due to staff changes.

Recommendation:

THAT Council:

- 1. revoke the existing Schedule 6 - Instruments of Delegation from Council to Members of Council Staff previously endorsed by Council on 17 September 2019;**
- 2. endorse the Schedule 6 – Instrument of Delegation from Council to Members of Council Staff dated 21 April 2020;**
- 3. revoke the existing S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) dated 15 October 2019;**
- 4. endorse the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) dated 21 April 2020.**
- 5. signs and seals the Instruments of Delegation.**

Attachments

1. Schedule 6 - Instrument of Delegation from Council to Members of Council Staff
2. Schedule 11A - Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

S6. Instrument of Delegation – Members of Staff



MANSFIELD SHIRE

Instrument of Delegation

Council

to

Members of Staff

For endorsement by Council on 21 April 2020



S6 Instrument of Delegation - Members of Staff

In exercise of the Power conferred by s 98(1) of the *Local Government Act* 1989 and the other legislation referred to in the attached Schedule, the Council:

1. delegates each Duty and/or Function and/or Power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such Duty and/or Function and/or Power in column 3 of the Schedule;

2. record that references in the Schedules are as follows:

CEO	Chief Executive Officer
DCO	Development Compliance Officer
DSAS	Development Services Administration Support
DSM	Development Services Manager
EHO	Environmental Health Officer
FM	Finance Manager
GAO	Governance Administration Officer
GRC	Governance and Risk Co-ordinator
IAO	Infrastructure Administration Officer
IM	Infrastructure Manager
LLO	Local Laws Officer
MERO	Municipal Emergency Resource Officer
PAO	Planning Administration Officer
PMO	Property Management Officer
PO	Project Officer
PP	Principal Planner
RC	Revenue Co-ordinator
SEHO	Senior Environmental Health Officer
SP	Statutory Planner
TOBF	Technical Officer - Building and Facilities
TSC	Technical Services Co-ordinator
WC	Works Co-ordinator

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 April 2020;
and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or



- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or (b)
 - strategy adopted by
 - Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s98(1)(a)(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL OF THE)
MANSFIELD SHIRE COUNCIL)
 was hereunto affixed on the)
twenty first day of **April**)
 in the presence of)

..... Councillor

..... Chief Executive Officer



Contents

Cemeteries and Crematoria Act 2003.....	5
Domestic Animals Act 1994	11
Environment Protection Act 1970	11
Food Act 1984.....	12
Heritage Act 2017	15
Local Government Act 1989	15
Planning and Environment Act 1987.....	16
Residential Tenancies Act 1997	38
Road Management Act 2004	40
Regulations	47
Cemeteries and Crematoria Regulations 2015.....	48
Planning and Environment Regulations 2015.....	50
Planning and Environment (Fees) Regulations 2016	50
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	51
Road Management (General) Regulations 2016	52
Road Management (Works and Infrastructure) Regulations 2015.....	53



Cemeteries and Crematoria Act 2003

###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	IAO, IM	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	IAO, IM	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	IAO, IM	Where Council is a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	IAO, IM	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	IAO, IM	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	IAO, IM	
s 15(4)	Duty to keep records of delegations	IAO, IM	
s 17(1)	Power to employ any persons necessary	IM	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	IAO, IM	
s 17(3)	Power to determine the terms and conditions of employment or engagement	IAO, IM	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	IM	
s 19	Power to carry out or permit the carrying out of works	IM	
s 20(1)	Duty to set aside areas for the interment of human remains	IM	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	IAO, IM	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	IM	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	IM	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	IM	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	IM	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	FM	



Cemeteries and Crematoria Act 2003

###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	FM	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	FM, IM	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	IAO, IM	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	IAO, IM	
s 60(2)	Power to charge fees for providing information	FM, IM	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	IM	
s 64B(d)	Power to permit interments at a reopened cemetery	IM	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	IM	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	IM	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	IAO, IM	
s 70(2)	Duty to make plans of existing place of interment available to the public	IAO, IM	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	IM	
s 71(2)	Power to dispose of any memorial or other structure removed	IM	
s 72(2)	Duty to comply with request received under s 72	IM	
s 73(1)	Power to grant a right of interment	IM	
s 73(2)	Power to impose conditions on the right of interment	IM	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	IM	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	IAO, IM	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	IM	



Cemeteries and Crematoria Act 2003

###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

s 80(1)	Function of receiving notification and payment of transfer of right of interment	FM, IAO, IM	
s 80(2)	Function of recording transfer of right of interment	IAO, IM	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	FM, IM	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	FM, IM	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	IM	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	IM	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	IAO, IM	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	IAO, IM	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	IM	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	IM	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	IM	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	IM	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	IM	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	IM	



Cemeteries and Crematoria Act 2003

###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

s.86(5)	duty to provide notification before taking action under s.86(4)	IM	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	IM	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	IM	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	IM	
s 91(1)	Power to cancel a right of interment in accordance with s 91	IM	
s 91(3)	Duty to publish notice of intention to cancel right of interment	IM	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	IM	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	IM	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	IM	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	IM	
s 100(1)	Power to require a person to remove memorials or places of interment	IM	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	IM	
s 100(3)	Power to recover costs of taking action under s 100(2)	FM, IM	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	IM	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	IM	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	IM	
s 103(1)	Power to require a person to remove a building for ceremonies	IM	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	IM	
s 103(3)	Power to recover costs of taking action under s 103(2)	IM	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	IM	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	IM	



Cemeteries and Crematoria Act 2003

###The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	IM	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	IM	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	IM	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	IM	
s 108	Power to recover costs and expenses	FM, IM	
s 109(1)(a)	Power to open, examine and repair a place of interment	IM	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	IM	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	IM	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	IM	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	IM	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	FM, IM	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	IAO, IM	
s 112	Power to sell and supply memorials	IAO, IM	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	IAO, IM	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	IAO, IM	



Cemeteries and Crematoria Act 2003

[[#The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	IM	
s 119	Power to set terms and conditions for interment authorisations	IM	
s 131	Function of receiving an application for cremation authorisation	IAO, IM	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	IAO, IM	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	IAO, IM	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	IM	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	IM	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	IM	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	IM	
s 151	Function of receiving applications to inter or cremate body parts	IAO, IM	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	IAO, IM	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	IAO, IM	
sch 1 cl 8(8)	Power to regulate own proceedings	IM	Subject to cl 8



Domestic Animals Act 1994

Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	DSM, LLO	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970

Provision	Item Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	EHO, SEHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	EHO, SEHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	DSM, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	DSM, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	EHO, SEHO	Refusal must be ratified by Council or it is of no effect



Food Act 1984

Provision	Item Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DSM, EHO, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DSM, EHO, SEHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DSM, EHO, SEHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DSM, SEHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	DSM, EHO, SEHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	DSM, EHO, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DSM, EHO, SEHO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	DSM, EHO, SEHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	DSM, SEHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, SEHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, SEHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, SEHO	Where Council is the registration authority



Food Act 1984			
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, SEHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, SEHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DSM, EHO, FM, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DSM, EHO, FM, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DSM, EHO, SEHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DSM, EHO, SEHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	DSM, EHO, SEHO	Where Council is the registration authority
	Power to register, renew or transfer registration	DSM, EHO, SEHO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	DSM, EHO, SEHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	DSM, FM	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	DSM, EHO, SEHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, SEHO	Where Council is the registration authority



Food Act 1984			
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, SEHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, SEHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, SEHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DSM, EHO, SEHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	DSM, EHO, SEHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DSM, EHO, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	EHO, SEHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	EHO, SEHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DSM, EHO, SEHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	DSM, EHO, SEHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	DSM, EHO, SEHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DSM, EHO, SEHO	Where Council is the registration authority



Food Act 1984

s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DSM, EHO, SEHO	Where Council is the registration authority
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Heritage Act 2017

Provision	Item Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers		Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989

Provision	Item Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO	



Planning and Environment Act 1987

Provision	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	DSM, PP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DSM, PP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	DSM, PP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	DSM, PP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DSM, PP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DSM, PP	
s 8A(5)	Function of receiving notice of the Minister's decision	DSM, PP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DSM, PP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DSM	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DSM, PP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	DSM, PP	
s 12B(1)	Duty to review planning scheme	DSM, PP	
s 12B(2)	Duty to review planning scheme at direction of Minister	DSM, PP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DSM, PP	In consultation with DSM
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	DSM, PP	
s 17(1)	Duty of giving copy amendment to the planning scheme	DSM, PP	
s 17(2)	Duty of giving copy s 173 agreement	DSM, PP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DSM, PP	
s 18	Duty to make amendment etc. available	DSM, PP	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DSM, PP	



Planning and Environment Act 1987

s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DSM, PP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	DSM, PP	
s 21(2)	Duty to make submissions available	DSM, PP	
s 21A(4)	Duty to publish notice	DSM, PP	
s 22	Duty to consider all submissions	DSM, PP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DSM, PP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DSM, PP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DSM, PP	
s 26(1)	Power to make report available for inspection	DSM, PP	
s 26(2)	Duty to keep report of panel available for inspection	DSM, PP	
s 27(2)	Power to apply for exemption if panel's report not received	DSM, PP	
s 28	Duty to notify the Minister if abandoning an amendment	DSM, PP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	DSM, PP	
s 30(4)(b)	Duty to provide information in writing upon request	DSM, PP	
s 32(2)	Duty to give more notice if required	DSM, PP	
s 33(1)	Duty to give more notice of changes to an amendment	DSM, PP	
s 36(2)	Duty to give notice of approval of amendment	DSM, PP	



Planning and Environment Act 1987

s 38(5)	Duty to give notice of revocation of an amendment	DSM, PP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DSM, SP	
s 40(1)	Function of lodging copy of approved amendment	DSM, PP	
s 41	Duty to make approved amendment available	DSM, PP	
s 42	Duty to make copy of planning scheme available	DSM, PAO, PP, SP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	DSM	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DSM	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DSM	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DSM	Where Council is a responsible public entity



Planning and Environment Act 1987

s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DSM	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DSM	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	DSM	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	DSM	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	DSM	
s 46GP	Function of receiving a notice under s 46GO	DSM	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DSM	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DSM	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DSM	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DSM	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DSM	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DSM	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DSM	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DSM	



Planning and Environment Act 1987

s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DSM	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	DSM	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DSM	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DSM	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DSM	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DSM	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DSM	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DSM	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DSM	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DSM	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	DSM	Where Council is the collecting agency



Planning and Environment Act 1987

s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DSM	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	DSM	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan



Planning and Environment Act 1987

s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DSM	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DSM	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency



Planning and Environment Act 1987

s 46GZ(9)	Function of receiving the fee simple in the land	DSM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DSM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	DSM	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DSM	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DSM	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DSM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan



Planning and Environment Act 1987

s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DSM	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DSM	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DSM	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DSM	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan



Planning and Environment Act 1987

s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DSM	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DSM	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DSM	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DSM	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	DSM, PP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	FM	In consultation with DSM
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DSM, PP	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	DSM, FM	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DSM, PP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DSM, FM	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	DSM, FM	
s 46Q(1)	Duty to keep proper accounts of levies paid	DSM, FM	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	DSM, FM	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	DSM, FM	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	DSM, FM	Only applies when levy is paid to Council as a 'development agency'



Planning and Environment Act 1987

s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	FM	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister CEO, DSM to be consulted
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	DSM, PP	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	DSM, FM	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	FM	DSM to be consulted
s 46QD	Duty to prepare report and give a report to the Minister	DSM	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	DSM, PP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	DSM, PP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	DSM, PP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DSM, PAO, PP	
s 49(2)	Duty to make register available for inspection	DSM, PP	
s 50(4)	Duty to amend application	DSM, PP	
s 50(5)	Power to refuse to amend application	DSM, PP	
s 50(6)	Duty to make note of amendment to application in register	DSM, PAO, PP, SP	
s 50A(1)	Power to make amendment to application	DSM, PAO, PP, SP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DSM, PP, SP	
s 50A(4)	Duty to note amendment to application in register	DSM, PAO, PP, SP	



Planning and Environment Act 1987

s 51	Duty to make copy of application available for inspection	DSM, PAO, PP, SP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DSM, PP, SP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	DSM, PP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DSM, PP, SP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DSM, PP, SP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DSM, PP, SP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DSM, PP, SP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DSM, PP, SP	
s 52(3)	Power to give any further notice of an application where appropriate	DSM, PP, SP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DSM, PP, SP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DSM, PP, SP	
s 54(1)	Power to require the applicant to provide more information	DSM, PP, SP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DSM, PP, SP	
s 54(1B)	Duty to specify the lapse date for an application	DSM, PP, SP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DSM, PP, SP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	DSM, PP, SP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DSM, PP, SP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DSM, PP, SP	Council must be notified in writing
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DSM, PP, SP	
s 57(5)	Duty to make available for inspection copy of all objections	DSM, PAO, PP, SP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DSM, PAO, PP, SP	



Planning and Environment Act 1987

s 57A(5)	Power to refuse to amend application	DSM, PP, SP	
s 57A(6)	Duty to note amendments to application in register	DSM, PAO, PP, SP	
s 57B(1)	Duty to determine whether and to whom notice should be given	DSM, PP, SP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DSM, PP, SP	
s 57C(1)	Duty to give copy of amended application to referral authority	DSM, PAO, PP, SP	
s 58	Duty to consider every application for a permit	DSM, PP, SP	
s 58A	Power to request advice from the Planning Application Committee	DSM, PAO, PP, SP	
s 60	Duty to consider certain matters	DSM, PP, SP	
s 60(1A)	Duty to consider certain matters	DSM, PP, SP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DSM, PP, SP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DSM, PP, SP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DSM, PP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DSM, PP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DSM, PP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DSM, PP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DSM, PP, SP	
s 62(2)	Power to include other conditions	DSM, PP, SP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DSM, PP, SP	



Planning and Environment Act 1987

s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DSM, PP, SP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DSM, PP, SP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DSM, PP, SP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DSM, PP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DSM, PP, SP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DSM, PP, SP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	DSM, PP, SP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	DSM, PP, SP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DSM, PAO, PP, SP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DSM, PAO, PP, SP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DSM, PAO, PP, SP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DSM, PAO, SP	



Planning and Environment Act 1987

s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DSM, PAO, PP, SP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DSM, PAO, PP, SP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DSM, PAO, PP, SP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DSM, PAO, PP, SP	
s 69(1A)	Function of receiving application for extension of time to complete development	DSM, PAO, PP, SP	
s 69(2)	Power to extend time	DSM, PP, SP	
s 70	Duty to make copy permit available for inspection	DSM, PAO, PP, SP	
s 71(1)	Power to correct certain mistakes	DSM, PP, SP	
s 71(2)	Duty to note corrections in register	DSM, PAO, PP, SP	
s 73	Power to decide to grant amendment subject to conditions	DSM, PP, SP	
s 74	Duty to issue amended permit to applicant if no objectors	DSM, PP, SP	



Planning and Environment Act 1987

s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DSM, PAO, PP, SP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DSM, PAO, PP, SP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DSM, PAO, PP, SP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DSM, PAO, PP, SP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DSM, PAO, PP, SP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DSM, PAO, PP, SP	
s 83	Function of being respondent to an appeal	DSM	
s 83B	Duty to give or publish notice of application for review	DSM, PP, SP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	-	Council decision required.
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DSM, PAO, PP, SP	



Planning and Environment Act 1987

s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DSM, PP, SP	Council decision required
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DSM, PAO, PP, SP	
s 84AB	Power to agree to confining a review by the Tribunal	DSM	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DSM, PAO, PP, SP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DSM, PP	Council decision required
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DSM, PP, SP	
s 91(2)	Duty to comply with the directions of VCAT	DSM, PP, SP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DSM, PAO, PP, SP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	PP, SP	
s 93(2)	Duty to give notice of VCAT order to stop development	DSM, PP	Upon recommendation from DSM
s 95(3)	Function of referring certain applications to the Minister	DSM, PP	Report to Council required
s 95(4)	Duty to comply with an order or direction	DSM, PP, SP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DSM, PP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DSM	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DSM, PP, SP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DSM, PP	
s 96F	Duty to consider the panel's report under s 96E	DSM, PP	Report to Council required
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	DSM, PP	Report to Council required
s 96H(3)	Power to give notice in compliance with Minister's direction	DSM, PP	



Planning and Environment Act 1987

s 96J	Power to issue permit as directed by the Minister	DSM, PP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DSM, PP	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	DSM, PP	
s 97C	Power to request Minister to decide the application	DSM	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DSM, PP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	DSM, PP	Report to Council required advising of decision.
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	DSM, PAO, PP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DSM, PAO, PP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DSM, PP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DSM, FM	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DSM, PP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DSM, PP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DCO, DSM, PP	
s 97Q(4)	Duty to comply with directions of VCAT	DCO, DSM, PP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DSM, PAO, PP, SP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DSM	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DSM	
s 101	Function of receiving claim for expenses in conjunction with claim	DSM, PP	
s 103	Power to reject a claim for compensation in certain circumstances	DSM	Memorandum to be provided to the CEO.
s.107(1)	function of receiving claim for compensation	DSM, PP	
s 107(3)	Power to agree to extend time for making claim	DSM	
s 114(1)	Power to apply to the VCAT for an enforcement order	DCO, DSM, PP	



Planning and Environment Act 1987

s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DCO, DSM, PP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DCO, DSM, PP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DCO, DSM, PP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DCO, DSM	Except Crown Land Action to be reported to Council
s 129	Function of recovering penalties	DSM, FM	
s 130(5)	Power to allow person served with an infringement notice further time	DCO, DSM, PP	
s 149A(1)	Power to refer a matter to the VCAT for determination	DCO, DSM, PP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DCO, DSM, PP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DSM, FM	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DSM, PP	
s 171(2)(g)	Power to grant and reserve easements	DSM, IM	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DSM	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DSM	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DSM	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	DSM, PP	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DSM	Where Council is the relevant responsible authority



Planning and Environment Act 1987

	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DCO, DSM, PP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DCO, DSM, PP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DSM, PP	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DSM, PP	
s 178A(1)	Function of receiving application to amend or end an agreement	DCO, DSM, PAO, PP, SP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DCO, DSM, PP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DCO, DSM, PP	
s 178A(5)	Power to propose to amend or end an agreement	DCO, DSM, PP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DCO, DSM, PP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DCO, DSM, PP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DCO, DSM, PP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DCO, DSM, PP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DCO, DSM, PP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DCO, DSM, PP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DCO, DSM, PP	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DSM, PP	If no objections are made under s 178D Must consider matters in s 178B



Planning and Environment Act 1987

s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DCO, DSM, PP	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DCO, DSM, PP	After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DSM, PP	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DSM, PP	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DCO, DSM, PP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DCO, DSM, PP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DCO, DSM, PP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DCO, DSM, PP	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DCO, DSM, PP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DSM, PAO, PP, SP	
s 179(2)	Duty to make available for inspection copy agreement	DSM, PAO, PP, SP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DSM, PP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DSM, PP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DSM, PP	
s 182	Power to enforce an agreement	DCO, DSM, PP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DSM, PP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DSM, PP	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DSM, PP	



Planning and Environment Act 1987

s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DSM, PP	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DSM, PP	
s 184G(2)	Duty to comply with a direction of the Tribunal	DSM, PP	
s 184G(3)	Duty to give notice as directed by the Tribunal	DSM, PP	
s 198(1)	Function to receive application for planning certificate	DSM, PP	
s 199(1)	Duty to give planning certificate to applicant	DSM, PP	
s 201(1)	Function of receiving application for declaration of underlying zoning	DSM, PP	
s 201(3)	Duty to make declaration	DSM, PP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DCO, DSM, PP	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DCO, DSM, PP, SP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DSM, PP, SP	
	Power to give written authorisation in accordance with a provision of a planning scheme	DSM, PP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DSM, PP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DSM, PP	



Residential Tenancies Act 1997

Provision	Item Delegated	Delegate	Conditions and Limitations
s 142D	Function of receiving notice regarding an unregistered rooming house	DSAS, EHO, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	DSAS, EHO, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	DSAS, EHO, SEHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	DSAS, EHO, SEHO	
s 206AZA(2)	Function of receiving written notification	DSM	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	DSM	Note: this function is not yet in force and will commence on 1 July 2020, unless proclaimed earlier
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies	DSM	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier SEHO to be notified
s 262(1)	Power to give tenant a notice to vacate rented premises	DSM	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier SEHO to be notified
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	DSM	Where Council is a public statutory authority engaged in the provision of housing Note: this provision will be repealed on 1 July 2020, unless proclaimed earlier In consultation with SEHO



Residential Tenancies Act 1997

s 311A(2)	Function of receiving written notification	DSM	
s 317ZDA(2)	Function of receiving written notification	DSM	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, SEHO	
s 522(1)	Power to give a compliance notice to a person	EHO, SEHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	SEHO	
s 525(4)	Duty to issue identity card to authorised officers	GAO, GRC	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	DSAS, EHO, SEHO	
s 526A(3)	Function of receiving report of inspection	DSM, EHO, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DSM	



Road Management Act 2004

Provision	Item Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	IM	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	FM, IM, RC	
s 11(9)(b)	Duty to advise Registrar	IM, PO, TSC	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	IM	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	IM	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	IM, MERO	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	IM, PMO, PO, TSC	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	IM, PMO, PO, TSC	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	IM, PMO, TSC	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	IM, PMO, PO, TSC	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies



Road Management Act 2004

s 12(10)	Duty to notify of decision made	IM, PMO, TSC	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	IM, PMO	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	IM, PMO, TSC	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	IM	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	IM	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	IM	
s 15(2)	Duty to include details of arrangement in public roads register	IM, PO, TOBF, TSC	
s 16(7)	Power to enter into an arrangement under s 15	IM	
s 16(8)	Duty to enter details of determination in public roads register	IM, PO, TOBF, TSC	
s 17(2)	Duty to register public road in public roads register	IM, PO, RC, TSC	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	IM	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	IM	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	IM	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	IM, TSC	Where Council is the coordinating road authority



Road Management Act 2004

s 18(1)	Power to designate ancillary area	IM	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	IM, TSC	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	IM, TSC	
s 19(4)	Duty to specify details of discontinuance in public roads register	IM	
s 19(5)	Duty to ensure public roads register is available for public inspection	IM	
s 21	Function of replying to request for information or advice	IM, PO, TOBF, TSC	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	IM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	IM, TSC	
s 22(5)	Duty to give effect to a direction under s 22	IM, TSC	
s 40(1)	Duty to inspect, maintain and repair a public road.	IM, PO, TOBF, TSC, WC	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	IM, TSC, WC	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	IM, PO, TSC, WC	
s 42(1)	Power to declare a public road as a controlled access road	IM, MERO, TSC	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	IM	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	IM, PO, TSC	Where Council is the coordinating road authority If road is a municipal road or part thereof



Road Management Act 2004

s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	IM	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	IM	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	IM, TSC	
s 49	Power to develop and publish a road management plan	IM	
s 51	Power to determine standards by incorporating the standards in a road management plan	IM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	IM, TSC	
s 54(2)	Duty to give notice of proposal to make a road management plan	IM, TSC	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	IM	
s 54(6)	Power to amend road management plan	IM	
s 54(7)	Duty to incorporate the amendments into the road management plan	IM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	IM, TSC	
s 63(1)	Power to consent to conduct of works on road	IM, PO, TOBF, TSC, WC	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	IM, MERO, PO, TOBF, TSC, WC	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	IM, PO, TOBF, TSC, WC	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	IM	Where Council is the coordinating road authority



Road Management Act 2004

s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	IM, TSC	Where Council is the coordinating road authority
s 67(3)	Power to request information	IM, TSC	Where Council is the coordinating road authority
s 68(2)	Power to request information	IM, TSC	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	GAO, GRC	
s 85	Function of receiving report from authorised officer	IM	
s 86	Duty to keep register re s 85 matters	IM, TSC	
s 87(1)	Function of receiving complaints	IM, PO, TOBF, TSC, WC	
s 87(2)	Duty to investigate complaint and provide report	IM, PO, TOBF, TSC, WC	
s 112(2)	Power to recover damages in court	FM, IM	
s 116	Power to cause or carry out inspection	IM, PO, TOBF, TSC, WC	
s 119(2)	Function of consulting with the Head, Transport for Victoria	IM, PO, TOBF, TSC, WC	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	IM, PO, TOBF, TSC, WC	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	IM, PO, TOBF, TSC, WC	
s 121(1)	Power to enter into an agreement in respect of works	IM, TSC, WC	
s 122(1)	Power to charge and recover fees	FM, IM	
s 123(1)	Power to charge for any service	FM, IM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	IM	



Road Management Act 2004

sch 2 cl 3(1)	Duty to make policy about controlled access roads	IM	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	IM	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	IM, PO, TOBF, TSC	
sch 2 cl 5	Duty to publish notice of declaration	IM, TSC	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	IM, PO, TOBF, TSC, WC	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	IM, PO, TOBF, TSC, WC	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	IM, PO, TOBF, TSC, WC	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	IM, PO, TOBF, TSC, WC	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	IM, PO, TOBF, TSC, WC	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	IM, TSC	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	IM, TSC	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	IM, PO, TSC, WC	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	FM, IM	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	IM, PO, TOBF, TSC	Where Council is the works manager



Road Management Act 2004

sch 7 cl 13(2)	Power to vary notice period	IM, TSC	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	IM, PO, TSC	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	IM, TSC	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	IM, PO, TOBF, TSC, WC	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	IM, PO, TSC	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	IM, TSC	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	IM, TSC	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	IM, PO, TSC	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	IM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	IM, TSC, WC	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	IM, TSC, WC	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	IM, TSC, WC	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	IM	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	FM, IM	Where Council is the responsible road authority



Road Management Act 2004

sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	FM, IM	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	FM, IM	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Regulations



Cemeteries and Crematoria Regulations 2015

###These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	IM	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	IM	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	IAO, IM	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	IM	
r 28(2)	Duty to ensure any fittings removed or are disposed in an appropriate manner	IM	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	IM	
r 30(2)	Power to release cremated human remains to certain persons	IAO, IM	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	IAO, IM	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	IAO, IM	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	IM	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	IAO, IM	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	IM	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	IAO, IM	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	IAO, IM	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	IM	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	IAO, IM	
r 40	Power to approve a person to play sport within a public cemetery	IM	
r 41(1)	Power to approve fishing and bathing within a public cemetery	IM	
r 42(1)	Power to approve hunting within a public cemetery	IM	
r 43	Power to approve camping within a public cemetery	IM	



Cemeteries and Crematoria Regulations 2015

###These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

r 45(1)	Power to approve the removal of plants within a public cemetery	IM	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	IM	
r 47(3)	Power to approve the use of fire in a public cemetery	IM	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	IM	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	IM	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	IAO, IM	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	IM	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	IAO, IM	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	IAO, IM	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	IAO, IM	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	IAO, IM	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	IAO, IM	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	IAO, IM	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	IAO, IM	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	IM	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	IM	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	IM	See note above regarding model rules



Planning and Environment Regulations 2015

Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	PP, SP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	PP, SP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	PP, SP	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	PP, SP	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DSM, PP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016

Provision	Item Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DSM, FM	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DSM, FM	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	DSM, FM	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010

Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHO, SEHO	
r 11	Function of receiving application for registration	EHO, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, SEHO	
r 13(4) & (5)	Duty to issue certificate of registration	EHO, SEHO	
r 15(1)	Function of receiving notice of transfer of ownership	EHO, SEHO	
r 15(3)	Power to determine where notice of transfer is displayed	EHO, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	EHO, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	EHO, SEHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	EHO, SEHO	
r 18	Duty to keep register of caravan parks	EHO, SEHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed	EHO, SEHO	
r 19(6)	Power to determine where certain information is displayed	EHO, SEHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHO, MERO, SEHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	EHO, MERO, SEHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	EHO, SEHO	In consultation with DSM
r 26	Duty to have regard to any report of the relevant fire authority	EHO, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, SEHO	



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010

r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, SEHO	
r 40(4)	Function of receiving installation certificate	DSAS, EHO, SEHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHO, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHO, SEHO	

Road Management (General) Regulations 2016

Provision	Item Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	IM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	IM	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	IM	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	IM	
r 13(1)	Duty to publish notice of amendments to road management plan	IM, TSC	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	IM	
r 16(3)	Power to issue permit	IM, PO, TOBF, TSC, WC	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	IM, PO, TSC	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	IM	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	FM, IM	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	IM, LLO, PO, TOBF, TSC, WC	Where Council is the responsible road authority



Road Management (General) Regulations 2016

r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DSM, IM	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DSM, FM, IM	

Road Management (Works and Infrastructure) Regulations 2015

Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.

Provision	Item Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	IM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	FM	Where Council is the coordinating road authority



*S11A. Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)*

In this instrument “**officer**” means -

ABBR.	OFFICER NAME	OFFICER TITLE
DCO	Michael Richards	Development Compliance Officer
DSM	Ben McKay	Development Services Manager
EO	Damien Gerrans	Environment Officer
LLO	James Brown	Local Laws Officer
LLO	Mathew Comerford	Local Laws Officer
LLO	Sonia Dioguardi	Local Laws Officer
LLO	David McKenzie	Local Laws Officer
PAO	Lynn Plummer	Planning Administration Officer
PP	Leanne Curphey	Principal Planner
SP	Sehaj Bath	Statutory Planner
SP	Claire Wilkinson	Statutory Planner



By this instrument of appointment and authorisation Mansfield Shire Council –

- 1. under section 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; [DCO, DSM, EO, LLO, PAO, PP, SP]

and

- 2. under section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument. [DCO, DSM, EO, LLO, PP, SP]

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 Mansfield Shire Council on the XXX day of XXX.

THE **COMMON SEAL OF**)
MANSFIELD SHIRE COUNCIL)
 is hereto affixed this Instrument on)
 the XXX day of XXX)

..... Councillor

..... Chief Executive Officer

11.5 INFRASTRUCTURE

11.5.1 Award of Contract CM1920.001 – Mt Buller Pathway Construction

File Number: E6193

Responsible Officer: Andre Kompler, Interim Infrastructure Manager

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

This report considers tenders for the construction of concrete footpath along the north side of Mt Buller Road between Rowe Street to Timothy Lane and provides recommendation for the awarding of a contract.

Background

The construction of a new shared path along Mt Buller is included in Council's 2019-2020 capital works program having initially been raised by the community in relation to safety concerns.

The north side of Mt Buller Road does not currently have a pedestrian pathway between Rowe Street and Timothy Lane. There is also no pedestrian link to the caravan park in Timothy Lane. With many people walking or cycling along this section of road, the project has been identified as a priority with the new pathway also completing a missing link in the township's pedestrian network connecting developing areas.

The new concrete shared path will be 2.5m wide by 500m long concrete and will be able to be utilised by both pedestrians and cyclists. This will address safety concerns in this section of the road network providing safer passage for pedestrian and/or cyclists.

Council was successful in obtaining a grant from the Transport Accident Commission (TAC) of \$100,000 towards the overall project through the TAC Local Government Grant Program 2019.

The project will also include lighting along the section of road which will be procured separately through an appropriately qualified contractor.

Tenders were advertised on 6 March 2020 in the Mansfield Courier and on the Tenderlink website. Tenders closed at 2:00pm on 1 April 2020.

Two tender submissions were received from:

1. Alpine Civil
2. Formplus Concrete Constructions



11.5.1 Award of Contract CM1920.001 – Mt Buller Pathway Construction cont.

Tenders were evaluated based on the following criteria:

- price
- capability
- capacity

An evaluation summary report of the tenders, including capacity, experience, price considerations is provided as a separate report in the confidential section of this meeting.

This report recommends that the contract be awarded to Alpine Civil Pty Ltd based on; value for money, past similar footpath works successfully completed for Council, and in view of superior demonstration of capacity and capability.

Subject to an award of Contract by 27 April, it is expected that works will commence within 2 weeks thereafter and be completed by the end of June 2020.

Statutory Requirements

Council's Procurement Policy is made under Section 186a of the *Local Government Act 1989*. As per the thresholds contained in the *Local Government Act 1989*, the policy states that the purchase of all goods and services for which the estimated expenditure exceeds \$200,000 for building and construction works must be undertaken by public tender.

Council Plan

Maintaining Council road assets is consistent with the Council Plan financial sustainability Strategic Objective 2.3 "*We prudently manage our asset maintenance and capital works programs in line with our long term financial plan*".

Financial

The available funding for this project is as follows.

Mt Buller Road Footpath Budget	\$195,000
TAC Grant	\$100,000
Project expenditure to date	\$4,390
Current Commitments	\$0
Total Available Budget (exc GST)	\$290,610

Any remaining funds once the shared path is constructed could be applied to the lighting of the pathway project.

11.5.1 Award of Contract CM1920.001 – Mt Buller Pathway Construction cont.

Social

The construction of a shared pathway along this section of road will improve the pedestrian and cyclist link into the main CBD of the Mansfield Township and will provide safe access for users.

This will also extend Council's current pedestrian network, which increases the community's participation in recreation activities such as bike riding, walking and jogging.

Environmental

The work specifications contain requirements for contractors to provide suitable mitigation measures to address potential environmental impacts during construction. Environmental issues that must be managed throughout construction include excessive noise, vibration, dust, and sediment transportation.

Economic

The contract works will provide significant short term benefit to primarily local businesses.

Risk Management

As per Mansfield Shire Councils procurement policy, where appropriate, only suitably qualified and experienced contractors will be engaged.

By undertaking works through a contract, Council is minimising risks relating to financial payments, quality of work and management of time and processes. The contract documents are developed using Australian Standards for General Conditions of Contract together with VicRoads technical specifications.

The construction work will be managed by Council's Infrastructure Department with close supervision to ensure works meet the contract specification.

Community Engagement

Council received submissions from residents and businesses advocating for the construction of a pathway along Mt Buller Road, in particular from the caravan park in Timothy Lane. Submissions were also received from schools with the route along this section of the road being popular for school children walking or riding to school.

In developing the project proposal, businesses along the north side of Mt Buller Road were invited to provide comment and feedback, with all being supportive of the construction of a shared pathway.

Tenders were advertised for the construction of the shared pathway on 6 March 2020 in the Mansfield Courier and on the Tenderlink website. Tenders closed at 2:00pm on 1 April 2020.



11.5.1 Award of Contract CM1920.001 – Mt Buller Pathway Construction cont.

Businesses, residents and the community will be advised of the commencement of the construction works through either a direct letter drop and/or Facebook and the Mansfield Courier.

Attachments

Nil

Recommendation:

That Council awards the tender CM1920.001 – Mt Buller Pathway Construction to Alpine Civil Pty Ltd for the amount of \$223,355 (Including GST).



11.5 INFRASTRUCTURE CONT.

11.5.2 Financial update, including tender options on the Dual Court Stadium project

File Number: E6300
Responsible Officer: Andre Kompler - Interim Infrastructure Manager

Disclosure of Conflicts of Interest

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest in this matter, as provided in accordance with the *Local Government Act 1989*.

Introduction

This report provides Council with a financial update on the Dual Court Stadium and seeks Council's approval to amend the Joint Use Agreement (JUA) to reflect the inclusion of Tender option X (Canteen facilities) and thereby increasing the amount indicated as Council's contribution in the JUA to \$3,356,636.

Background

In late December 2019 Council entered into a JUA with the Minster for Education, and the Mansfield Secondary College Council to construct, share and operate a new dual court stadium.

Council's obligation under the JUA is to contribute \$3,235,400 to the facility representing community use. Council's contribution under the JUA was the culmination of a detailed feasibility study undertaken by Council, including a financial business case which resulted in Council securing \$3.4 million in Commonwealth funding in 2019-20 for the construction of a dual court stadium and associated infrastructure on education department land at Mansfield Secondary College.

A project control group was established to work through the details required for the JUA, including the design, construction and operation of the facility. The project control group comprised representatives from

- Mansfield Secondary College (school principle and teaching staff from the physical education department)
- Mansfield Shire Council (Community Services and Engineering)
- The Victorian School Building Authority (VSBA)
- The Architect appointed by the VSBA

The first phase of the project was to agree on a concept design prior to proceed with detailed design and tender documentation. To inform this process Council consulted with key user groups throughout 2019 and provided feedback to the project control group. At the time canteen facilities in the stadium facility were identified as an essential component for community use.

Canteen facilities in the form of a kitchenette were incorporated into the community office in the detailed design and tender documentation. It was raised at this point that for community use this would not be suitable – for the facility to be utilised for tournaments it

11.5.2 Financial update, including tender options on the Dual Court Stadium project

would be likely that the scorers and officials would be utilising the office and that the kitchen facilities would need to cater for at least 50-100 people. The kitchenette facility would also only be accessible/have a server window for the indoor courts and not the associated outdoor courts.

Given the timeframes, the Victorian School Building Authority (VSBA) advised that the preference would be to proceed to tender with the current documentation (canteen facilities as a kitchenette in the community office space), whilst undertaking a separate piece of design work, to be included as a tender option to add a canteen facility to the northern end of the building that could be utilised by both the indoor and outdoor courts.

However, it was later understood that to incorporate the roofline of the canteen facility at the northern end of the building, construction would need to be completed at the same time as the stadium therefore, the canteen could not be added on at a later date.

Statutory Requirements

There are no statutory or policy ramifications associated with this report.

Council Plan

Strategic Objective 4.1 We have long term strategies and capital works programs in place to respond to changing community needs

Strategic Objective 4.3 Our community proactively manages its health and wellbeing.

Financial

The total scope of works for the Dual Court Stadium project comprises;

- Dual Court Stadium (project managed by the VSBA)
- Dual outdoor multipurpose courts (project managed by the VSBA)
- Car-parking (project managed by Council)
- School bus turn-around (project managed by Council)
- Associated landscaping including paths and lighting (project managed by Council)
- Upgrade to View Street (project managed by Council)
- Upgrade to the intersection of View Street and Highett Street (project managed by Council)

Council has secured \$3.4 million in Commonwealth funding specifically for the Dual Court Stadium, dual outdoor multipurpose courts, car-parking, school bus turn-around and the associated landscaping including paths and lighting. Council has also secured \$600,000 from the State via the Fixing Country Roads Program specifically for the upgrade of View Street and the View Street, Highett Street intersection.

The \$3.4 million in Commonwealth funding will be paid to Council as per the funding agreement on the following milestones:



11.5.2 Financial update, including tender options on the Dual Court Stadium project

Milestone 1	Costs and JUA finalised	31/12/2019	\$680,000	Invoiced 9/4/20. Not yet received
Milestone 2	40% of project is completed	15/05/2020	\$1,700,000	
Milestone 3	80% of the project is completed	30/11/2020	\$680,000	
Milestone 4	Project completed	31/01/2021	\$340,000	

The \$600,000 via the Fixing Country Roads Program will be paid to Council as per the funding agreement in three payments

Milestone 1	Signing of agreement	17/06/2019	\$240,000	Received 12/9/19
Milestone 2	Completion of key deliverables	02/12/2019	\$240,000	Received 19/12/19
Milestone 3	100% of the project is completed	01/06/2020	\$120,000	

Council's 2019-20 adopted Budget includes a \$3.9m contribution from Council toward the entire project, based on preliminary estimates and no Commonwealth funding. Council's Proposed Budget 2020-21 has revised the total project cost to \$6.8m of which 59% is government funded.

The dollars below show the changes in Council's TOTAL PROJECT amounts (excluding VSBA) from the adopted 2019-20 Budget to the 2020-21 Proposed Budget. Note, in some instances these project costs are split over two years, but for the purposes of this report are shown below for the entire project.

Project component	2019-20 Budget	2020-21 Proposed Budget
Stadium & outdoor courts	\$2,250,000	\$3,312,367
Carpark and Bus turnaround	\$800,000	\$1,400,000
View street upgrade	\$850,000	\$1,100,000
View street intersection improvements	\$0	\$1,000,000
Total cost	\$3,900,000	\$6,812,367
Income (funding)	\$0	(\$4,000,000)
Net cost to Council	\$3,900,000	\$2,812,367

11.5.2 Financial update, including tender options on the Dual Court Stadium project

This report proposes an amendment to the cost of the Stadium that would increase the 2020-21 Proposed Budget amount by \$44,269 to \$3,356,636, and the net cost to Council to \$2,856,636.

The revised estimates indicates that the total cost to Council is \$1,043,364 less than what was approved in the 2019-20 Budget:

$\$3,900,000 - \$2,856,636 = \$1,043,364$

The subject of this report is the works being managed by the VSBA and included in the JUA

- Dual Court Stadium
- Dual outdoor multipurpose courts

A JUA is a legal agreement covering the objectives, roles and responsibilities of each party for the construction and operation of a shared facility.

The funding costs outlined in the JUA were based on a quantity surveyors estimation at the time prior to going to tender.

The tender process was managed by Victorian School Building Authority on behalf of the JUA parties involved in the dual court stadium. The tender also included the construction of the other components related to the schools stage two modernisation upgrades (an extension to the STEM centre, a hospitality classroom and modifications to the language center).

Given the timing of the incorporation of the canteen facilities into the stadium, this was not included in the documentation that was provided to the quantity surveyors for a cost estimation but was included in the tender documentation as tender option X.

Tenders closed on 28 November 2019 at 5.00pm and were assessed by the Victorian School Building Authority. Council was invited as an observer only to this process. Blairgrange Pty Ltd (trading as Browns Wangaratta) were awarded the construction contract.

Based on the contract awarded, Council's component of the works total \$3,147,072. Tender option X the canteen facility is \$209,564. If the canteen facility is included Council's contribution would be \$3,356,636. This is \$121,236 over what is stated in the JUA (\$3,235,400) and as such the Victorian School Building Authority require permission to proceed with this tender option. An amendment to the Joint Use Agreement will also be required to reflect this change in scope.

Given that Council's total project cost (difference between total cost and external funding) is now estimated to be \$1,043,364 less compared to the approved 2019-20 budget, the canteen facility can be included without an additional budget contribution from Council.

The JUA, however, would still need to be amended to reflect the increased contribution from Council and the change in the scope of works.



11.5.2 Financial update, including tender options on the Dual Court Stadium project

If Council elect to accept the recommendation of this report and amend the JUA, it is proposed that the additional project cost of \$44,269 is included in the draft budget 2020-21 prior to Council adoption.

Summary table

Council’s contribution per JUA/QS estimation	\$3,235,400
Council’s contribution per tender price	\$3,147,072
Tender option X the canteen facility	\$209,564
Council contribution including Tender option X the canteen facility	\$3,356,636
Additional Council contribution required to include Tender option X	\$121,236

Social

Sports clubs engage the community at many levels, providing opportunities for children and adults to exercise, develop new skills, and to compete and socialise with others in their community. The leadership strength of sports clubs allows them to reinforce healthy and respectful attitudes, social norms and behaviours

Canteens are a major source of activity at most sports clubs and a hive of activity for the many participants, spectators and volunteers. A canteen is a vital role in any club and often sets the tone and cultivates an atmosphere. A sporting club’s canteen is also usually one of the strongest fundraising instruments they have and a key factor in attracting regional events.

Environmental

Nil

Economic

The inclusion of canteen facilities were a key component of the financial modelling undertaken in the feasibility study in regards to income generation.

Risk Management

By undertaking works through a contract, the VSBA is minimising risks relating to financial payments, quality of work and management of time and processes. The contract documents were developed using Australian Standards.

The construction work will be managed by the VSBA with Council’s Infrastructure Department on the project control group to ensure a level of oversight so that the community outcomes are achieved and that the works meet the contract specification.

The risk to the project and Council is being managed by utilising of the project management framework and supporting documents such as:

- The Project Management Plan, Risk Management Plan, Project Stakeholder and Communications plan as well as the project budget/scope summary to facilitate accountability and delivery management controls to the project
- Monthly status reports.
- Updates and revisions to Project Control Plans reflecting changes in budget to ensure Council's revised contribution is achieved.

Community Engagement

Council consulted with key user groups throughout 2019 and provided feedback to the project control group. At the time canteen facilities in the stadium facility were identified as an essential component for community use.

Officer's Comments

Canteen facilities are an essential element of a community facility such as the Dual Court Stadium with both social and financial benefits. The proposed tender option, is required to be constructed simultaneously to the overall stadium to incorporate into the roofline.

The inclusion of the canteen facility is still within the overall budget cost indicated in Council's 2019-20 budget.

Attachments

Nil.

Recommendation:

THAT COUNCIL

- 1. agree to amend the Joint Use Agreement to reflect Council's contribution of \$3,356,636 to include taking up the option to include canteen facilities; and**
- 2. authorise the Chief Executive Officer to sign the amended Joint Use Agreement on behalf of Council.**



12. ASSEMBLIES OF COUNCILLORS

Under sections 3 and 80A of the *Local Government Act 1989* an Assembly of Councillors (however titled) is defined as:

1. a meeting of an advisory committee of the Council, if at least one Councillor is present, or
2. a planned or scheduled meeting, comprising at least three Councillors and one member of Council staff, that consider matters that are intended or likely to be:
 - a) the subject of a decision of the Council; or
 - b) subject to the exercise of a function; duty or power of a Council that has been delegated to a person or committee.

An assembly of Councillors does not include a meeting of the Council, a special committee of the Council established under s139, a club, association, peak body, political party of other organisation.

A written record of each assembly is held by Council and is available for public inspection.

The following is a list for the past month of assemblies held and the issues discussed:



DATE	TYPE OF ASSEMBLY	ISSUES DISCUSSED
10 March 2020	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Marg Attley • Cr Harry Westendorp • Cr. Paul Volkering • Cr Paul Sladdin • Cr Peter Olver <p>External Attendees:</p> <ul style="list-style-type: none"> • Urban Enterprises representatives - Mike Ruzzene, Director, Agathy Patsouris, Consultant <p>Officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Kaylene Conrick • Community Services Manager, Melanie Hotton • Finance Manager, Mandy Kynnersley • Corporate and Organisational Development Manager, Sharon Scott • Development Services Manager, Ben McKay • Economic Development Officer, Derek Beautyman 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Draft Economic Development Strategy • 2020-2021 Budget • Mt Battery Renaming • Gate at Peachy Road, Howqua • Street Light Cnr. Greenvale Lane and Mt. Battery Rd • Waste Bin Outside Chicken Shop • Flower Beds at Roundabout • No Dogs Signage, Highett Street • NBN Interruptions • Location of Fundraising BBQ Site • Vehicle Speed in Ultimo Street • Commercial and Industrial Strategy • Footpath Connections, Kareen Hills Estate
31 March 2020	<p>Councillors' Briefing Session</p> <p>Councillors:</p> <ul style="list-style-type: none"> • Cr Marg Attley • Cr Harry Westendorp • Cr. Paul Volkering • Cr Paul Sladdin • Cr Peter Olver <p>External Attendees:</p> <ul style="list-style-type: none"> • Urban Enterprises representatives - Mike Ruzzene, Director, Agathy Patsouris, Consultants • Simon Micmacher, Consultant, Charter Keck Cramer • Ken Lay, Chairman, Bushfire Recovery Victoria <p>Officers:</p> <ul style="list-style-type: none"> • Chief Executive Officer, Kaylene Conrick • Community Services Manager, Melanie Hotton • Finance Manager, Mandy Kynnersley • Corporate and Organisational Development Manager, Sharon Scott • Development Services Manager, Ben McKay • Economic Development Officer, Derek Beautyman 	<p><i>Conflicts of Interest:</i> NIL</p> <p><i>Issues Discussed:</i></p> <ul style="list-style-type: none"> • Draft 2020-2021 Budget • Draft Council Plan and Strategic Resource Plan • Commercial and Industrial Strategy • Draft Lake Eildon Masterplan • Bushfire Recovery • Ministerial Advisory Panel • Withers Lane Update • Lake Eildon Advocacy • Local Laws Matters, Merton

Recommendation:

THAT Council receive and note the Assembly of Councillors report for the period 18 February – 31 March 2020.



13. ADVISORY AND SPECIAL COMMITTEE REPORTS

The Minutes of the following Advisory Committee meetings are attached for the Council's information:

- Mansfield Audit and Risk Advisory Committee, held on 16 March 2020

Recommendation:

THAT Council receive the Minutes of the Advisory Committee meetings as follows:

- **Mansfield Audit and Risk Advisory Committee, held on 16 March 2020**

Attachments

1. Minutes of meeting – Mansfield Audit and Risk Advisory Committee



MANSFIELD SHIRE COUNCIL

Audit and Risk Advisory Committee

MONDAY, 16 MARCH 2020

MANSFIELD SHIRE OFFICE

33 Highett Street, Mansfield

UNCONFIRMED

4.30pm meeting for Committee.

Council Officers will be attending from 5.00pm

Minutes

CONTENTS

1.	<i>OPENING OF THE MEETING</i>	3
2.	<i>APOLOGIES</i>	3
3.	<i>CONFIRMATION OF MINUTES</i>	3
4.	<i>DISCLOSURE OF CONFLICTS OF INTEREST</i>	3
5.	<i>OUTSTANDING ACTIONS</i>	3
6.	<i>REVIEW OF GOVERNANCE SCHEDULE</i>	4
6.1	<i>Audit and Risk Advisory Committee Annual Governance Schedule 2019-20</i>	4
7.	<i>FINANCIAL AND PERFORMANCE REPORTS</i>	4
7.1	<i>Finance Report: 1 July 2019 to 31 January 2020</i>	4
7.2	<i>Council Plan Performance Reporting Q2 2020</i>	4
8.	<i>RISK MANAGEMENT</i>	5
8.1	<i>Mansfield Shire Council Investment Schedule</i>	5
8.2	<i>Occupational Health and Safety</i>	5
8.3	<i>Risk Management Report</i>	5
8.4	<i>Policy Register Status Update</i>	6
8.5	<i>Mansfield Shire Council Gifts, Benefits and Hospitality Annual Report</i>	6
8.6	<i>Codes of Conduct</i>	6
8.7	<i>Public Interest Disclosure Act 2012 – Amendment of the Mansfield Shire Council Protected Disclosure Policy and Procedure 2019</i>	6
8.8	<i>Information Technology – Disaster Recovery Plan Test Outcomes</i>	6
9.	<i>INTERNAL AUDIT AND CONTROL</i>	7
9.1	<i>Internal Audit</i>	7
9.2	<i>Audit Actions Performance Report</i>	7
9.3	<i>Procedural Exceptions</i>	7
10.	<i>QUARTERLY INDUSTRY UPDATE - RECENT REPORTS AND PUBLICATIONS OF INTEREST TO COUNCILS</i>	8
11.	<i>OTHER BUSINESS</i>	8



11.1 Upcoming Committee Vacancies 8

12. NEXT MEETING..... 8

13. CLOSURE OF MEETING 8



Unconfirmed MINUTES

MONDAY, 16 MARCH 2019
MANSFIELD SHIRE OFFICE
33 Highett Street, Mansfield
4.30PM

4.30pm meeting of the Committee.
Council Officers will be attending from 5.00pm

1. OPENING OF THE MEETING

Bruce Potgieter, Chairperson, opened the meeting at 4.54 pm.

PRESENT

External Members via teleconference:	Mr Peter Johnston Katie Lockey Bruce Potgieter
Councillors:	Cr Marg Attley Cr Harry Westendorp (via teleconference)

IN ATTENDANCE

Chief Executive Officer:	Kaylene Conrick
Finance Manager:	Mandy Kynnersley
Corporate and Organisational Development Manager:	Sharon Scott
AFS and Associates – Internal Auditor	Bradley Ead (via teleconference)

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES

That the Minutes of the Audit and Risk Advisory Committee Meeting held on 25 November 2019 be confirmed as an accurate record.

Carried

4. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

5. OUTSTANDING ACTIONS

That the Outstanding Actions report be noted.

Carried



6. REVIEW OF GOVERNANCE SCHEDULE

6.1 Audit and Risk Advisory Committee Annual Governance Schedule 2019-20

That the Audit and Risk Advisory Committee Annual Governance Schedule be noted.

Carried

7. FINANCIAL AND PERFORMANCE REPORTS

Duties and responsibilities of the Committee:

- To review the draft annual financial report with management and external auditors prior to the approval by Council, focusing on:
 - Significant changes in accounting policies and practices
 - Significant audit adjustments
 - Compliance with accounting standards and other reporting requirements
 - Significant variances from previous years
- Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor.
- To review the draft annual performance statement prior to presentation to Council and recommendation for adoption
- Review the information included in Council's annual report to ensure it is consistent with the signed financial statements.

7.1 Finance Report: 1 July 2019 to 31 January 2020

THAT the Audit and Risk Advisory Committee receive the Year to Date Finance Report for the period 1 July 2019 to 31 January 2020.

Carried

Action: Chair requested high level dashboard/snapshot. FM to investigate.

Action: Chair requested the forecast to be included in the next quarterly finance update.

7.2 Council Plan Performance Reporting Q2 2020

That the Audit and Risk Advisory Committee receive and note the Council Plan Performance Report as at 31 December 2019.

Carried

Action: Year end, highlight the most relevant items that Council is trying to achieve.



8. RISK MANAGEMENT

Duties and responsibilities of the Committee:

- Review the operations and implementation of the identification and assessment of risks, management of the identified risks, monitoring of the risk management process and referring risk matters to the Council as appropriate.
- Review key policies impacting on Council's governance framework, such as Code of Ethics, Fraud Policy, Protected Disclosure Policy, Procurement Policy, Investment Policy.
- Monitor processes and practices of Council to ensure effective business continuity, including a disaster recovery plan which is periodically tested.
- Note the progress of any major litigation, including potential VCAT cases.
- Note any investigation of any suspected cases of fraud.

8.1 Mansfield Shire Council Investment Schedule

THAT the Audit and Risk Advisory Committee receive and note the Investment Portfolio Report 29 February 2020.

Carried

Action: FM to check Bank of Queensland rates.

8.2 Occupational Health and Safety

THAT the Audit and Risk Advisory Committee receive this report.

Carried

8.3 Risk Management Report

THAT the Audit and Risk Advisory Committee receive and note the Risk Management Report and the Risk Register as at 27 February 2020.

Carried

Action: FM to follow up with Committee to advise where we are up to with the Business Continuity Plan and other risk management issues.

Action: FM to share Pandemic Plan and Business Continuity Plan once finalised.



8.4 Policy Register Status Update

That the Audit and Risk Advisory Committee receive and note the Policy Register as at 24 February 2020.

Carried

Action: FM to review the accuracy of the 'frequency of review column on the Policy Register.

8.5 Mansfield Shire Council Gifts, Benefits and Hospitality Annual Report

That the Mansfield Shire Audit and Risk Advisory Committee received and note the Gifts, Benefits and Hospitality Annual Report 2019.

Carried

8.6 Codes of Conduct

That the Audit and Risk Advisory Committee receive and note the Councillor Code of Conduct 2017 and the Employee Code of Conduct.

Carried

8.7 Public Interest Disclosure Act 2012 – Amendment of the Mansfield Shire Council Protected Disclosure Policy and Procedure 2019

That the Committee receive the updated Public Information Disclosure Policy 2020.

Carried

8.8 Information Technology – Disaster Recovery Plan Test Outcomes

That the Committee receive the results of the Disaster Recovery Plan Test outcomes as outlined in the Disaster Recovery Plan Procedure.

Carried

9. INTERNAL AUDIT AND CONTROL

Duties and responsibilities of the Committee:

- Review the scope of the internal audit plan and program and the effectiveness of this function taking into consideration whether the program systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes,
 - the efficiency, effectiveness and economy of significant Council programs; and
 - Compliance with regulations, policies, best practice guidelines, and contractual arrangements.
- Review the appropriateness of special internal audit assignments.
- Review the level of resources allocated to internal audit and the scope of its authority, including the independence of Internal Audit function.
- Review reports of internal audit, the response of Council and management to matters raised, and monitor the implementation of recommendation made by internal audit.
- Critically analyse and follow up any internal or external audit report recommendation which raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues.

9.1 Internal Audit

Action: Internal Auditor to issue OH&S audit scope to FM for distribution to Committee.

9.2 Audit Actions Performance Report

THAT the Audit and Risk Advisory Committee receive and note the Audit Actions Performance Report for Q3 as at 28 February 2020.

Carried

Action: FM to work out formatting to add 'Risk Rating' into the Audit Action Performance Report.

9.3 Procedural Exceptions

THAT the Audit and Risk Advisory Committee note the Procedural Exceptions Memorandum/s authorised by the Chief Executive Officer between 15 November 2019 and 28 February 2020.

Carried

Action: FM to report the volume of purchase orders to provide better context and enable assessment of the percentage of the procedural exceptions.



10. QUARTERLY INDUSTRY UPDATE - RECENT REPORTS AND PUBLICATIONS OF INTEREST TO COUNCILS

Action: FM to undertake a self-assessment against Yarriambiack Shire Council Report.

Action: FM to monitor 'defined benefit' calls.

11. OTHER BUSINESS

11.1 Upcoming Committee Vacancies

Action: FM to advertise in July for Committee vacancy in preparation for position appointment for endorsement at September Council Meeting.

12. NEXT MEETING

The next meeting of the Audit and Risk Advisory Committee is scheduled for 18 May 2020.

August Council meeting proposed for 31 August to accommodate Audit which is scheduled from 10-15 August.

Action: FM to confirm with VAGO.

13. CLOSURE OF MEETING

There being no further business the meeting concluded at 6.14 pm.

CONFIRMED this **Eighteenth** day of May 2020.

Chair



14. AUTHORISATION OF SEALING OF DOCUMENTS

The following documentation has been signed and sealed by Council:

- Instrument of Delegation by Council to the Chief Executive Officer

Recommendation:

THAT Council note the documents sealed by Council on 30 March 2020:

- Instrument of Delegation by Council to the Chief Executive Officer

SUSPENSION OF STANDING ORDERS

Recommendation:

THAT Council suspend standing orders to facilitate public question time.

15. PUBLIC QUESTION TIME

RESUMPTION OF STANDING ORDERS

Recommendation:

THAT Council resume standing orders.



16. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

That pursuant to the provisions of Section 89(2) of the *Local Government Act 1989*, the meeting be closed the public in order to consider:

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

Recommendation:

THAT the meeting be closed to members of the public under Section 89(2) of the *Local Government Act 1989*, specifically the following sub-section:

- (d) contractual matters;**



17. PRESENTATION OF CONFIDENTIAL REPORT

17.1 INFRASTRUCTURE CONFIDENTIAL REPORT

17.1.1 Tender Evaluation Report - Contract CM1920.001 – Mt Buller Pathway Construction

18. REOPEN MEETING TO MEMBERS OF THE PUBLIC

Recommendation:

THAT Council reopen the meeting to members of the public.

19. CLOSE OF MEETING