

## **SPECIAL MEETING OF COUNCIL**

**Minutes** of a  
Special Meeting of Council held at  
Council Chamber, 15 Stead Street, Ballan on  
Wednesday 23 March 2016,  
at 6:00 p.m.

### **Members:**

Cr. Allan Comrie (Mayor)	East Moorabool Ward
Cr. Paul Tatchell	Central Ward
Cr. David Edwards	East Moorabool Ward
Cr. John Spain	East Moorabool Ward
Cr. Tonia Dudzik	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

### **Officers:**

Mr. Rob Croxford	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

***Rob Croxford***  
***Chief Executive Officer***

## AGENDA

1.	<b>OPENING OF MEETING .....</b>	<b>3</b>
2.	<b>ACKNOWLEDGEMENT TO COUNTRY .....</b>	<b>3</b>
3.	<b>PRESENT.....</b>	<b>3</b>
4.	<b>APOLOGIES .....</b>	<b>3</b>
5.	<b>DISCLOSURE OF CONFLICT OF INTEREST .....</b>	<b>4</b>
6.	<b>PRESENTATIONS / DEPUTATIONS .....</b>	<b>6</b>
7.	<b>BUSINESS .....</b>	<b>7</b>
7.1	<i>Rate Cap Variation Options Community Engagement .....</i>	<i>7</i>
7.2	<i>Moorabool Shire Council - Election (Caretaker) Period Policy.....</i>	<i>17</i>
8.	<b>FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL .....</b>	<b>22</b>
9.	<b>CLOSED SESSION OF THE MEETING TO THE PUBLIC .....</b>	<b>23</b>
10.	<b>MEETING CLOSURE .....</b>	<b>24</b>

**1. OPENING OF MEETING**

*The Mayor, Cr. Allan Comrie, opened the meeting at 6.00pm.*

**2. ACKNOWLEDGEMENT TO COUNTRY**

*We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.*

**3. PRESENT**

<i>Cr. Allan Comrie</i>	<i>East Moorabool Ward</i>
<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. John Spain</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

**Officers:**

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Services</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Steve Ivelja</i>	<i>Manager Finance</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Mr. Melissa Hollitt</i>	<i>Minute Taker</i>

**4. APOLOGIES**

*Nil.*

## 5. DISCLOSURE OF CONFLICT OF INTEREST

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
  - (section 77A, 77B)
- an indirect interest (see below)
  - indirect interest by close association (section 78)
  - indirect financial interest (section 78A)
  - indirect interest because of conflicting duty (section 78B)
  - indirect interest because of receipt of gift(s) (section 78C)
  - indirect interest through civil proceedings (section 78D)

### Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

***Nil.***

## 6. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Special Meeting of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to the Council on a matter included in the agenda shall inform Council by 1pm on the Friday prior to the meeting by contacting the Chief Executive Officer's Office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address the Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

### List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:

Item No	Description	Name	Applicant/ Objector
7.1	<i>Rate Cap Variation Options Community Engagement</i>	Mr. Russ Hendry	Objector
7.1	<i>Rate Cap Variation Options Community Engagement</i>	Mrs. Margaret Scarff	Objector

## 7. BUSINESS

### 7.1 Rate Cap Variation Options Community Engagement

#### Introduction

File No.: 07/01/011  
Author: Rob Croxford  
Chief Executive Rob Croxford

The purpose of this report is to recommend that the Council submit an application to the Essential Services Commission for a rate cap variation of 3.50% (1.00% above the cap) for 2016/2017.

#### Background

The Council at a Special meeting held on the 20 January 2016 resolved:

- (i) *that the CEO be authorised to advise the Essential Services Commission that Moorabool Shire Council intends to apply for a rate cap variation for the 2016/17 financial year; and*
- (ii) *that Officers present the Draft 2016/17 Annual Budget Timetable of Key Dates for the forthcoming 2016/17 budget to a Special Meeting of Council on 10th February, 2016.*

Following the Special Meeting, the Chief Executive Officer notified the Essential Services Commission (ESC) in writing of Council's intention to apply for a rate cap variation for the 2016/2017 financial year.

The Council at the Special meeting held on the 10 February 2016 resolved to:

1. Endorse the following rate cap options for the purposes of community engagement:

Option A . What Council can deliver under the Minister's Rate Cap of 2.5% in Year 1

Option B . What Council can deliver if it had a rate increase of 4.15% for 2016/17 (inclusive of a 1.65% rate cap variation) in addition to a likely rate increase of 4.15% for a further 3 years.

Option C . What Council can deliver if it had a rate increase of 3.50% for 2016/17 (inclusive of a 1.00% rate cap variation) in addition to a likely rate increase of 3.50% for a further 3 years. This option is also based on other fees and charges increasing under a user-pays+model to be cost reflective including indirect costs.

2. Endorse the Rate Cap Variation Community Engagement Plan; and;
3. Endorse an over budget expenditure of \$25,000 in 2015/2016 for the delivery of the community engagement activities.

The Victorian Minister for Local Government has announced a cap on general rates for Victorian local government of 2.5% (CPI) for the 2016/17 financial year.

Working within the confines of the cap will present significant challenges for the way Council continues its business of delivering high quality services to its residents.

The Council has made significant progress in preparing for a rate capped environment by:

- Reducing operating costs,
- Reducing management costs,
- Reducing overhead costs,
- A program of ongoing Service Reviews,
- Sharing services with other organisations,
- A policy on special charge schemes for some capital works,
- Future consideration of the commercialisation of some aspects of operations,
- Continued use of Business Excellence as a model to drive continuous improvement and review,
- The introduction of an integrated planning tool and model for officers.

Despite these efforts to contain costs, under a rate cap of 2.5% Council is forecast to produce underlying losses over its 10-year financial plan. These losses will impact the level of service Council can afford to deliver in future years resulting in either cuts to services or a deterioration of our asset base.

Three options for the 2016/17 budget have been prepared, including 10 year forecasts under each option which have been the subject of considerable community engagement over the last six weeks.

### **Community Engagement**

The community engagement on the three rate cap options involved the following activities:

- The primary means of engagement was undertaken through a statistically valid telephone survey complemented by other community engagement methods. The telephone survey of 402 people was conducted between the 5-9 March. The key objectives of the research was to:
  - examine resident satisfaction with community and transport infrastructure;
  - the level of service provided by Council in the local area;
  - determine levels of support and preference for the three proposed rate cap variations;
  - understand awareness levels and modes of awareness for the rate cap variations; and
  - identify the key challenges facing the Moorabool Shire Council area.

The telephone survey was also conducted as part of Council's community engagement to inform the preparation of the Council Plan 2017-2021.



- 24 Listening Posts held across the municipality between 1-17 March at the following locations over a total of 62 hours:

<b>Date</b>	<b>Location</b>	<b>Time</b>	<b>Duration</b>
Tuesday, 1 March 2016	Dunnstown Recreation Reserve and Community Centre	9:00am-11:00am	2
Tuesday, 1 March 2016	Bungaree General Store	11:30am-1:30pm	2
Tuesday, 1 March 2016	Gordon Hall	2:00pm-4:00pm	2
Tuesday, 1 March 2016	Lerderderg Library	9:30am-12:00pm	2.5
Wednesday, 2 March 2016	Ballan Library	9:30am-1:00pm	4
Wednesday, 2 March 2016	Blackwood Hall	1:30pm-3:30pm	2
Thursday, 3 March 2016	BM Shopping Centre	10:00am-2:00pm	4
Friday, 4 March 2016	Ballan Library	1:00pm-5:00pm	4
Saturday, 5 March 2016	Lerderderg Library	12:00pm-2:30pm	2.5
Tuesday, 8 March 2016	Dunnstown Recreation Reserve and Community Centre	9:00am-11:00am	2
Tuesday, 8 March 2016	Bungaree General Store	11:30am-1:30pm	2
Tuesday, 8 March 2016	Gordon Hall	2:00pm-4:00pm	2
Tuesday, 8 March 2016	Lerderderg Library	9:30am-12:00pm	2.5
Wednesday, 9 March 2016	Blackwood Hall	1:30pm-3:30pm	2
Thursday, 10 March 2016	BM Shopping Centre	10:00am-2:00pm	4
Friday, 11 March 2016	Ballan Library	1:00pm-5:00pm	4
Tuesday, 15 March 2016	Dunnstown Recreation Reserve and Community Centre	9:00am-11:00am	2
Tuesday, 15 March 2016	Bungaree General Store	11:30am-1:30pm	2
Tuesday, 15 March 2016	Gordon Hall	2:00pm-4:00pm	2
Tuesday, 15 March 2016	Lerderderg Library	9:30am-12:00pm	2.5
Wednesday, 16 March 2016	Ballan Library	9:30am-1:00pm	4
Wednesday, 16 March 2016	Blackwood Hall	1:30pm-3:30pm	2
Thursday, 17 March 2016	BM Shopping Centre	10:00am-2:00pm	4

- Community members were provided with information and the opportunity to provide feedback on their preferred options through a poll on Have Your Say . Council's On Line Engagement Portal. Community members were also provided with the opportunity to lodge written submissions in relation to the proposal to seek a higher rate cap.
- A letter from the Chief Executive Officer was sent to all households and non-resident ratepayers providing information on Council's budget, proposed application for a higher rate cap, and encouraging community members participation in the community engagement. To facilitate this, a reply paid postcard was distributed with the letter to provide people with an opportunity to provide feedback. Approximately 17,000 letters were distributed.
- Information on the Council's Budget and proposed application for higher rate cap was promoted in the Moorabool News; posted on Council's website; Have Your Say, Facebook Page and Twitter.
- Notification about the telephone survey was promoted in the Moorabool News; posted on Council's website; Facebook Page and Twitter.
- A Media Release was issued providing information on the Council's budget; application for a higher rate cap; and community engagement activities including the telephone survey.
- A set of Frequently Asked Questions (FAQs) was also prepared and made available on Council's website.

It was originally proposed that focus groups also be conducted. However, on the advice of the research company commissioned to undertake the telephone survey, focus groups were not conducted. The advice from the Research Company was that in their extensive experience in NSW, undertaking focus group on identified rate options generally didn't yield any significant information as answers to the questions are generally closed (i.e. yes or no answers with no further discussion).

The following section provides a summary of the results of the community engagement with details contained in the attachments.

## 1. Telephone Survey

- Residents were most supportive of Option B with 61% of residents somewhat supportive to very supportive of this option compared with 57% of residents for both Option A and Option C respectively.
- When asked to indicate their preference, 64% indicated an option that included a rate variation i.e. Options B and C:
  - 37% preferred Option B believing it was important to maintain infrastructure i.e. roads and necessary to invest into the future of Moorabool
  - 36% preferred Option A as their first preference, primarily because of affordability questioning Council's use of funds and poor/uneven service provision

- The remaining 27% preferred Option C, also equally placing importance on infrastructure and the future investment of Moorabool as well as considering the user pay principle to be fairer and equitable.
- 44% of residents stated they had prior knowledge of Council exploring community feelings towards a Rate Cap Variation, with half of these residents becoming aware through newspaper articles. Awareness was higher amongst Residents of Bacchus Marsh Planning Area, whilst residents of the West Moorabool Planning Region were significantly less likely to be aware.
- Traffic congestion was deemed the key challenge for a quarter of residents, followed by road maintenance (13%), and infrastructure planning (11%).
- Overall, 66% of residents were at least somewhat satisfied with the level of community and transport infrastructure provided by Council. Residents aged 18-34 were significantly more satisfied, while those aged 50-64, and residents of the West Moorabool Planning Region were significantly less satisfied.
- Three quarters of residents rated the level of service provided by Council in the local area at least somewhat satisfactory. Residents aged 18-34 and non-ratepayers were significantly more satisfied with Council, while residents aged 50-64 were significantly less satisfied with the level of service.

The report from Micromex Research on the telephone survey is contained in **Attachment 7.1(a)**.

## 2. Listening Posts

A total of 51 responses were received at the listening posts in respect of the three rate options in the reply paid vote card.

Option	Response	Percentage
A	14	27%
B	10	20%
C	27	53%
Total	51	100%

53% of respondents preferred option C, followed by option A and B.

## 3. Reply Paid Vote card received in the mail

A total of 462 responses were received in the mail in respect of the three rate options in the reply paid vote card.

Option	Response	Percentage
A	296	64%
B	40	9%
C	126	27%
Total	462	100%

Just under two-thirds (64%) of respondents preferred option A followed by 27% for Option C.

#### 4. Written Submissions received in the Mail

A summary of the number of people that attended the listening posts; verbal comments received and written responses is contained in **Attachment 7.1(b)**.

#### 5. Have Your Say

A total of 107 responses were received in response to the poll on the three rate options.

Option	Response	Percentage
A	78	72.9%
B	13	12.1%
C	16	15.0%
Total	107	100%

Just under three-quarters (72.9%) of respondents preferred option A.

Written responses were received through Have Your Say and are contained in **Attachment 7.1(c)**.

#### Proposal

The primary means of engagement was undertaken through a statistically valid telephone survey complemented by other community engagement methods.

Nearly two thirds of the residents (61%) were ~~somewhat supportive~~to ~~very supportive~~of ~~Option B~~ Over half of the residents (57%) were at least ~~somewhat supportive~~of Council proceeding with ~~Option C~~

When asked to indicate their preference, 64% indicated an option that included a rate variation i.e. Options B and C: 37% preferred ~~Option B~~ believing it was ~~important~~ to maintain infrastructure i.e. roads ~~and~~ ~~necessary~~ to invest into the future of Moorabool ~~and~~ 27% preferred ~~Option C~~ also equally placing importance on ~~infrastructure~~ ~~and~~ ~~the~~ future investment of Moorabool ~~as well as considering the~~ ~~user pay~~ principle to be fairer and equitable. However, over a third of respondents (36%) preferred Option A . the rate cap set by the State Government primarily because of ~~affordability~~ ~~questioning Council's~~ use of funds ~~and~~ ~~poor/uneven~~ service provision.

The feedback from the listening posts; Have Your Say; Vote Cards and written comments/submissions reflect a broad response across the different options. The majority of respondents (53%) at the listening posts preferred option C; the majority of respondents (64%) completing the Vote Cards favoured option A; and just under three quarters (72.9%) of respondents through Have Your Say preferred Option A. The written responses contained a wide variety of feedback on the options and other ideas including that there should be no rate increase.

Under a rate capped environment, there is a greater likelihood that council will experience some form of financial distress in the medium to long term. With rates capped at 2.5% annually, Council is forecast to generate accumulated underlying deficits in excess of \$12m over the next 10 years. As a result Council will need to reduce services over time and/or reduce the level of investment in Infrastructure in line with its reduced revenue generating capacity.

The Council has notified the ESC of its intention to submit an application for a higher rate cap. Acknowledging the broad response to the community engagement, it is recommended that the Council submit an application to the Essential Services Commission for a rate cap variation of 3.50% (1.0% above the cap) for 2016/2017, based on other fees and charges increasing under a user-pays model to be cost reflective including indirect costs.

The broad rationale for a 3.5% rate cap is based primarily on the outcome of the telephone survey. When asked to indicate their preference, 64% indicated an option that included a rate variation i.e. either Options B or C. Notwithstanding this, 36% of respondents indicated a preference for Option A or for council to work within a 2.5% rate cap. For this reason, it is recommended that Option C (1.00% rate cap variation) can be seen as a logical compromise between Option A (no rate cap variation) and Option B (1.65% rate cap variation).

### **Policy Implications**

The 2013 . 2017 Council Plan provides as follows:

#### **Key Result Area**

<b>Objective</b>	Sound, long term financial management
<b>Strategy</b>	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

The proposal is consistent with the 2013 . 2017 Council Plan.

### **Financial Implications**

The conduct of the telephone survey cost \$20,000; with printing and distribution of information costing a further \$8,000. There was also indirect costs through the allocation of existing staff hours and resources.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Controls
Financial . Rates Capped at CPI.	Increase risk of Council experiencing some form of financial distress in the medium to long term.	High	Seek a rate cap variation.  Cost control. Service reviews.  Fees & Charges increases. Shared services.  Planning tools.

## Community Engagement Strategy

Considerable community engagement has been undertaken to seek community feedback on the three rate options being considered by the Council. It is proposed that the outcomes of the community engagement and Council's resolution be communicated through a media release; information on Council's website; Facebook; Twitter and Moorabool Matters.

## Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

## Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*Author – Rob Croxford*

*In providing this advice to Council as the Author, I have no interests to disclose in this report.*

## Conclusion

The Victorian Minister for Local Government has announced a cap on general rates for Victorian local government of 2.5% (CPI) for the 2016/17 financial year.

Working within the confines of the cap will present significant challenges for the way Council continues its business of delivering high quality services to its residents.

Considerable community engagement has been undertaken on three rate cap options endorsed by the council for the purpose of community engagement.

The principal means of engagement was through a telephone survey of 402 residents.

The results of the telephone survey report that when asked to indicate their preference, 64% indicated an option that included a rate variation i.e. Options B and C, with 37% preferring Option B believing it was important to maintain infrastructure i.e. roads and necessary to invest into the future of Moorabool with 27% preferring Option C placing importance on infrastructure and the future investment of Moorabool as well as considering the user pay principle to be fairer and equitable.

The feedback from the listening posts; Have Your Say; Vote Cards and written comments/submissions reflect a broad response across the different options.

Council has notified the ESC of its intention to submit an application for a higher rate cap. Acknowledging the broad response to the community engagement, it is recommended that the Council submit an application to the Essential Services Commission for a rate cap variation of 3.50% (1.0% above the cap) for 2016/2017, based on other fees and charges increasing under a user-pays model to be cost reflective including indirect costs.

#### ***Consideration of Presentation***

***Mr. Russ Hendry addressed Council in relation to the Rate Cap Variation Options Community Engagement.***

***Mrs. Margaret Scarff addressed Council in relation to the Rate Cap Variation Options Community Engagement.***

***The business of the meeting then returned to the agenda.***

#### **Recommendation:**

**That the Council submit an application to the Essential Services Commission for a rate cap variation of 3.50% (1.0% above the cap) for 2016/2017 based on other fees and charges increasing under a “user-pays” model to be cost reflective including indirect costs.**

#### **Resolution:**

**Crs. Tatchell/Dudzik**

- 1. That the Council not proceed with an application to Essential Services Commission for a rate cap variation.***
- 2. That Staff prepare a 2016/17 budget based on a 0% increase and including other fees and charges increasing under a “user-pays” model to be cost reflective including indirect costs.***

**LOST.**

**Resolution:****Crs. Dudzik/Tatchell**

1. *That Council do not apply to the Essential Services Commission to vary the rate cap.*
2. *That Council prepare a budget which is delivered and meets the Ministers Rate Cap of 2.5 per cent in year one.*

**LOST.****Resolution:****Crs. Spain/Edwards**

*That the Council submit an application to the Essential Services Commission for a rate increase of 4.15% (1.65% above the cap) for 2016/2017.*


**LOST.****Resolution:****Crs. Toohey/Sullivan**

*That the Council submit an application to the Essential Services Commission for a rate cap variation of 3.50% (1.0% above the cap) for 2016/2017 based on other fees and charges increasing under a "user-pays" model to be cost reflective including indirect costs.*

**CARRIED.**

---

**Report Authorisation****Authorised by:**

**Name:** Rob Croxford   
**Title:** Chief Executive Officer  
**Date:** Friday, 18 March 2016.



## 7.2 Moorabool Shire Council - Election (Caretaker) Period Policy

### Introduction

File No.: 02/01/002  
Author: John Whitfield  
General Manager: Satwinder Sandhu

Councils are now required to adopt an election period policy to openly explain to their communities how they will conduct their business immediately prior to an election.

### Background

The *Local Government Amendment (Improved Governance) Act 2015*, was passed by Parliament in late October 2015. This legislation amended the *Local Government Act 1989* (the Act) in a range of areas. One of the important amendments to the Act relates to Section 93B, proclaimed in late December 2015, whereby Council is to adopt an election period policy by Thursday 31 March 2016.

Section 93B of the Act provides as follows:

#### **93B Council to adopt an election period policy**

- (1) *A Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.*
- (2) *A Council must prepare and adopt an election period policy as required by subsection (1)—*
  - (a) *by 31 March 2016; and*
  - (b) *following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.*
- (3) *An election period policy must include the following—*
  - (a) *procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;*
  - (b) *limits on public consultation and the scheduling of Council events;*
  - (c) *procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.*
- (4) *A copy of the election period policy must—*
  - (a) *be given to each Councillor as soon as practicable after it is adopted; and*
  - (b) *be available for inspection by the public at the Council office and any district offices; and*
  - (c) *be published on the Council's Internet website maintained under Section 82A.*

- (5) *In this Section—*  
***inappropriate decisions*** made by a Council during an election period includes any of the following—  
(a) *decisions that would affect voting in an election;*  
(b) *decisions that could reasonably be made after the election.*

The next local general election for all councils will be held on Saturday 22 October 2016. In 2016, as in previous general elections, Moorabool Shire will be utilising postal voting pursuant to Section 41A (2A) of the Act. Postal voting closes at 6.00pm on Friday 21 October 2016.

The 'election period' is defined by the Act as starting on the last day for nominations and ending at 6pm on the Election Day. The last day for nominations is the day that is 32 days before the Election Day. In 2016 it commences from midnight on Tuesday 20 September 2016 and concludes at 6.00pm on Election Day, Saturday 22 October 2016

It is during this election period where certain prohibitions apply to the general functions and powers of Council.

Section 93A of the Act outlines the conduct of the council during an election period and has been in place since 2003. Section 93B of the Act adds to this in requiring an election period policy to be adopted.

To provide Councillors with an opportunity to review the draft Election (Caretaker) Period Policy prior to this meeting of Council, a briefing note was circulated to Councillors on Wednesday 9 March 2016.

### **Purpose**

The Election (Caretaker) Period Policy (Policy) has been developed in order to facilitate the conduct of general elections in a manner that is ethical, fair and equitable, and are publicly perceived as such.

The Policy will also facilitate the continuation of the ordinary business of local government in the Moorabool Shire throughout the election (caretaker) period in a responsible and transparent manner, in accordance with statutory requirements and established 'caretaker' conventions.

This Policy also commits Council during the election (caretaker) period to:

- avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

## Proposal

It is proposed that with the development of a clear and consistent Policy, Council will openly explain to their communities how they will conduct their business immediately prior to an election. The Policy will explain key points including, but not limited to:

- Major policy decisions;
- Public consultation;
- Communication and publications;
- Council Resources;
- Media services; and
- Equitable Access to council information.

## Policy Implications

The 2013 - 2017 Council Plan provides as follows:

<b>Key Result Area</b>	Representation and Leadership of our community
<b>Objective</b>	Good governance through open and transparent processes and strong accountability to the community.
<b>Strategy</b>	Ensure policies and good governance are in accordance with legislative requirements and best practice.

The proposal is consistent with the 2013-2017 Council Plan.

## Financial Implications

There are no financial implications associated with the production and implementation of this policy.

## Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Legislation requirements	Failure to comply to the Policy	Medium	Awareness campaign for Councillors and all Council staff.

## Communications Strategy

A media release will be issued to advise the community of the content of the policy after its adoption. In accordance with Section 82A of the Act, the Policy will be published on Council's corporate website. Advertisements will be published in local and regional newspapers to notify the community of the caretaker arrangements closer to the period commencing.

All Councillors will be provided with a copy of the Policy immediately following its adoption by Council.

All Council staff will be fully briefed on the caretaker arrangements and provided supporting documentation and assistance both prior and during the period.

### **Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

### **Officer's Declaration of Conflict of Interests**

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Satwinder Sandhu*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – John Whitfield*

In providing this advice to Council as the Author, I have no interests to disclose in this report.

### **Conclusion**

In order to comply with Section 93B of the *Local Government Act 1989* and the statutory requirements and established 'caretaker' conventions associated with the election (caretaker) period from midnight on Tuesday 20 September 2016 until 6.00pm on Saturday 22 October 2016, it is recommended that Council adopt the Election (Caretaker) Period Policy (GO15/V1) as attached to this report.

#### **Resolution:**

**Crs. Toohey/Spain**


#### ***That Council:***

- 1. in accordance with Section 93B of the Local Government Act 1989, adopts the Election (Caretaker) Period Policy (GO15/V1); and***
- 2. prepare a media release to advise the community of the content of the Election (Caretaker) Period Policy after its adoption.***

**CARRIED.**

### Report Authorisation

**Authorised by:**

**Name:** Satwinder Sandhu   
**Title:** General Manager Growth and Development  
**Date:** Thursday, 17 March 2016

**8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL**

*Nil.*

**9. CLOSED SESSION OF THE MEETING TO THE PUBLIC**

*Nil.*

**10. MEETING CLOSURE**

*The meeting closed at 7.13PM.*

*Confirmed.....Mayor.*