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# AGENDA OF THE ORDINARY COUNCIL MEETING

To be held on Tuesday 24 March 2026 at 6:00 PM

**This Council Meeting will be held at Council Chamber,  
350 High Street, Preston.**

**This meeting will be a scheduled hybrid meeting, at which  
both councillors and members of the public may  
participate either in person or virtually.**

**This meeting will also be livestreamed and may be  
accessed from Councils website [www.darebin.vic.gov.au](http://www.darebin.vic.gov.au).**

Persons wishing to observe the meeting in person, submit a Question or make a Submission, are required to register by 12pm on the day of the meeting.



## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN**

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and future leaders.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



### English

These are the Minutes for the Council Meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

### Arabic

هذه هي محاضر اجتماع المجلس. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

### Chinese

这些是市议会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

### Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης του Δημοτικού Συμβουλίου. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

### Hindi

ये काउंसिल की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

### Italian

Questo è il verbale della riunione del Comune. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

### Macedonian

Ова е Записникот од состанокот на Општинскиот одбор. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

### Nepali

यी परिषद्को बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

### Punjabi

ਇਹ ਵੈੱਸਲ ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

### Somali

Kuwaani waa qodobadii lagaga wada hadlay Fadhiga Golaha. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

### Spanish

Estas son las Actas de la Reunión del Concejo. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

### Urdu

یہ کاؤنسل کی میٹنگ کا ایجنڈا ہے۔ ایجنڈے کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

### Vietnamese

Đây là những Biên bản Họp Hội đồng Thành phố. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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# Agenda

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## 1. OPENING OF MEETING AND MEMBERSHIP

Cr. Emily Dimitriadis (Mayor)  
Cr. Matt Arturi (Deputy Mayor)  
Cr. Connie Boglis OAM  
Cr. Ruth Jelley  
Cr. Julie O'Brien  
Cr. Kristine Olaris OAM  
Cr. Alexandra Sangster  
Cr. Vasilios Tsalkos  
Cr. Angela Villella

## 2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

## 3. APOLOGIES

## 4. DISCLOSURES OF CONFLICTS OF INTEREST

## 5. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

<b>Recommendation</b>
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**That** the Minutes of the Ordinary Meeting of Council held on 24 February 2026 be confirmed as a correct record of business transacted.

## 6. COUNCIL'S OCCUPATIONAL HEALTH AND SAFETY RESPONSIBILITIES

## 7. QUESTION AND SUBMISSION TIME

Members of the public can lodge questions for Council to answer or make a Comment or Submission prior to a specific item listed on the Agenda of an Ordinary Council meeting.

### **QUESTIONS**

Members of the public wishing to ask questions at an Ordinary Council meeting must submit their question(s) before 12 noon on the day of the meeting. Up to three (3) questions may be submitted.

Questions not lodged by 12 noon on the day of the Council Meeting will not be accepted, and **no questions will be taken from the floor on the night of the Council Meeting.**

In accordance with the Council Governance Rules 2020, the Chairperson may disallow a question if it:

- a) relates to a matter outside the duties, functions or powers of Council;
- b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- c) may lead to a breach of Council's statutory obligations;
- d) relates to a Notice of Motion, Petition or item of urgent business;
- e) deals with a subject matter already answered;
- f) is aimed at embarrassing a Councillor or an Officer; or
- g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66 of the *Local Government Act 2020*.

No questions directed at an individual Councillor or Officer will be allowed.

### **SUBMISSIONS**

Members of the public wishing to make a 2 minute submission on a report listed on the Agenda (unless not permitted pursuant to the Councils Governance Rules) must register online before 12 noon on the day of the Ordinary Council Meeting or Hearing of Submissions Meeting and be in attendance on the day of the Meeting to make their submission.

If the person wishing to make a submission or their representative is not in attendance (including virtual attendance for a scheduled hybrid meeting) when the Agenda item is to be considered, their submission will not be read out.

The person making the submission must clearly state their name and their suburb. The name of the submitter will be recorded in the Minutes, as an official record.

No member of the public can make a submission to a Notice of Motion, Petition (unless originator of petition, Governance Rule 16.3(6)) or item of Urgent Business presented at a Council meeting.

**HOW TO REGISTER TO ATTEND THE MEETING, SUBMIT YOUR QUESTION OR MAKE A SUBMISSION**

Members of the public who wish to observe the meeting in person, ask a question, or make a submission to an agenda item, at an Ordinary Council Meeting are required to register by 12pm on the day of the meeting in one of the following ways:

- (a) online at [darebin.vic.gov.au](http://darebin.vic.gov.au);
- (b) by calling the customer service team on 8470 8888, or
- (c) by mail to PO Box 91, Preston 3072

Council meetings can be viewed at the 'Watch Council and Planning Committee' meetings page via Council's website.

Agenda's will be available for viewing on Council's website at the 'Meeting Agendas and Minutes' page up to 6 days prior to the date of the meeting.

**8. PETITIONS**

## 9. CONSIDERATION OF REPORTS

### 9.1 ADOPTION OF DAREBIN FLAG POLICY

**Author:** Chief Executive Officer

**Reviewed By:** Chief Executive Officer

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#### EXECUTIVE SUMMARY

Darebin City Council has several council-managed flagpoles across five municipal sites. Over time Council has resolved to fly specific flags on an ad-hoc basis. Council has recognised the merit of establishing a Flag Policy to guide its decision-making on such matters and has publicly stated its intention to develop a Flag Policy over recent years.

A draft policy was prepared for Council's consideration at the Council Meeting on 15 December 2025. The item was removed from the agenda on 12 December 2025 to enable the community to provide feedback on the draft policy prior to Council considering its adoption.

Council subsequently published the draft Flag Policy on 16 January 2026 and invited submissions over a three-week period, concluding on 5 February 2026. This resulted in 491 submissions lodged via online forms. Council also received a large number of emails during and shortly after this period, mostly in relation to the Palestinian flag which is likely to be included in the scope of a Flag Policy.

Through February 2026, Councillors have discussed the community feedback on the draft policy at two briefing sessions. Councillors have also received a detailed Community Engagement Report and provided further feedback to the policy author.

The purpose of this report is to enable Council to consider adoption of a Flag Policy. This will provide a governance framework that is transparent to the community and can effectively underpin future decision-making in relation to flying flags at key Council-managed sites.

<b>Officer Recommendation</b>
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**That Council:**

- (1) Adopts the Flag Policy as per **Appendix A**.
  - (2) Agrees that the adoption of the Flag Policy establishes Council's overarching governance arrangements for flying of flags and any resolutions relating to specific flags are deemed to be superseded.
  - (3) Determines that all flags currently flying at nominated sites will come into compliance with the Flag Policy within ten (10) working days of its adoption.
-

## BACKGROUND / KEY INFORMATION

Like most councils, Darebin City Council has several council-managed flagpoles across various municipal sites. Council doesn't have an established policy to govern how these flagpoles are to be used and what flags are appropriate to be flown under which circumstances. Over time Council has resolved to fly specific flags on an ad-hoc basis. Council has recognised the merit of establishing a Flag Policy to guide its decision-making on such matters and has publicly stated its intention to develop a Flag Policy over recent years.

Benchmarking and review of flag policies from nine other Council's was undertaken to inform the development of Darebin's Flag policy, a review of similar policies at other councils was undertaken. Policies from the following Council's were reviewed, with a particular focus on how their policies addressed the flying of international flags. The list of Councils whose policies were reviewed are listed in Table 1 below, along with the relevant reference to international flags.

**Table 1 – Benchmarking**

<b>Council</b>	<b>Policy clause relating to international flags</b>
Corangamite Shire Council	No reference.
Greater Dandenong	Council may consider flying the national flags of other countries during Council sanctioned visits by dignitaries of the country, or as a show of support in times of crisis, at the discretion of the Chief Executive Officer or in their absence the Manager, Governance
Manningham City Council	The Australian National Flag Protocols stipulate that only official flags of nations recognised by Australia should be flown in conjunction with the Australian National Flag. Council will only fly the national flags of other countries during Council sanctioned visits by dignitaries of that country
Merri bek Council	No reference.
Mornington Peninsula Shire	No reference.
City of Kingston	No reference.
Surf Coast Shire Council	Council will fly the national flags of other countries during Council sanctioned visits by dignitaries of the country or when directed by the federal or state government.
City of Yarra	No reference.
Yarra Ranges	States that "the fourth flagpole at the Civic Centre, Lilydale is available for various Community Flags to commemorate or celebrate important dates, events and festivals, or for flags of other Nations during officially sanctioned visits of representatives of the nation or to acknowledge a significant event of that nation."

A draft policy was prepared for Council’s consideration at the Council Meeting on 15 December 2025. The item was removed from the agenda on 12 December 2025 to enable the community to provide feedback on the draft policy prior to Council considering its adoption.

On 22 December 2025, Council was asked to consider replacing the Palestinian Flag with the Peace Flag at a Special Council Meeting. This was a response to a high number of recorded safety-related incidents being experienced by Councillors and staff following the terrorist attack at Bondi Beach which resulted in 15 Jewish Australians being killed. Council resolved to adjourn the meeting until 10 February 2026 and on that day resolved to consider the Flag Policy and Palestinian Flag before the end of March 2026.

A revised draft Flag Policy is presented through this report for Council’s consideration. Key differences between this draft policy and the version exhibited on 16 January 2026 are informed by the 491 community submissions directly arising from the exhibited draft policy. A summary of key themes are provided below, along with associated changes made to the draft policy in response to the feedback.

**Table 2 – Changes to draft policy arising from community submissions**

Feedback through online submissions (number = 491)	Changes to draft policy in response
31% of the respondents proposed that Council should only fly the National Flags (comprising the Australian Flag, Aboriginal Flag and Torres Strait Island Flag) or just one/some of these flags	No material change proposed as the original draft policy reaffirmed Council’s current practice of flying the three national flags at all five nominated sites.
21% clearly stated that it was time for Council to cease flying the Palestinian Flag. (note that these can be considered additional/overlapping to the 31% of respondents that Council should only fly national flags)	The section of the policy relating to International Flags has been updated to reflect the relevant proportion of respondents commenting on international flags in conjunction with discussion with Councillors.
14% clearly stated that Council should continue to fly the Palestinian Flag	
10% of respondents were concerned with the Chief Executive Officer determining flags related to the Days of Observance	Proposed Days of Observance are now attached to draft policy, so that Council can endorse these in conjunction with policy adoption. CEO approval is removed.
A relatively small number of respondents expressed concern that community-nominated flags could result in single-issue or politically motivated flags being approved, there was also concern that the CEO could approve/decline these requests.	The draft policy includes a commitment that a clearer application process is established with respect to these requests.

Two further changes were made as follows:

1. Administrative corrections to delineate between Bundoora Park and Bundoora Homestead Arts Centre; and

2. A recognition that the Australian Government may change governance relating to the Aboriginal and Torres Strait Islander flags, resulting in greater autonomy in relation to these flags, and that in this event Council will undertake local consultation with the Traditional Owners and local Aboriginal and Torres Strait Islander communities to ensure their views inform management of these flags.

Council has recognised the merit of establishing a Flag Policy to guide its decision-making on such matters. Community feedback has been invited and considered resulting in an updated draft Policy.

A revised draft Flag Policy has been prepared for consideration by Council (**Appendix A**). Changes from the exhibited version are shown as ‘tracked changes’ in **Appendix B**.

If adopted, the Flag Policy establishes a sound governance framework that is transparent to the community and will underpin future decision-making.

### **Previous Council Resolution**

The most recent resolution relating to the development of a Flag Policy was made at the Special Council Meeting on 10 February 2026 (adjourned from 22 December 2025) and was as follows:

*‘That Council*

1. *Affirms its commitment to peace in Australia and across the world.*
2. *Acknowledges that Council must balance staff and community safety, its governance obligations, and the diverse views of the community in relation to the flying of flags.*
3. *Notes that a 3-week online community consultation period for the draft Flag Policy commenced on 16 January 2026, and that an initial summary has been provided to Councillors.*
4. *Requests the CEO to prepare a briefing for Councillors on the outcomes of the community consultation process, prior to the Flag Policy being decided by Councillors.*
5. *Considers the matter of the Palestinian Flag as part of the Flag Policy when it is presented to Council for decision no later than the end of March 2026.’*

### **ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Pillar 4: Collaborative, Transparent and Responsible

### **ALIGNMENT TO OUR DAREBIN PLAN 2025-29**

Strategic Direction 1: Aboriginal Culture and Knowledge - A City that celebrates Aboriginal and Torres Strait Islander culture, values, knowledge and traditions, respects the right for self-determination and takes deliberate action toward truth-telling.

Strategic Direction 2: Equity, Diversity and Inclusion - A City where our rich diversity is celebrated, everyone can thrive and belong, and our services, programs, places and spaces are equitable, responsive, inclusive and accessible to all.

Strategic Direction 6: Decision Making, Community Engagement and Transparency - A City that is well-managed, transparent and trusted by its community and partners, with clear and respectful communication that builds confidence in Council’s decisions.

## CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

### Financial Management

The proposed policy commits to flying the National Flags in accordance with Commonwealth legislation and protocols, which will include having them illuminated if flown overnight. It has been determined that this is not the current practice and uplighting may need to be installed to ensure compliance. If works to achieve compliance exceed general operational budgets then Council will be presented with an opportunity to formally fund this project.

Adoption of the policy as recommended does not otherwise have any direct financial implications.

### Community Engagement

This report considers a governance-based policy that does not require exhibition however Council decided to proactively invite an opportunity for community feedback. Public exhibition took place between 16 January and 5 February 2026 and 491 people made submissions. Feedback has been considered, in addition to emails received in relation to flags, and has informed this draft policy and recommendations.

### Other Principles for consideration

#### Overarching Governance Principles and Supporting Principles

- (i) the transparency of Council decisions, actions and information is to be ensured.

#### Public Transparency Principles

- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;

#### Strategic Planning Principles

- (c) Strategic planning must take into account the resources needed for effective implementation;

#### Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;

## COUNCIL POLICY CONSIDERATIONS

### Environmental Sustainability Considerations (including Climate Emergency)

Not applicable.

### Equity, Inclusion, Wellbeing and Human Rights Considerations:

The draft Flag Policy has been assessed to ensure consideration of relevant discrimination legislation and potential impacts on the diverse Darebin community. No detrimental impacts have been identified.

**Economic Development and Cultural Considerations**

Not applicable.

**Operational Impacts**

Not applicable.

**Legal and Risk Implications**

This policy has been developed to reflect legislation and relevant protocols.

**IMPLEMENTATION ACTIONS**

If adopted, the policy will be published on Council's website. Officers will develop specific protocols to implement the policy and a process for community-requested flags will be developed.

**RELATED DOCUMENTS**

The draft policy lists related documents.

**APPENDICES**

- Draft Flag Policy (**Appendix A**) [↓](#)
- Draft Flag Policy - tracked changes (**Appendix B**) [↓](#)

**DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



# Flag Policy

<b>Purpose</b>	The purpose of this policy is to establish the guiding principles that will govern the flying of flags on flagpoles under the direct management of the Darebin City Council.
<b>Scope</b>	<p>This policy applies to flagpoles managed directly by Council at <i>Municipal Flag Sites</i> nominated within this policy.</p> <p>This policy applies to Councillors and employees of the Darebin City Council.</p> <p>This policy does not apply to flags flown on flagpoles:</p> <ul style="list-style-type: none"> <li>• At sites where Council is the owner or manager of a building, and use of that building is under direct control of an alternate manager or tenant; or</li> <li>• The commemorative flagpole at the cenotaph located on High Street outside the Preston Civic Centre.</li> </ul> <p>Directions to Council employees that ensure effective implementation of this policy may be documented in separate procedures and guidelines.</p>
<b>Definitions and Abbreviations</b>	<ul style="list-style-type: none"> <li>• <b>Act</b> – Flags Act 1953</li> <li>• <b>Australian Flag Booklet</b> - The booklet produced by the Australian Government (as published by the Department of Prime Minister and Cabinet) outlining the protocols for the appropriate use and flying of the Australian flag, located via <a href="https://www.pmc.gov.au/publications/australian-flags-booklet">https://www.pmc.gov.au/publications/australian-flags-booklet</a></li> <li>• <b>Australian National Flag Protocols</b> – A set of <b>Commonwealth regulations</b> governing the correct use, precedence, and handling of flags at government and civic sites.</li> <li>• <b>Community Flagpoles</b> – Flagpoles erected and managed by Council at the Preston Civic Centre and Bundoora Homestead Arts Centre for the purpose of flying flags other than National flags.</li> <li>• <b>Council</b> – Darebin City Council</li> <li>• <b>Days of Observance</b> – Specific days for recognising significant cultural, national, and international events through flag displays.</li> <li>• <b>Flag</b> - A piece of cloth, typically oblong in shape, attachable by one edge to a pole or rope and used as a symbol or emblem of a country, group or institution.</li> <li>• <b>International Flags</b> – Flags that are (i) formally adopted by a country other than Australia to represent that country or (ii) recognised as the flag of a nation-state or sovereign-state.</li> <li>• <b>Municipal Flag Sites</b> – Council managed sites including the following locations: <ul style="list-style-type: none"> <li>○ Civic Centre Preston</li> <li>○ Operations Centre Reservoir</li> <li>○ Bundoora Park</li> <li>○ Narrandjeri Stadium Thornbury</li> <li>○ Bundoora Homestead Arts Centre (with four flagpoles)</li> </ul> </li> <li>• <b>National Flags</b> – National Flags include the Australian National Flag, Aboriginal Flag and Torres Strait Flag.</li> </ul>



<p><b>Policy Statement(s)</b></p>	<p><b>Flying of National Flags</b></p> <p>Council acknowledges that <i>National Flags</i> should be treated with respect and dignity.</p> <p>The Australian National Flag will always be flown in a position superior to that of any other flag or ensign in accordance with the <i>Australian Flag Booklet</i>. It will be raised first, lowered last, and no other flag will fly higher than the Australian National Flag.</p> <p>Flying the Aboriginal Flag and the Torres Strait Islander Flag re-affirms Council's Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander People 2019. Flying these flags is also a visible demonstration of Council's respect and recognition of Aboriginal and Torres Strait Islander communities' values, living culture and practices, including their continuing spiritual connection to the land and waters and their right to self-determination.</p> <p>Council will fly <i>National Flags</i> at <i>Municipal Flag Sites</i> in accordance with the <i>Australian Government's Flag Protocols</i>:</p> <ul style="list-style-type: none"> <li>• Continuously where there is illumination; and</li> <li>• During business hours where flagpoles are not illuminated.</li> </ul> <p>National flags will be of standard size and in good repair.</p> <p><b>Flying of National Flags at Half-Mast</b></p> <p>Council will fly National Flags at half-mast in accordance with the <i>Australian Government Protocols</i> and the <i>Australian Flag Booklet</i>, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• When directed by the Australian Government or Victorian Government; or</li> <li>• When commemorating Anzac Day and Remembrance Day, in consultation with the Returned Serviceman's League; or</li> <li>• When directed by the Chief Executive Officer, following consultation with the Mayor and Councillors, on the day, or part of the day, to recognise the death of: <ul style="list-style-type: none"> <li>○ A local citizen widely recognised as having made a notable contribution to the municipal community.</li> <li>○ A current or former Councillor or member of Council staff, on the day of their funeral.</li> <li>○ An Aboriginal elder or significant community member's funeral, upon request from relevant community members.</li> </ul> </li> </ul> <p>In accordance with Commonwealth regulations and protocols, when flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast, with the Australian National Flag being raised first, and lowered last. To bring the flag to the half-mast position, the flag must first be raised to the top of the mast (the 'peak'), then immediately lowered slowly to the half-mast position.</p> <p>Council recognises that the Commonwealth Government may change legislation, regulation or protocols with respect to flying National Flags, and specifically the Aboriginal and Torres Strait Islander Flags. If these changes occur Council will consult directly with representatives of Darebin's Traditional Owners and Aboriginal and Torres Strait Islander advisors and partners on appropriate arrangements</p>
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including but not limited to occasions when the Aboriginal and Torres Strait Islander flags might be flown at half-mast independently of the Australian Flag.

#### **Community flagpole at Bundoora Homestead Arts Centre**

The Progress Pride Flag will be continuously flown at the fourth flagpole at Bundoora Homestead Arts Centre.

Proposals to fly alternative flags on this flagpole to highlight or recognise special events shall be submitted to the Chief Executive Officer for consideration and approval. Alternative flags shall not be flown for more than one day.

Council will publish an application form on its website to enable applications to be made for consideration of an alternative flag to be flown at Bundoora Homestead Arts Centre.

Submissions for approval shall include explanation about how the event aligns to key strategic objectives of the Council Plan or key strategies.

#### **Community Flagpoles at Preston Civic Centre**

Council has two *Community Flagpoles* that are primarily used to recognize *Days of Observance*, at the following locations at the Preston Civic Centre:

- 284 Gower Street, Preston (City Hall flagpole)
- 350 High Street, Preston (High Street flagpole)

These community flagpoles may be used, in accordance with this policy, for flying:

- Flags associated with Days of Observance (as scheduled); or
- Community flags (through request); or
- International Flags (when directed by the Commonwealth Government)

#### **Flags associated with Days of Observance**

Council shall fly flags relating to nominated *Days of Observance* in accordance with Appendix A to this policy. These flags will be flown on at least one of the two *Community Flagpoles* at the Preston Civic Centre during the nominated day(s).

Where the Aboriginal and Torres Strait Islander flags are flown at have mast under the *Days of Observance* (see Appendix A) this will apply at all *Municipal Flag Sites*.

#### **Community-nominated flags**

When the *Community Flagpoles* are not being used to fly flags associated with the *Days of Observance*, these flagpoles will be available for recognising events and issues that are deemed to be significant to a large proportion of municipal residents.

Requests from community groups and community members that are located or reside within the municipality to fly flags on the *Community Flagpoles* shall be referred to the Chief Executive Officer for decision. Council will publish an application form on its website to enable applications to be made for consideration of flags to be flown on *Community Flagpoles*.

In considering community requests, the Chief Executive Officer will have regard to Council resolutions and the strategic objectives in the Council Plan. In general, the



	<p>Chief Executive Officer will not approve requests to fly other flags where a request is linked to:</p> <ul style="list-style-type: none"> <li>• Views that do not align with Council’s views on promoting a diverse and inclusive community.</li> <li>• Are associated with activities for commercial gain or individual advancement.</li> </ul> <p>The Chief Executive Officer may consult the Mayor and Councillors and/or present a report at a Council meeting should they consider the matter is complex and a prevailing Council position is not clear.</p> <p>Flags flown on Community Flagpoles in response to a community request will not be flown for more than seven days consecutively, or more than a total of seven days in a 12 month period.</p> <p><b>International Flags</b></p> <p>Council will only fly international flags when directed to do so by the Australian Government.</p>		
<p><b>Responsibilities</b></p>	<p><b>Councillor Responsibilities</b></p> <p>Councillors are responsible for:</p> <ul style="list-style-type: none"> <li>• Adoption of this policy and participating in scheduled reviews;</li> <li>• Participating in the annual review of Days of Observance at briefing sessions;</li> <li>• Responding to requests from the Chief Executive Officer when community requests to fly flags are received;; and</li> <li>• Ensuring any Notices of Motion are consistent with this policy.</li> </ul> <p><b>Officer Responsibilities</b></p> <p>Council Officers are responsible for the following:</p> <ul style="list-style-type: none"> <li>• Employees involved in event planning, governance, or facility management must ensure that flag displays align with this policy.</li> <li>• Employees must also report any issues related to flag maintenance or incorrect displays to the General Manager Community.</li> </ul>		
<p><b>Organisational Values</b></p>	<p>Council’s values enable and support the effective design and application of this policy by guiding staff in the course of their work.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>We Make a Difference:</b> We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters.</p> <p><b>We are Accountable:</b> We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises. We make it happen.</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>We have Integrity:</b> We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We’re honest. We walk the talk.</p> <p><b>We show Respect:</b> We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another’s contributions and treat people fairly. We look after each other.</p> </td> </tr> </table>	<p><b>We Make a Difference:</b> We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters.</p> <p><b>We are Accountable:</b> We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises. We make it happen.</p>	<p><b>We have Integrity:</b> We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We’re honest. We walk the talk.</p> <p><b>We show Respect:</b> We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another’s contributions and treat people fairly. We look after each other.</p>
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<b>Breach of Policy</b>	<p>Breaches of policies are treated seriously.</p> <p>Where potential breaches relate to Councillors who seek to directly influence officers in relation to raising or lowering flags, these matters will be referred to the Mayor or Councillor Conduct Officer, whichever is most appropriate.</p> <p>Where potential breaches relate to officers who raise or lower flags outside of this policy, these matters will be referred to the General Manager Community.</p>	






## GOVERNANCE

<b>Parent Strategy/ Plan</b>	<p>The Flag Policy aligns with Darebin City Council's broader governance, inclusion, and community engagement strategies. It is guided by the Australian National Flag Protocols, ensuring compliance with national regulations on flag precedence, display, and handling. The policy also supports the objectives outlined in the Darebin Council Plan, reinforcing the Council's commitment to diversity, inclusion, and the recognition of culturally significant events.</p> <p>By embedding this policy within these strategic frameworks, Darebin City Council ensures that flag protocols are respectful, inclusive, and compliant with national and local regulations.</p>
<b>Related Documents</b>	<p>This policy should be read in conjunction with Council's Governance Framework, Council Plan, Balit Marra (Aboriginal Action Plan) and Community Engagement Policy.</p> <p>These documents provide the broader strategic context for the respectful and appropriate display of flags at Council sites.</p>
<b>Supporting Procedures and Guidelines</b>	<p>This policy is supported by the following procedures and guidelines, which are essential to ensure the respectful, consistent, and compliant display of flags across all registered Civic Flag Sites and community flagpoles:</p> <p><b>Australian Flag Booklet:</b> This booklet outlines the official procedures and protocols for the proper handling, display, and maintenance of the Australian Flag. All Council staff are required to adhere strictly to these protocols when managing flags at the Civic Centre and other Council facilities to ensure national standards are upheld.</p> <p><b>Flag Display and Handling Procedures:</b> These procedures detail the correct methods for raising, lowering, and maintaining flags in accordance with the Australian National Flag Protocols. Employees must follow these guidelines to ensure flags are displayed with the utmost respect and dignity.</p> <p><b>Community Flag Requests and Approval Process:</b> This process provides the procedure for requesting the display of community flags at the Preston City Hall Community Flagpole. It outlines the criteria for eligibility, the steps for formal submission, and the process for Council endorsement. All community flag requests must meet the outlined requirements and obtain approval before display.</p> <p><b>Annual Days of Observance Schedule:</b> This schedule is reviewed annually in accordance with this policy and specifies the events and cultural observances for</p>



	which flags may be flown. This ensures that flag displays align with Council's commitment to inclusivity and recognition of significant events.
<b>Legislation/ Regulation</b>	<p>This policy is governed by national and state legislation, ensuring that flag displays adhere to official protocols and regulatory requirements. Compliance is mandated under the Australian National Flag Protocols, which outline the precedence, positioning, and handling of flags at government and civic sites. The Commonwealth <i>Flags Act 1953</i> provides the legal framework for the use of the Australian National Flag and other officially recognised flags.</p> <p>In addition, this policy aligns with the <i>Local Government Act 2020</i> (Victoria), which sets out governance responsibilities for councils, including civic recognition and community engagement. The <i>Racial Discrimination Act 1975</i> and the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Victoria) provide further guidance on ensuring flag displays support principles of inclusion, respect, and cultural recognition.</p> <p>Council must also adhere to directives from the Department of the Prime Minister and Cabinet, which provides guidance on flag etiquette, including the lowering of flags for official mourning periods or significant national events. Any modifications to flag displays outside of standard protocol must be reviewed and endorsed by Council to maintain compliance with these legislative frameworks.</p>
<b>Author</b>	Chief Executive Officer
<b>Policy Owner/ Sponsor</b>	This policy has been commissioned by Darebin City Councillors and has been developed in alignment with Council's governance responsibilities and commitment to civic recognition, community inclusion, and compliance with national flag protocols.
<b>Date Effective</b>	<i>(subject to Council adoption)</i>
<b>Review Date</b>	31 December 2029
<b>Version Number</b>	0.4
<b>Document ID</b>	TBC
<b>Content enquiries</b>	Office of CEO



Appendix A – Days of Observance Schedule			
Key dates	In recognition	Flag	Council resolution
January/February for three weeks	Midsumma Festival (notes dates are adjusted annually to align to festival and includes the day of Midsumma Pride March)	Intersex Inclusive Progress Pride Flag	
26 January	Survival/Invasion Day	Aboriginal Flag and Torres Strait Islander flags at half mast	
13 February	National Apology - Apology to the Stolen Generations	Aboriginal Flag and Torres Strait Islander flags at half mast	
31 March	International Transgender Day of Visibility	Transgender Flag	
15 April	Anniversary of the Royal Commission into Aboriginal Deaths in Custody	Aboriginal Flag at half mast	



**Appendix A – Days of Observance Schedule**



Key dates	In recognition	Flag	Council resolution
25 April	ANZAC Day	Aboriginal Flag and Torres Strait Islander flags at half mast	
17 May and for one full week	International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) – 17 May	Intersex Inclusive Progress Pride Flag	
26 May	National Sorry Day	Aboriginal Flag and Torres Strait Islander flags at half mast	
As prescribed	Kings Birthday	Aboriginal Flag and Torres Strait Islander flags at half mast	



<b>Appendix A – Days of Observance Schedule</b>			
<b>Key dates</b>	<b>In recognition</b>	<b>Flag</b>	<b>Council resolution</b>
6 August	International Campaign to Abolish Nuclear Weapons (ICAN)	ICAN Flag	
Last Friday in August	Wear It Purple Day – to support young LGBTI people	Intersex Inclusive Progress Pride Flag	
26 October – 8 November	Intersex Awareness Week (incorporating Intersex Awareness Day & Intersex Day of Awareness)	Intersex Flag	
11 November	Remembrance Day	Aboriginal Flag and Torres Strait Islander flags at half mast	



**Appendix A – Days of Observance Schedule**

Key dates	In recognition	Flag	Council resolution
* 13 – 20 November	Transgender Day of Remembrance (20 November) / Transgender Awareness Week	Transgender Flag	
9 December	International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, as well as the 73rd anniversary of the <u>1948 Convention on the Prevention and Punishment of the Crime of Genocide</u>	Aboriginal Flag and Torres Strait Islander flags at half mast	



# Flag Policy

<b>Purpose</b>	The purpose of this policy is to establish the guiding principles that will govern the flying of flags on flagpoles under the direct management of the Darebin City Council.
<b>Scope</b>	<p>This policy applies to flagpoles managed directly by Council at <i>Municipal Flag Sites</i> nominated within this policy.</p> <p>This policy applies to Councillors and employees of the Darebin City Council.</p> <p>This policy does not apply to flags flown on flagpoles:</p> <ul style="list-style-type: none"> <li>• At sites where Council is the owner or manager of a building, and use of that building is under direct control of an alternate manager or tenant; or</li> <li>• The commemorative flagpole at the cenotaph located on High Street outside the Preston Civic Centre.</li> </ul> <p>Directions to Council employees that ensure effective implementation of this policy may be documented in separate procedures and guidelines.</p>
<b>Definitions and Abbreviations</b>	<ul style="list-style-type: none"> <li>• <b>Act</b> – Flags Act 1953</li> <li>• <b>Australian Flag Booklet</b> - The booklet produced by the Australian Government (as published by the Department of Prime Minister and Cabinet) outlining the protocols for the appropriate use and flying of the Australian flag, located via <a href="https://www.pmc.gov.au/publications/australian-flags-booklet">https://www.pmc.gov.au/publications/australian-flags-booklet</a></li> <li>• <b>Australian National Flag Protocols</b> – A set of <b>Commonwealth regulations</b> governing the correct use, precedence, and handling of flags at government and civic sites.</li> <li>• <b>Community Flagpoles</b> – Flagpoles erected and managed by Council at the Preston Civic Centre and <a href="#">Bundoora Homestead Arts Centre</a><del>Bundoora Park</del> for the purpose of flying flags other than National flags.</li> <li>• <b>Council</b> – Darebin City Council</li> <li>• <b>Days of Observance</b> – Specific days for recognising significant cultural, national, and international events through flag displays.</li> <li>• <b>Flag</b> - A piece of cloth, typically oblong in shape, attachable by one edge to a pole or rope and used as a symbol or emblem of a country, group or institution.</li> <li>• <b>International Flags</b> – Flags that are (i) formally adopted by a country other than Australia to represent that country or (ii) recognised as the flag of a nation-state or sovereign-state.</li> <li>• <b>Municipal Flag Sites</b> – Council managed sites including the following locations: <ul style="list-style-type: none"> <li>○ Civic Centre Preston</li> <li>○ Operations Centre Reservoir</li> <li>○ Bundoora Park</li> <li>○ Narrandjeri Stadium Thornbury</li> <li>○ Bundoora Homestead Arts Centre (with four flagpoles)</li> </ul> </li> <li>• <b>National Flags</b> – National Flags include the Australian National Flag, Aboriginal Flag and Torres Strait Flag.</li> </ul>



<p><b>Policy Statement(s)</b></p>	<p><b>Flying of National Flags</b></p> <p>Council acknowledges that <i>National Flags</i> should be treated with respect and dignity.</p> <p>The Australian National Flag will always be flown in a position superior to that of any other flag or ensign in accordance with the <i>Australian Flag Booklet</i>. It will be raised first, lowered last, and no other flag will fly higher than the Australian National Flag.</p> <p>Flying the Aboriginal Flag and the Torres Strait Islander Flag re-affirms Council's Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander People 2019. Flying these flags is also a visible demonstration of Council's respect and recognition of Aboriginal and Torres Strait Islander communities' values, living culture and practices, including their continuing spiritual connection to the land and waters and their right to self-determination.</p> <p>Council will fly <i>National Flags</i> at <i>Municipal Flag Sites</i> in accordance with the <i>Australian Government's Flag Protocols</i>:</p> <ul style="list-style-type: none"> <li>• Continuously where there is illumination; and</li> <li>• During business hours where flagpoles are not illuminated.</li> </ul> <p>National flags will be of standard size and in good repair.</p> <p><b>Flying of National Flags at Half-Mast</b></p> <p>Council will fly National Flags at half-mast in accordance with the <i>Australian Government Protocols</i> and the <i>Australian Flag Booklet</i>, <u>including but not limited to the following as follows</u>:</p> <ul style="list-style-type: none"> <li>• When directed by the Australian Government or Victorian Government; or</li> <li>• When commemorating Anzac Day and Remembrance Day, in consultation with the Returned Serviceman's League; or</li> <li>• When directed by the Chief Executive Officer, following consultation with the Mayor and Councillors, on the day, or part of the day, to recognise the death of: <ul style="list-style-type: none"> <li>○ A local citizen widely recognised as having made a notable contribution to the municipal community.</li> <li>○ A current or former Councillor or member of Council staff, on the day of their funeral.</li> <li>○ An Aboriginal elder or significant community member's funeral, upon request from relevant community members.</li> </ul> </li> </ul> <p><u>In accordance with Commonwealth regulations and protocols, w</u>When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast, with the Australian National Flag being raised first, and lowered last. To bring the flag to the half-mast position, the flag must first be raised to the top of the mast (the 'peak'), then immediately lowered slowly to the half-mast position.</p> <p><u>Council recognises that the Commonwealth Government may change legislation, regulation or protocols with respect to flying National Flags, and specifically the Aboriginal and Torres Strait Islander Flags. If these changes occur Council will consult directly with representatives of Darebin's Traditional Owners and Aboriginal and Torres Strait Islander advisors and partners on appropriate arrangements</u></p>
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including but not limited to occasions when the Aboriginal and Torres Strait Islander flags might be flown at half-mast independently of the Australian Flag.

#### **Community flagpole at Bundoora Homestead Arts Centre Bundoora Park**

The Progress Pride Flag will be continuously flown at the fourth flagpole at Bundoora Homestead Arts Centre Bundoora Park.

Proposals to fly alternative flags on this flagpole to highlight or recognise special events shall be submitted to the Chief Executive Officer for consideration and approval. Alternative flags shall not be flown for more than one day.

Council will publish an application form on its website to enable applications to be made for consideration of an alternative flag to be flown at Bundoora Homestead Arts Centre.

Submissions for approval shall include explanation about how the event aligns to key strategic objectives of the Council Plan or key strategies.

#### **Community Flagpoles at Preston Civic Centre**

Council has two *Community Flagpoles* that are primarily used to recognize *Days of Observance*, at the following locations at the Preston Civic Centre:

- 284 Gower Street, Preston (City Hall flagpole)
- 350 High Street, Preston (High Street flagpole)

These community flagpoles may be used, in accordance with this policy, for flying:

- Flags associated with Days of Observance (as scheduled); or
- Community flags (through request); or
- International Flags (when directed by the Commonwealth Government) through resolution.)

#### **Flags associated with Days of Observance**

~~The Chief Executive Officer will ensure that a calendar with proposed *Days of Observance* is presented to Councillors annually that lists the proposed *Days of Observance* for the following 12 months. The calendar shall be for the following calendar year and will detail the date(s) and nominated flags to be flown on the *Community Flagpoles*.~~

~~The Chief Executive Officer, having considered the views of Councillors, shall determine the final list of *Days of Observance* that will have flags flown. The Chief Executive Officer shall ensure that this calendar is published on Council's website to provide transparency to the community.~~

Council shall fly flags relating to nominated *Days of Observance* in accordance with Appendix A to this policy. These flags will be flown on at least one of the two *Community Flagpoles* at the Preston Civic Centre during the nominated day(s).

Where the Aboriginal and Torres Strait Islander flags are flown at have mast under the *Days of Observance* (see Appendix A) this will apply at all *Municipal Flag Sites*.

#### **Community-nominated flags**

When the *Community Flagpoles* are not being used to fly flags associated with the *Days of Observance*, these flagpoles will be available for recognising events and issues that are deemed to be significant to a large proportion of municipal residents.



	<p>Requests from community groups and community members that are located or reside within the municipality to fly flags on the <i>Community Flagpoles</i> shall be referred to the Chief Executive Officer for decision. <u>Council will publish an application form on its website to enable applications to be made for consideration of flags to be flown on <i>Community Flagpoles</i>.</u></p> <p>In considering community requests, the Chief Executive Officer will have regard to Council resolutions and the strategic objectives in the Council Plan. In general, the Chief Executive Officer will not approve requests to fly other flags where a request is linked to:</p> <ul style="list-style-type: none"> <li>• Views that do not align with Council's views on promoting a diverse and inclusive community.</li> <li>• Are associated with activities for commercial gain or individual advancement.</li> </ul> <p>The Chief Executive Officer may consult the Mayor and Councillors and/or present a report at a Council meeting should they consider the matter is complex and a prevailing Council position is not clear.</p> <p>Flags flown on Community Flagpoles in response to a community request will not be flown for more than seven days consecutively, or more than a total of seven days in a 12 month period.</p> <p><b>International Flags</b></p> <p><del>Council may also decide to fly <i>International Flags</i> at other times through a resolution of Council. Regardless of whether a resolution is the result of an officer's report or a Councillors Notice of Motion, international flags should only be flown when one or more of the following criteria is satisfied:</del></p> <ul style="list-style-type: none"> <li><del>• <b>Official Visits by Dignitaries:</b> During visits by dignitaries or representatives of another country and they are hosted by Council, the relevant national flag may be flown as a mark of respect and official protocol.</del></li> <li><del>• <b>Sister City or Twinning Arrangements:</b> To acknowledge and celebrate formal relationships with 'sister cities' in other countries, a council might fly that city's national or municipal flag.</del></li> <li><del>• <b>Show of Support, Solidarity or Mourning:</b> The flag of another nation might be flown to show solidarity for people living in conflict or experiencing disaster, or to recognise mourning on the death of a significant international figure (such as a head of state).</del></li> <li><del>• <b>Acknowledging a Diverse Community:</b> A flag may be flown to represent the diverse cultural backgrounds of people that live within the municipality.</del></li> </ul> <p><del>International flags will not be flown for more than seven days consecutively, or more than a total of seven days in a 12 month period.</del></p> <p><u>Council will only fly international flags when directed to do so by the Australian Government.</u></p>
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	<ul style="list-style-type: none"> <li>• Participating in the annual review of Days of Observance at briefing sessions;</li> <li>• Responding to requests from the Chief Executive Officer when community requests to fly flags are received;; and</li> <li>• Ensuring any Notices of Motion are consistent with this policy.</li> </ul> <p><b>Officer Responsibilities</b></p> <p>Council Officers are responsible for the following:</p> <ul style="list-style-type: none"> <li>• Employees involved in event planning, governance, or facility management must ensure that flag displays align with this policy.</li> <li>• Employees must also report any issues related to flag maintenance or incorrect displays to the General Manager Community.</li> </ul>		
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**GOVERNANCE**

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<b>Related Documents</b>	<p>This policy should be read in conjunction with Council's Governance Framework, Council Plan, Balit Marra (Aboriginal Action Plan) and Community Engagement Policy.</p> <p>These documents provide the broader strategic context for the respectful and appropriate display of flags at Council sites.</p>
<b>Supporting Procedures and Guidelines</b>	<p>This policy is supported by the following procedures and guidelines, which are essential to ensure the respectful, consistent, and compliant display of flags across all registered Civic Flag Sites and community flagpoles:</p> <p><b>Australian Flag Booklet:</b> This booklet outlines the official procedures and protocols for the proper handling, display, and maintenance of the Australian Flag. All Council staff are required to adhere strictly to these protocols when managing flags at the Civic Centre and other Council facilities to ensure national standards are upheld.</p> <p><b>Flag Display and Handling Procedures:</b> These procedures detail the correct methods for raising, lowering, and maintaining flags in accordance with the Australian National Flag Protocols. Employees must follow these guidelines to ensure flags are displayed with the utmost respect and dignity.</p> <p><b>Community Flag Requests and Approval Process:</b> This process provides the procedure for requesting the display of community flags at the Preston City Hall Community Flagpole. It outlines the criteria for eligibility, the steps for formal submission, and the process for Council endorsement. All community flag requests must meet the outlined requirements and obtain approval before display.</p> <p><b>Annual Days of Observance Schedule:</b> This schedule is reviewed annually in accordance with this policy and specifies the events and cultural observances for which flags may be flown. This ensures that flag displays align with Council's commitment to inclusivity and recognition of significant events.</p>
<b>Legislation/ Regulation</b>	<p>This policy is governed by national and state legislation, ensuring that flag displays adhere to official protocols and regulatory requirements. Compliance is mandated under the Australian National Flag Protocols, which outline the precedence, positioning, and handling of flags at government and civic sites. The Commonwealth <i>Flags Act 1953</i> provides the legal framework for the use of the Australian National Flag and other officially recognised flags.</p> <p>In addition, this policy aligns with the <i>Local Government Act 2020</i> (Victoria), which sets out governance responsibilities for councils, including civic recognition and community engagement. The <i>Racial Discrimination Act 1975</i> and the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Victoria) provide further guidance on ensuring flag displays support principles of inclusion, respect, and cultural recognition.</p> <p>Council must also adhere to directives from the Department of the Prime Minister and Cabinet, which provides guidance on flag etiquette, including the lowering of flags for official mourning periods or significant national events. Any modifications to flag displays outside of standard protocol must be reviewed and endorsed by Council to maintain compliance with these legislative frameworks.</p>
<b>Author</b>	Chief Executive Officer







<b>Policy Owner/ Sponsor</b>	This policy has been commissioned by Darebin City Councillors and has been developed in alignment with Council's governance responsibilities and commitment to civic recognition, community inclusion, and compliance with national flag protocols.
<b>Date Effective</b>	<i>(subject to Council adoption)</i>
<b>Review Date</b>	31 December <del>2028</del> <u>2029</u>
<b>Version Number</b>	<u>0.44</u>
<b>Document ID</b>	TBC
<b>Content enquiries</b>	Office of CEO







Appendix A – Days of Observance Schedule			
Key dates	In recognition	Flag	Council resolution
January/February for three weeks	Midsumma Festival (notes dates are adjusted annually to align to festival and includes the day of Midsumma Pride March)	Intersex Inclusive Progress Pride Flag	
26 January	Survival/Invasion Day	Aboriginal Flag and Torres Strait Islander flags at half mast	
13 February	National Apology - Apology to the Stolen Generations	Aboriginal Flag and Torres Strait Islander flags at half mast	
31 March	International Transgender Day of Visibility	Transgender Flag	
15 April	Anniversary of the Royal Commission into Aboriginal Deaths in Custody	Aboriginal Flag at half mast	

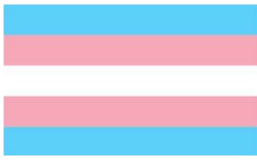



Appendix A – Days of Observance Schedule			
Key dates	In recognition	Flag	Council resolution
25 April	ANZAC Day	Aboriginal Flag and Torres Strait Islander flags at half mast	
17 May and for one full week	International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) – 17 May	Intersex Inclusive Progress Pride Flag	
26 May	National Sorry Day	Aboriginal Flag and Torres Strait Islander flags at half mast	
As prescribed	Kings Birthday	Aboriginal Flag and Torres Strait Islander flags at half mast	



Appendix A – Days of Observance Schedule			
Key dates	In recognition	Flag	Council resolution
6 August	International Campaign to Abolish Nuclear Weapons (ICAN)	ICAN Flag	
Last Friday in August	Wear It Purple Day – to support young LGBTI people	Intersex Inclusive Progress Pride Flag	
26 October – 8 November	Intersex Awareness Week (incorporating Intersex Awareness Day & Intersex Day of Awareness)	Intersex Flag	
11 November	Remembrance Day	Aboriginal Flag and Torres Strait Islander flags athalf mast	



Appendix A – Days of Observance Schedule			
Key dates	In recognition	Flag	Council resolution
* 13 – 20 November	Transgender Day of Remembrance (20 November) / Transgender Awareness Week	Transgender Flag	
9 December	International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime, as well as the 73rd anniversary of the 1948 <u>Convention on the Prevention and Punishment of the Crime of Genocide</u>	Aboriginal Flag and Torres Strait Islander flags at half mast	

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**9.2 LEASING OF EARLY CHILDHOOD EDUCATION AND CARE PREMISES**

**Author:** Strategic Projects Officer

**Reviewed By:** Chief Executive Officer

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**EXECUTIVE SUMMARY**

This report recommends that Council issue 19 leases for Council-owned premises for the provision of kindergarten and childcare to 14 early childhood education and care (ECEC) service associations.

Currently, 18 Council buildings have services operating childcare and/or kindergarten via leases that expired on 31 December 2023 and have continued on an overholding basis (**Appendix A**).

One service is currently operating via a two-year licence under Chief Executive Officer (CEO) delegation (2A Raleigh St, Thornbury).

In March 2025 Council provided direction on certain funding clauses in new leases that had been proposed and circulated to kindergartens in December 2023. Given the time that had lapsed, several kindergartens had started to question the appropriateness of the start timing of the new draft leases.

In September 2025, a request for amendments to the lease agreement were received from an early childhood education and care service. The request sought a different start time for the lease and other minor amendments. This request aligned with feedback from several other service providers seeking greater clarity and certainty within the lease arrangements.

Officers have considered this feedback and amended the agreements accordingly to provide improved clarity and consistency for services, and an amended start date. The revised proforma lease agreement (**Appendix B**) along with an outline of the proposed changes, has been presented to lessees. All lessees have provided advice supporting the changes.

The proposed changes would apply for all 19 leases including the services who have already signed a renewed lease, are yet to sign, or are moving from a short-term licence into a longer lease agreement with Council.

<b>Officer Recommendation</b>
-------------------------------

**That Council**

- (1) Reaffirms its long-standing commitment to supporting kindergarten and childcare services within the municipality.
- (2) Notes that the previous lease agreements for the group of 18 premises expired on 31 December 2023 and are currently continuing on an overholding basis to provide tenants the security of having a current lease in place while new leases are finalised.
- (3) Notes that a short-term lease for the premises at 2A Raleigh Street, Thornbury is in place that expires on 31 December 2026

- 
- (4) Notes and confirms its previous resolution at its ordinary meeting on 18 December 2023 to lease the group of 18 separate Council owned premises to early childhood education and care service associations.
  - (5) Enters lease agreements for the group of 18 premises to commence 1 January 2026 for a 5-year initial term, plus a 5-year option, with each of the early childhood education and care services listed in **Appendix A** of this Council report.
  - (6) Enters a lease for the premises at 2A Raleigh Street, Thornbury, with Raleigh Street Community Children's Centre association.
  - (7) Notes that the Chief Executive Officer will execute the final leases under their delegated authority granted by Council, on the basis that the leases are consistent any specific Council resolutions and policies.
  - (8) Notes that the Chief Executive Officer (or delegate) will:
    - a) write to the nominated representative of all the lessees to notify them of the outcome of this decision,
    - b) finalise the lease agreements and issue them to the services, and
    - c) execute any documents required to enter into the aforementioned leases
- 

## KEY INFORMATION

### Previous Council Resolution

At its meeting held on 24 March 2025, Council resolved:

*That Council:*

- 1) *Reaffirms its long-standing commitment to supporting kindergarten and childcare services within the municipality.*
  - 2) *Notes and confirms it has already resolved at its ordinary meeting of 18 December 2023 (Item 9.3 Property Matters - Leasing Of Kindergartens & Childcare Centres) to lease the 18 separate Council owned premises to 18 Early Years Services Associations, on a peppercorn rental basis which is inclusive of a full rental subsidy to support the services.*
  - 3) *Notes that the previous lease agreements at the 18 sites expired on 31 December 2023 and are currently continuing on an overholding basis. This provides Tenants the security of having a current lease in place while new lease documentation is finalised.*
  - 4) *Notes that it has been identified that the previous Lease conditions were not implemented correctly nor as agreed by all parties during the previous lease period and this resulted in several minor costs not being passed on to Tenants that should have been.*
  - 5) *Confirms that Council will not seek to recoup costs from Tenants associated with the prior Lease term where such costs relate to lease terms that were not operated correctly.*
  - 6) *Clarifies that the intent of Council's resolution of 18 December 2023, clauses 4b and 4c is that these:*  
*remain the same as the current agreement as they were operated during the prior Lease term, noting that these were not operated correctly in the prior Lease term and that this therefore will require a change in the written wording of these lease conditions.*
  - 7) *Writes to the 18 EYS Providers advising them of the outcome of this decision and the impact on their service.*
-

- 8) *Finalises the lease agreements and issues them to the 18 EYS Providers as a matter of priority.*

## **ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Pillar 1: Vibrant, Healthy and Connected

## **ALIGNMENT TO OUR DAREBIN PLAN 2025-29**

Strategic Direction 3: Health and Wellbeing - A City where everyone in the community can access the opportunities, infrastructure and services they need to be physically and mentally safe and healthy.

Strategic Direction 5: Vibrant Places and Economy - A City that is liveable with vibrant places and spaces, safe streets and a thriving local economy.

## **DISCUSSION**

### **Background**

Council leases out buildings we own to early childhood education and care services to provide kindergarten and childcare services across the municipality. Leases with 18 of these services expired on 31 December 2023 and since that time have been in over holding **(Appendix A)**

In December 2023, Council resolved to enter new leases with the 18 ECEC services. In March 2025, officers returned to Council to seek clarification on its previous resolution to ensure concerns regarding Council's intentions behind a few conditions of the lease agreement. After Council's direction, the leases were finalised and issued to the ECEC centres. At this point a number of kindergartens signed those leases and a number raised additional questions, in particular around the appropriate start time for those new lease agreements.

### **Additional leased premise**

The premise at 2A Raleigh Street, Thornbury is currently under a two-year licence with Raleigh Street Community Children's Centre who are operating a kindergarten service as a satellite site to their main premises at 28 Raleigh Street.

In 2024, a short-term licence (2 years) was issued under authority of CEO delegation to lease this Council property, as it was intended to be operated by this service provider as a kindergarten from 1 January 2025. It is proposed that this premise should be aligned with the terms and conditions of the amended lease agreement for the group of 18 premises.

### **Lease agreement terms and conditions amendments**

In September 2025, Council received specific feedback from an ECEC service that requested changes to the lease agreement.

The feedback received requested amendments to:

- The commencement date to align to the signing date of the agreements
- The public liability insurance requirement

- Essential safety measures related clauses
- The use of the term ‘negligence.’

Officers considered all feedback, and deemed the amendments represented reasonable and beneficial amendments for all services.

The proposed amendments to the lease would apply for all service providers including those who have already signed their renewed lease, are yet to sign, or are moving from a short-term licence into a lease agreement with Council.

**Proposed amendments to the lease**

**Proposed change that requires Council resolution**

The change of the lease commencement date is proposed to be 1 January 2026. This means the lease would be provided for 10 years total from 1 January 2026 (5-year initial term, plus a 5-year option).

Originally, the commencement date on previously issued leases was 1 January 2024 which followed on from the expiry of the previous lease. This change of date effectively provides an additional two years to the term which will benefit all service providers.

**Proposed changes (within officer delegation)**

In addition to the above, there are amendments that fall within the delegated authority of Council officers:

- Providing a definition of the word “negligence” as a legal term in use within the agreement
- Making it clear that Council meets the cost of Essential Safety Measures items in the buildings. Noting that while Council meets the costs, the responsibilities of Council and each service provider are shared and the obligations for both are set out in the Maintenance Schedule included in the lease document.
- Changing Item 16 in the Schedule which relates to Public Liability Insurance cover. It is acknowledged that public liability insurance cover for ECEC services is governed by the total coverage set by the Victorian Managed Insurance Authority and not Council.

<b>Current wording</b>	<b>Proposed wording</b>
Item 16 Amount of public liability insurance (Clause 15.1) \$20,000,000.00, or such greater amount as reasonably required by the Council and notified to the Tenant from time to time	Item 16 Amount of public liability insurance (Clause 15.1) \$20,000,000.00, or such amount as directed by the Victorian Managed Insurance Authority

**CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

**Financial Management**

The proposed new leases will result in two additional years of \$104 per annum plus GST income for Council from each leased premise, which presents a minimal change in the financial position to both Council and the 19 early childhood education and care services.

## Community Engagement

Notification to ECEC services about Council's proposal to amend the lease and reissue to the impacted services was provided in December 2025. A proforma lease agreement and detailed information about the proposed changes were distributed to all services on 16 December 2025.

Online information sessions for the services were held on the 16 December and 17 December 2025. Initial feedback on the proposal was well received, with services expressing gratitude for the amendments and appreciation of the intent to offer all services the same lease terms and conditions. ECEC service Directors and Committees of Management were offered opportunities to discuss the changes with Council officers.

## Other Principles for consideration

### Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (g) the ongoing financial viability of the Council is to be ensured;
- (i) the transparency of Council decisions, actions and information is to be ensured.

### Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

### Strategic Planning Principles

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;
- (d) strategic planning must identify and address the risks to effective implementation;

### Service Performance Principles

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- (b) services should be accessible to the members of the municipal community for whom the services are intended;
- (d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;

## COUNCIL POLICY CONSIDERATIONS

### Environmental Sustainability Considerations (including Climate Emergency)

There are no significant environmental sustainability considerations regarding these agreements. Sustainability considerations (including mitigation and adaptation) relating to all Council's buildings are managed through Council's Asset Management planning processes.

**Equity, Inclusion, Wellbeing and Human Rights Considerations:**

An Equity Impact Assessment/Gender Impact Assessment was undertaken during the development of the Early Years Infrastructure Planning Framework, which is guiding this program of work. A separate assessment for this process was not undertaken.

**Economic Development and Cultural Considerations**

The proposal provides early learning and social development opportunities for children, and access to childcare for families within the Darebin community.

**Operational Impacts**

There are no new operational impacts arising from Council entering new leases with the 19 early childhood education and care service associations for the premises owned by Council.

**Legal and Risk Implications**

There are minimal legal and risk implications of entering into the lease agreements with the 19 early childhood education and care service associations.

**IMPLEMENTATION ACTIONS**

1. Pending Council's consideration and decision, officers will provide the services with their new lease agreement, and signed service level agreement (**Appendix C**) – April 2026
2. Execute new lease agreements in accordance with the resolution – April to May 2026.

**APPENDICES**

- Group of 18 early childhood education and care premises (**Appendix A**) [↓](#)
- Early childhood education and care service lease agreement proforma (**Appendix B**) [↓](#)
- Early childhood education and care service agreement proforma (**Appendix C**) [↓](#)

**DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Group of 18 leased early childhood education and care premises**

<b>Premise address</b>	<b>Service</b>	<b>Leaseholder / service operator</b>	<b>Intent to sign</b>
34 Separation Street, Fairfield	Alfred Nuttall Memorial Kindergarten	Committee of management	Yes
2 Oldis Avenue, Northcote	Annie Dennis Children's Centre	Committee of management	Yes
79 Elm Street, Northcote	Balit Community Kindergarten	Committee of management	Yes
55 Clifton Street, Northcote	Clifton Street Children's Centre	Committee of management	Yes
64 Clyde Street, Thornbury	Clyde Street Kindergarten	Not for profit Uniting (Victoria and Tasmania Ltd)	Yes
260 Gower Street, Preston	Darebin Childcare and Kindergarten – Preston	Committee of management Darebin Childcare and Kindergarten Incorporated	Yes
6-8 Kenilworth Street, Reservoir	Darebin Childcare and Kindergarten - Reservoir	Committee of management Darebin Childcare and Kindergarten Incorporated	Yes
91-95 North Road, Reservoir	Oakhill Children's Centre	Not for profit Early Childhood Management Services (ECMS)	Yes
1-5 Dole Avenue, Reservoir	Keon Park Children's Hub Kindergarten	Not for profit Early Childhood Management Services (ECMS)	Yes
146 Gower Street, Preston	Gower Street Kindergarten	Committee of management	Yes
524 Gilbert Road, Reservoir and 25 Sheffield Street, Preston	J.S. Grey Kindergarten	Committee of management	Yes
26 Gellibrand Crescent, Reservoir	Gellibrand Crescent Kindergarten	Committee of management Northern Darebin Combined Kindergarten Association	Yes
109 Blake Street, Reservoir	Blake Street Kindergarten	Committee of management Northern Darebin Combined Kindergarten Association	Yes
14-16 Maryborough Avenue, Kingsbury	Maryborough Avenue Kindergarten	Committee of management Northern Darebin Combined Kindergarten Association	Yes
127-129 Perry Street, Fairfield	Perry Street Childcare and Elizabeth Gorman Kindergarten	Committee of management	Yes
28 Raleigh Street, Thornbury	Raleigh Street Community Children's Centre	Committee of management	Yes
313 St Georges Road, Thornbury	Merri Community Childcare Centre and Kindergarten	Committee of management	Yes
8 Newcastle Street, Thornbury	Thornbury Kindergarten	Committee of management	Yes



**DAREBIN CITY COUNCIL**  
Council

and



**LEASE AGREEMENT**

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Premises:

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## Schedule

<b>Item 1. Council:</b> (Clause 1)	Darebin City Council of 274 Gower Street Preston Victoria 3072 Email address: <a href="mailto:property.management@darebin.vic.gov.au">property.management@darebin.vic.gov.au</a>
<b>Item 2. Tenant:</b> (Clause 1)	
<b>Item 3. Guarantor:</b> (Clause 1 & 26)	Not applicable
<b>Item 4. Land:</b> (Clause 1)	The land contained in certificate of title volume
<b>Item 5. Premises:</b> (Clause 1)	Whole of the Land as highlighted in yellow on the plan labelled 'Plan of Premises' attached to this Lease in Annexure B including any building or improvements thereon
<b>Item 6. Commencement Date:</b> (Clause 1)	1 January 2026
<b>Item 7. Term:</b> (Clause 1 & 4.1)	Five (5) years, expiring 31 December 2030
<b>Item 8. Further Term(s):</b> (Clause 1)	One further term of five (5) years
<b>Item 9. Last date for exercising the Option for the Further Term:</b>	30 September 2030
<b>Item 10. Rent:</b> (Clause 1 & 5)	\$104.00 per annum (plus GST), payable annually on or before the first day of each year, always in advance (and pro rata for any period less than one year)
<b>Item 11. Market Rent Review Dates:</b> (Clause 1 & 6)	Not applicable
<b>Item 12. CPI Adjustment Dates:</b> (Clause 1 & 7)	Not applicable
<b>Item 13. Percentage Rent Increase Dates:</b> (Clause 1 & 8)	Not applicable
<b>Item 14. Security Deposit:</b> (Clause 1 & 12)	Not applicable
<b>Item 15. Permitted Use:</b> (Clause 1 & 17.1)	Provision of early childhood education and care services for children up to school aged entry (in accordance with the Service Agreement referred to in Special Condition 21)
<b>Item 16. Amount of public liability insurance</b> (Clause 15.1)	\$20,000,000.00 or such amount as directed by the Victorian Managed Insurance Authority
<b>Item 17. Special Conditions:</b> (Clause 1 & 29.6)	As set out in Annexure A

**Lease**

The Council leases the Premises to the Tenant subject to the terms contained in this Lease.

This Lease is executed as a deed on the \_\_\_\_\_ day of \_\_\_\_\_ 2026

**Signed** by and on behalf, and with the authority, of the **Darebin City Council** by \_\_\_\_\_ )

in the exercise of a power conferred by an Instrument of Sub Delegation dated 28 May 2025 in the presence of: \_\_\_\_\_ )

.....  
Witness

**Executed** by \_\_\_\_\_ )  
in accordance with section 38(1) of the )  
*Associations Incorporation Reform Act 2012* )  
by being signed by authorised persons for )  
the incorporated association: \_\_\_\_\_ )

.....  
Committee member signature

.....  
Committee member (or Secretary) signature

.....  
Full name

.....  
Full name

---

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## 1. Definitions

In this Lease unless expressed or implied to the contrary:

**Act** means the *Retail Leases Act 2003* (Vic).

**Building Act** means the *Building Act 1993* (Vic).

**Building Regulations** means the *Building Regulations 2018* (Vic).

**Commencement Date** means the date specified in Item 6.

**Contamination** includes any solid, liquid, gas, radiation or substance which makes or may make the condition of the Premises or groundwater beneath or part of the surrounding environment:

- (a) unsafe, unfit or harmful for habitation by persons or animals; or
- (b) unfit for any use permitted under any applicable planning scheme as amended from time to time,

or which is defined as such in any Environmental Protection Legislation.

**Council** means the Council specified in Item 1 and includes the Council's successors and assigns and where it is consistent with the context includes the Council's employees and agents.

**Council's Assets** means all improvements, structures, plant and equipment (mechanical or otherwise), fittings, fixtures, furnishings in the Premises as at the Occupation Date, or supplied/installed by Council either during the Term, or during the term of any preceding occupation agreement with the Tenant or its predecessor/s.

**Environmental Protection Legislation** means any statute, regulation, code, proclamation, ministerial directive, ordinance, by law, planning policy or subordinate legislation, past, present or future, relating to pollutants and contaminants, use of land, human health and safety or protection of the environment.

**Essential Safety Measure** has the meaning given to that term in the Building Regulations.

**Guarantor** means the person(s) specified in Item 3.

**Insolvency Event** means in relation to a person, any of the following:

- (a) the person, being an individual, commits an act of bankruptcy;
- (b) the person becomes insolvent;
- (c) the person assigns any of its property for the benefit of creditors or any class of them;
- (d) a receiver, receiver and manager, administrator, controller, provisional liquidator or liquidator is appointed to the person or the person enters into a scheme of arrangement with its creditors or is wound up;
- (e) the holder of a Security Interest takes any step towards taking possession of or takes possession of any assets of the person or exercises any power of sale;
- (f) a judgment or order is made against the person in an amount exceeding \$10,000 (or the equivalent in any other currency) and that judgment or order is not satisfied, quashed or stayed within 20 Business Days after being made;

- (g) the person, being a corporation, is deregistered with the Australian Securities and Investments Commission;
- (h) any step is taken to do anything listed in the above paragraphs; and
- (i) any event that is analogous or has a substantially similar effect to any of the events specified in this definition in any jurisdiction.

**Item** means an item in the Lease Particulars.

**Land** means the land specified in Item 4.

**Lease** means this lease and includes all annexures and schedules.

**Lease Particulars** means the schedule of Items specified on the page at the front of this Lease.

**Lease Year** means each year of this Lease commencing on the Commencement Date.

**Lettable Area(s)** means the lettable area of the Land assessed for Services and Charges as determined by a qualified officer of the Council.

**Negligence** means a failure to act reasonably where a duty of care is owed and such failure causes damage, loss, death or injury.

**Occupation Date** means the date at which the Tenant or its predecessor/s first took occupation of the Premises, whether under this Lease or any preceding agreement.

**OHS Act** means the *Occupational Health and Safety Act 2004 (Vic)*.

**OHS Law** means the OHS Act, the OHS Regulations, and any other occupational health and safety law, regulation or by-law that applies to work being carried out on the Premises.

**OHS Regulations** means the *Occupational Health and Safety Regulations 2017 (Vic)*.

**Permitted Use** means the use specified in Item 15.

**Premises** means the premises specified in Item 5 and includes the Council's Assets.

**Principal Contractor** means the position of principal contractor referred to in Chapter 5 of the OHS Regulations.

**Services and Charges** means the rates, taxes, charges and levies specified in clause 9.1.

**Rent** means the amount specified in Item 10 as reviewed, adjusted or increased under this Lease.

**Security Interest** means:

- (j) any mortgage, pledge, lien, charge or other preferential right, trust arrangement, agreement or arrangement of any kind given or created by way of security, including a security interest (as defined in the *Personal Property Securities Act 2009 (Cth)*); and
- (k) any agreement to create or grant any arrangement described in paragraph (a).

**Small Business Commissioner** means the Small Business Commissioner referred to in the Act.

**Special Conditions** means the conditions referred to in Item 17.

**Tenant** means the Tenant specified in Item 2 and includes the Tenant's successors and assigns and where it is consistent with the context includes the Tenant's employees, contractors, agents, invitees and persons the Tenant allows in the Premises.

**Tenant's Property** means all property in the Premises including all fixtures and fittings owned or leased by the Tenant but excluding the Council's Assets.

**Term** means the term specified in Item 7 and includes any period of overholding.

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## 2. Condition Precedent

This Lease is entered into pursuant to s 115 of the *Local Government Act 2020* (Vic).

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## 3. Negotiation and disclosure requirements

### 3.1 Negotiation for Lease

If the Act applies to this Lease, the Tenant acknowledges receiving from the Council:

- 3.1.1 a copy of the proposed lease; and
- 3.1.2 a copy of the information brochure about retail leases published by the Small Business Commissioner,

as soon as the Tenant entered into negotiations with the Council, or its agent in respect of this Lease.

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## 4. Duration of the Lease

### 4.1 Term

This Lease is for the Term starting on the Commencement Date.

### 4.2 Option for a Further Term

If a Further Term is specified in Item 8, the Council will grant to the Tenant a new lease for the Further Term if the Tenant:

- 4.2.1 gives the Council written notice asking for a new lease, not earlier than 18 months or later than 3 months, before the end of the Term (the last date for exercising the option for the Further Term is specified in Item 9);
- 4.2.2 has remedied any breach of this Lease of which the Tenant has received written notice from the Council;
- 4.2.3 has not persistently defaulted under this Lease and the Council has given written notice of the defaults; and
- 4.2.4 complies with all reasonable requirements of the Council including where the Tenant is a corporation, procuring such directors or shareholders of the Tenant as may be reasonably required by the Council to execute the guarantee contained in this Lease.

The new lease for the Further Term will commence on the day after this Lease ends and contain the same terms and conditions as this Lease but with no option for a further term where the last option for the Further Term has been exercised.

#### **4.3 Execution of new lease for Further Term**

The Tenant and the Guarantor (where applicable) must:

4.3.1 execute the new lease for the Further Term, which may be in the form of a deed of renewal of lease (or such other form as the Council may require); and

4.3.2 sign any disclosure statement provided by the Council to the Tenant,

and return the above to the Council within 14 days of receipt from the Council.

#### **4.4 Overholding**

If the Tenant continues in occupation of the Premises after the end of the Term, without objection by the Council:

4.4.1 the Tenant occupies the Premises subject to the same terms and conditions as contained in this Lease;

4.4.2 the Council or the Tenant may end this Lease during any period of overholding by giving 180 days written notice to the other party expiring at any time; and

4.4.3 the Council may increase the annual rent by giving the Tenant one month's written notice.

---

### **5. Payment of Rent**

The Tenant must:

5.1 pay the Rent to the Council at the time and in the manner described in Item 10 commencing on the Commencement Date; and

5.2 pay the Rent in the manner specified by the Council from time to time.

---

### **6. Market Rent Review**

Not applicable.

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### **7. CPI adjustment of Rent**

Not applicable.

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### **8. Percentage Rent Increase**

#### **8.1 Calculation of adjustments**

If a Percentage Rent Increase Date is specified in Item 13, the Rent on the Percentage Rent Increase Date is increased by the percentage specified in Item 13

**8.2 Payment of increased Rent**

The Tenant must pay to the Council the increased Rent, on and from the Percentage Rent Increase Date regardless of whether the Council has given a notice specifying the increased Rent or not.

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**9. Outgoings****9.1 Services**

9.1.1 The Tenant must, within 14 days of demand, pay for all services in connection with the Premises (including electricity, gas, telephone, and internet)

9.1.2 The Tenant must, where reasonably practicable:

- (a) where the Premises are not separately metered, pay for the cost of installing separate meters to assess the charges for the services; and
- (b) open an account under its own name for any services and ensure prompt payment of any amounts.

**9.2 Other charges**

The Tenant must pay or reimburse the Council, within 14 days of demand, for the following expenses incurred or payable by Council in respect of the Premises (except to the extent to which the Act applies and prohibits recovery):

9.2.1 charges for cleaning, waste removal and pest control;

9.2.2 costs of security;

9.2.3 insurance premiums and other charges in connection with insurance policies for damage and destruction to the Premises, public liability, plate glass and loss of rent, including excesses payable on claims; and

9.2.4 any other charges necessarily incurred by the Council in the operation and management of the Premises.

**9.3 Water/Sewerage Charges**

Notwithstanding clause 9.1, the Tenant is not liable for payment of the ordinary consumption charges for water and/or sewerage.

---

**10. Other expenses****10.1 Costs and duty**

The Tenant must pay to the Council within 14 days of demand:

10.1.1 the stamp duty payable on this Lease (including penalties and fees);

10.1.2 the Council's reasonable costs in considering the granting of any consent or approval under this Lease (regardless of whether the Council actually gives such consent or approval);

- 10.1.3 the cost of obtaining the Council's mortgagee's consent to this Lease (if required) except this amount is not recoverable where the Act applies to this Lease;
- 10.1.4 the Council's reasonable costs, including external consultants' fees, payable pursuant to clause 14.3.4 (notwithstanding the above, these costs are to be paid within 28 days of demand in line with clause 14.3.4);
- 10.1.5 the Council's costs (including charges on a solicitor-own client basis) incurred as a result of a breach of this Lease by the Tenant; and
- 10.1.6 the Council's reasonable costs in the exercise, enforcement or preservation of any right, privilege or remedy of the Council under this Lease.

**10.2 Other costs**

Anything the Tenant is required to do under this Lease must be done at the Tenant's cost.

**10.3 Legal costs**

Subject to clause 10.1, each party shall pay its own costs and expenses incurred in connection with the negotiation, preparation, review and execution of this agreement.

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**11. GST**

**11.1 Definitions**

In this clause:

- 11.1.1 words and expressions that are not defined in this Lease but which have a defined meaning in the GST Law have the same meaning as in the GST Law;
- 11.1.2 **GST** means GST within the meaning of the GST Law and includes penalties and interest. If under or in relation to the *National Taxation Reform (Consequential Provisions) Act 2000 (Vic)* or a direction given under section 6 of that Act, the supplier makes voluntary or notional payments, the definition of GST includes those voluntary or notional payments and expressions containing the term 'GST' have a corresponding expanded meaning; and
- 11.1.3 **GST Law** has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

**11.2 GST exclusive**

Except as otherwise provided by this clause, all consideration payable under this Lease in relation to any supply is exclusive of GST.

**11.3 Increase in consideration**

If GST is payable in respect of any supply made by a supplier under this Lease (**GST Amount**), the recipient will pay to the supplier an amount equal to the GST payable on the supply.

**11.4 Payment of GST**

Subject to clause 11.5, the recipient will pay the GST Amount at the same time and in the same manner as the consideration for the supply is to be provided under this Lease.

**11.5 Tax invoice**

The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST Amount under clause 11.4.

**11.6 Reimbursements**

If this Lease requires a party to reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the first party will be the sum of:

11.6.1 the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party is entitled; and

11.6.2 if the payment or reimbursement is subject to GST, an amount equal to that GST.

**11.7 Adjustment events**

If an adjustment event occurs in relation to a taxable supply under this Lease:

11.7.1 the supplier must provide an adjustment note to the recipient within 7 days of becoming aware of the adjustment; and

11.7.2 any payment necessary to give effect to the adjustment must be made within 7 days after the date of receipt of the adjustment note.

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**12. Security Deposit**

Not applicable.

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**13. Payment requirements****13.1 No deduction or right of set-off**

The Tenant must pay all amounts due under this Lease to the Council (including the Rent and Services and Charges) without deduction or right of set-off.

**13.2 Interest on late payments**

The Tenant must pay to the Council on demand interest at the rate per annum equal to the current rate fixed under section 2 of the *Penalty Interest Rates Act* 1983 (Vic) on any money payable by the Tenant under this Lease and remaining unpaid after the due date. Interest will be computed from the date on which such payment became due.

**13.3 Payment after termination**

The Tenant must:

13.3.1 make all payments due under this Lease; and

13.3.2 provide all information to the Council under this Lease to calculate any such payments,

even if this Lease has ended.

#### **13.4 Method of payment**

The Tenant must make all payments under this Lease in such manner as the Council reasonably requires, which may include by direct debit.

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### **14. Repairs, refurbishment and alterations**

#### **14.1 Repairs and maintenance**

The Tenant must:

- 14.1.1 keep the Premises and the Tenant's Property clean and free from rubbish, store all rubbish in proper containers and have it regularly removed;
- 14.1.2 keep the Premises in the same condition as they were in at the date the Tenant first entered occupation of the Premises (fair wear and tear excepted);
- 14.1.3 repair and replace anything which is damaged or destroyed as a direct result of the Tenant's use, or as required under Annexure D – Maintenance Obligations;
- 14.1.4 undertake the repairs and maintenance obligations conferred on the Tenant under Annexure D – Maintenance Obligations;
- 14.1.5 use only persons approved by the Council to repair and maintain the Premises, unless the Act applies in which case the Tenant must only use persons who hold all necessary licences, certificates and qualifications to carry out the works;
- 14.1.6 obtain to the satisfaction of the Council all approvals, permits and certificates necessary for any maintenance works to the Premises;
- 14.1.7 pay the costs (if any) for the removal of waste and sewerage from the Premises;
- 14.1.8 take proper precautions to keep the Premises free of refuse, rodents and vermin. If required by the Council, the Tenant must engage pest exterminators for that purpose;
- 14.1.9 make good any damage caused to any adjacent property by the Tenant;
- 14.1.10 comply with all reasonable directions of the Council concerning repairs and maintenance in accordance with the terms of this Lease; and
- 14.1.11 give the Council prompt written notice of:
  - (a) any material damage to the Premises (including vandalism or graffiti) or anything likely to be a risk to the Premises or any person in the Premises; or
  - (b) service by any authority of a notice or order affecting the Premises (including giving Council a copy of the notice or order).

**14.2 Equipment in Premises**

The Tenant must:

- 14.2.1 repair and maintain the Council's Assets (but excluding expenses of a capital nature) in accordance with Annexure D – Maintenance Obligations;
- 14.2.2 comply with the Council's reasonable requirements concerning the use and operation of the Council's Assets; and
- 14.2.3 comply with any instructions given by the Council with respect to the installation, use or removal of any safe or equipment for which the Council has given the Tenant approval to bring onto or remove from the Premises.

**14.3 Alterations to Premises**

The Tenant must not carry out any works or make any alterations to the Premises without the Council's prior written approval, which must not be unreasonably withheld. Council may require, as a condition of the Council approving any works to the Premises, that any fixtures installed or improvements made will be deemed to have become part of the Council's Assets immediately upon installation in the Premises. The Tenant must ensure any alterations or works to the Premises, any services to the Premises or the Tenant's Property are carried out:

- 14.3.1 strictly in accordance with plans and specifications approved by the Council acting in its capacity as owner of the Land;
- 14.3.2 by qualified tradespersons approved by the Council;
- 14.3.3 to the Council's reasonable satisfaction and in accordance with the Council's reasonable requirements (including the Council's requirements as to the standard, type, quality, size and colour of any of the Tenant's Property);
- 14.3.4 under the supervision of a qualified Council officer or consultant (the cost of which must be paid by the Tenant to the Council within 28 days of demand); and
- 14.3.5 in accordance with all rules and requirements of any authorities having jurisdiction over the Premises.

The Tenant is not required to seek the Council's consent to making any alterations to the display of the Tenant's merchandise in the Premises except where such alterations may interfere with the structure of or services to the Premises.

**14.4 Application for grants**

The Tenant must obtain Council's prior written approval prior to applying for any grants or funding relating to the building and outside space infrastructure.

**14.5 Council may give notice to remedy breach**

A failure to comply with clause 14.3 will be deemed a breach of this Lease and the Council may give written notice to the Tenant to reinstate the Premises to the condition the Premises were in prior to the alteration or works and to make good any damage caused as a result of the reinstatement of the Premises at the Tenant's own cost and expense. Pursuant to clause 24.1, if the Tenant does not comply with the written notice of the Council, the Council may re-enter the Premises and terminate this Lease.

**14.6 Occupational health and safety**

For the purposes of the OHS Law, the Tenant agrees that:

- 14.6.1 the Tenant has sole management and control of the Premises and has sole responsibility for ensuring that the Premises and the means of entering and leaving them are safe and without risks to health;
- 14.6.2 Council appoints the Tenant as Principal Contractor in respect of any works to be carried out by the Tenant on the Premises to which an OHS Law applies;
- 14.6.3 the Tenant must carry out such works in accordance with the requirements of the OHS Law; and
- 14.6.4 Council authorises the Tenant to exercise whatever authority is necessary for the Tenant to discharge the responsibilities of the appointment under clause 14.6.2.

**14.7 No interference with services**

The Tenant must not interfere, misuse or overload any services to the Premises, including electricity, gas, drainage, sewerage and water.

**14.8 Defacing Premises**

The Tenant must not deface or damage the Premises (including drilling holes in the Premises) except where approved by the Council in accordance with clause 14.3.

**14.9 Failure to repair and maintain**

If the Tenant does not carry out any repairs, maintenance or other works required under this Lease (including any obligation imposed by Annexure D – Maintenance Obligations) within 60 days of receiving written notice from the Council and to the satisfaction of the Council, the Council may enter the Premises to carry out such repairs, maintenance and works at any reasonable time after giving the Tenant reasonable notice. The cost of all such repairs, maintenance and works must be paid by the Tenant to the Council on demand.

**14.10 Repairs to Council's Assets and compliance with legislation**

The Tenant must reimburse the Council within 14 days of demand for the costs incurred by the Council in relation to:

- 14.10.1 any repairs or maintenance to the Council's Assets as provided for in Annexure D – Maintenance Obligations; and
- 14.10.2 compliance with any legislation other than legislation relating to Essential Safety Measures as provided for in Annexure A - Special Condition 22.

except to the extent that such costs are not recoverable under the Act, where the Act applies to this Lease.

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**15. Insurance****15.1 Public liability and glass insurance**

The Tenant must maintain insurance in the joint names of the Council and the Tenant with an insurer approved by the Council for:

- 15.1.1 public liability for the amount set out in Item 16 concerning 1 single event. This policy must indemnify the Council against all claims of any kind arising from any act, omission or neglect by the Tenant; and
- 15.1.2 if specified in any schedule or annexure to this Lease, any windows and any other glass (including plate glass) in the Premises for the full replacement value.

**15.2 Cross-liability clause**

The Tenant must ensure that the policies effected under clause 15.1 contain a cross-liability clause extending the policy so that the words 'the insured' are considered as applying to each party comprising the insured, as though a separate policy has been issued to each of the parties, in the same manner as if that party were the only party named as the insured.

**15.3 Tenant's Property**

The Tenant must insure the Tenant's Property for loss and damage from risks including fire and water damage for its full replacement value.

**15.4 Payment and production of policies**

The Tenant must pay all insurance premiums on or before the due date for payment and produce to the Council copies of the certificate of currency on or before each anniversary of the Commencement Date.

**15.5 Not invalidate policies**

The Tenant must:

- 15.5.1 not do anything which may make any insurance effected by the Council or the Tenant invalid, capable of being cancelled or rendered ineffective, or which may increase any insurance premium effected by the Council; and
- 15.5.2 pay any increase in the insurance premium caused by the Tenant's act, default or use of the Premises.

**15.6 Requirements by insurer**

The Tenant must comply with all reasonable requirements of the Council's insurer in connection with the Premises.

**15.7 Remedy by the Council**

If the Tenant fails to effect and maintain any insurance required under this clause 15, then without limiting any other rights which the Council may have, the Council may (although it is not obliged to do so) insure against the relevant risk/s and the Tenant must reimburse Council for all costs and expenses incurred by the Council in doing so within 7 days of demand.

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**16. Release, indemnity, compensation and liability**

**16.1 Release**

The Tenant uses and occupies the Premises at its own risk and releases the Council from all claims resulting from any damage, loss, death or injury in connection with the Premises except to the extent that such claims arise out of the Council's negligence.

**16.2 Indemnity**

The Tenant must indemnify and hold harmless the Council against all claims resulting from any damage, loss, death or injury in connection with the Premises and the use and occupation of the Premises by the Tenant except to the extent that such claims arise out of the Council's negligence.

**16.3 No compensation**

The Council is not liable to the Tenant for any loss or damage incurred by the Tenant due to:

- 16.3.1 any damage to the Premises;
- 16.3.2 the failure of the Council's Assets or any plant and equipment (including air conditioning and escalators) to operate properly;
- 16.3.3 the interruption or damage to any services (including electricity, gas, drainage, sewerage or water) to the Premises; or
- 16.3.4 the overflow or leakage of water in the Premises,

except to the extent to which the Council is liable where the Act applies.

**16.4 No liability**

The Tenant acknowledges and agrees that the Council will not be liable to the Tenant under this Lease (including but not limited to a breach of the covenant of quiet enjoyment or a derogation of the grant of this Lease) for any acts or omissions of the Council undertaken in any capacity including (but not limited to) in exercising any powers under the *Local Government Act 2020* (Vic), the *Local Government Act 1989* (Vic) or the *Planning and Environment Act 1987* (Vic) except nothing in this clause releases Council from any obligations it owes to the Tenant under this Lease in its capacity as the owner of the Premises.

---

**17. Use of the Premises**

**17.1 Permitted Use**

The Tenant must use the Premises for the Permitted Use and not use the Premises for any other purpose.

**17.2 No warranty**

The Tenant:

- 17.2.1 acknowledges that the Council does not represent that the Premises are suitable for the Permitted Use; and

17.2.2 must make its own enquiries as to the suitability of the Premises for the Permitted Use.

**17.3 Illegal purpose**

The Tenant must not use the Premises for any illegal purpose or carry on any noxious or offensive activity on the Premises.

**17.4 The media**

The Tenant must:

17.4.1 not either itself or through its employees, agents contractors or other representatives, make any statement to the media on behalf of the Council or in relation to this Lease;

17.4.2 refer all enquiries from the media relating to this Lease to the Council; and

17.4.3 immediately notify the Council of any event arising in the course of this Lease which is likely to receive media attention.

---

**18. Other obligations concerning the Premises**

**18.1 Compliance with laws**

The Tenant must comply with all laws and any requirements of any authority in connection with the Premises and the Tenant's use and occupation of the Premises, except the Tenant will not be required to carry out any structural works unless the need for such works arises from:

18.1.1 the negligent act or omission of the Tenant;

18.1.2 the failure by the Tenant to comply with its obligations under this Lease; or

18.1.3 the Tenant's use of the Premises.

**18.2 Licences and permits**

The Tenant must maintain all licences and permits required for the Tenant's use of the Premises and obtain the prior written consent of the Council before varying any licence or permit or applying for any new licence or permit.

**18.3 Reporting potential claims**

The Tenant must promptly notify the Council of any claim, incident, accident or likely event that may result in a potential claim, by any person, for injury, loss or damage arising in any manner in connection with the Premises.

**18.4 Nuisance**

The Tenant must not do anything in connection with the Premises which may:

18.4.1 cause a nuisance or interfere with any other person; or

18.4.2 be dangerous or offensive in the Council's reasonable opinion.

**18.5 Security**

The Tenant must keep the Premises secure at all times when the Premises are not being used by the Tenant.

**18.6 Signs**

18.6.1 The Tenant must seek the prior written consent of the Council before displaying or affixing any signs, advertisements or notices (including sponsorship and promotional signs and advertisements) to any part of the Premises where such signs, advertisements or notices are visible from outside the Premises.

18.6.2 Notwithstanding the above, the Tenant is not required to seek Council consent before displaying or affixing signs relating to open days or similar events necessary for the operation of the early childhood education and care service at the Premises, provided that such signage:

- (i) complies with all applicable laws and planning controls;
- (ii) is installed in a proper and workmanlike manner; and
- (iii) does not present a risk to the safety of any person.

**18.7 Rules**

The Tenant must comply with the rules set out in Annexure C. The Council may vary the rules at any time by giving notice to the Tenant.

**18.8 Tenant's employees**

The Tenant must use all reasonable endeavours to ensure that the Tenant's employees, agents, contractors and invitees observe and comply with the Tenant's obligations under this Lease, where appropriate.

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**19. Tenant's environmental obligations****19.1 Comply with Environmental Protection Legislation**

The Tenant must, in its use of the Premises, comply with all Environmental Protection Legislation and any permit, approval, authority or licence issued pursuant to any Environmental Protection Legislation.

**19.2 Not permit Contamination**

The Tenant must not spill or deposit any Contamination on the Premises, or carry out any activities on the Premises which may cause any Contamination, or permit any Contamination to escape in any other way into or on the Premises, drainage or surrounding environment.

**19.3 Notify of and clean up Contamination**

If any Contamination occurs in or near the Premises during the Term, or the existing Contamination is exacerbated during the Term, the Tenant must at its own cost:

- 19.3.1 immediately notify the Council, the Environment Protection Authority and any other appropriate Authority;

- 19.3.2 clean up the Contamination (where such Contamination occurs as a result of the Tenant's activities) and do everything necessary to minimise harm; and
- 19.3.3 promptly comply with any notice, order, direction or requirement of the Council and of any authority in relation to any such Contamination.

#### **19.4 Indemnify Council**

In addition to any other indemnity in this Lease, the Tenant indemnifies the Council against all claims for damages, loss, injury or death caused by or arising out of or otherwise in respect of any Contamination being spilled, deposited or otherwise escaping into or on the Premises as a result of the Tenant's Permitted Use, or a breach of this clause by the Tenant.

#### **19.5 Obtain reports, surveys or audits**

The Tenant must immediately obtain any reports, surveys or audits which the Council may reasonably require to enable Council to determine whether a breach of the terms of this clause has occurred. The Tenant will also pay the Council on demand the reasonable costs of any such report, survey or audit which Council may obtain where the Tenant is found to have breached this clause.

#### **19.6 Access for testing**

The Tenant, upon receiving at least 5 days' notice in writing, will grant Council's contractors and/or consultants access to the Premises for the purposes of undertaking sample testing, installation of monitoring equipment and any reasonable request in line with the management of contamination on the Premises.

#### **19.7 Termination due to Contamination**

- 19.7.1 In the event that the Premises are found to be contaminated with Contamination, such that Council, at its discretion and acting on advice from an independent expert consultant, determines that there is a serious risk to the health, safety or life of the Tenant, the public, or any third party, then Council may, for the purposes of ensuring safety:
- (a) immediately restrict access to any part or all of the Premises;
  - (b) terminate this Lease with immediate effect.
- 19.7.2 If Council terminates the Lease pursuant to this clause 19.7, Council may but shall not be required to:
- (a) provide the Tenant with an alternative premises, although Council will use all reasonable endeavours to do so; or
  - (b) compensate the Tenant for any loss or damage that may incur as a result of the early termination of this Lease under this clause.

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## **20. Liquor Licence**

### **20.1 Obtaining Council consent**

The Tenant must obtain the prior written consent of Council (acting in its capacity as owner of the Premises) before applying for any licence or permit under the *Liquor Control Reform Act 1998* (Vic) (**Licence or Permit**)p or applying for any variation, removal, transfer, surrender or release of the Licence or Permit or nominating any person to be the holder of the Licence or Permit.

**20.2 Tenant's obligations**

If the Tenants holds a Licence or Permit in respect of the Premises at any time during the Term of this Lease, the Tenant must:

- 20.2.1 Produce the Licence or Permit to the Council for inspection upon demand;
- 20.2.2 Comply with any conditions of the Licence or Permit imposed by Council;
- 20.2.3 Comply with all conditions of the Licence or Permit and all laws relating to the Licence or Permit;
- 20.2.4 Not allow the Licence or Permit to be cancelled or suspended;
- 20.2.5 Renew the Licence or Permit as necessary to comply with laws and regulations, and notify the Council in writing within 14 days of the renewal;
- 20.2.6 Subject to clause 20.3, not assign, deal with or part with possession of any interest in the Licence or Permit except in conjunction with an assignment or sublease of this Lease permitted by Council;
- 20.2.7 Promptly notify Council in writing if the Licence or Permit is cancelled or suspended or if the Tenant receives any notice, summons or fine in relation to the Licence or Permit;
- 20.2.8 Indemnify Council for any damages or costs incurred in relation to the Licence or Permit or a breach of this clause 20 by the Tenant; and
- 20.2.9 Surrender the Licence or Permit within 21 days of receiving a written notice from Council; which Council may give to the Tenant if the Tenant's use of the Premises is causing or is likely to cause a nuisance to local residents.

**20.3 Assignment to Council**

If this Lease is terminated, or within 60 days of the end of the Term (including any period of overholding), Council may require the Tenant to assign all or part of the Licence or Permit to Council, or a nominee of Council, and the Tenant must do all things necessary to effect the assignment.

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**21. Dealing with interest in the Premises****21.1 No parting with possession**

The Tenant must not, without the Council's prior written consent, give up possession of the Premises including assigning this Lease, sub-lease the Premises or granting to any person a licence or concession in respect of the Premises, subject to clauses 21.2 and 21.3.

**21.2 Council's consent – assignment**

The Tenant may assign this lease with the Council's consent (which consent will not be unreasonably withheld) if the Tenant:

- 21.2.1 has complied with clause 21.5 and the Council has not accepted the offer;

- 21.2.2 requests the Council in writing to consent to the assignment of the Lease to a new tenant;
- 21.2.3 has remedied any breach of this Lease of which the Tenant has received written notice from the Council;
- 21.2.4 provides to the Council the name and address of the new tenant and proves to the Council's reasonable satisfaction that the new tenant is solvent and able to comply with its obligations under this Lease by providing at least 2 references as to the financial circumstances of the new tenant and at least 2 references as to the business experience of the new tenant;
- 21.2.5 executes and procures the new tenant to execute an assignment of lease which must include a condition by which the Tenant releases the Council from any claims arising under or in connection with the Lease and otherwise in a form approved by the Council;
- 21.2.6 procures the new tenant to provide such additional security as Council may reasonably require;
- 21.2.7 where the new tenant is a corporation procures such directors or shareholders of the new tenant, as may be reasonably required by the Council, to execute the guarantee contained in this Lease;
- 21.2.8 pays the Council's reasonable costs in connection with approving the new tenant and the costs of the preparation, negotiation and stamping of any document required under this clause;

and where the Act applies to this Lease:

- 21.2.9 provides the new tenant with a copy of the business records of the Tenant for the previous 3 years (before asking the Council to consent to the assignment);
- 21.2.10 provides the new tenant with a copy of the disclosure statement as required by section 61(3) of the Act; and
- 21.2.11 provides to the Council a copy of any disclosure statement provided to the new tenant.

### **21.3 Council's consent – other dealings**

Subject to clause 21.4, in the case of any dealing referred to in clause 21.1 (other than assignment) the Council will not unreasonably withhold its consent if:

- 21.3.1 at the time of the proposed dealing there is no unremedied breach of this Lease of which the Tenant has received written notice from the Council and the Tenant has not persistently been in breach of this Lease;
- 21.3.2 executes, and procures the other party to the dealing to execute, any document required by Council in relation to the dealing; and
- 21.3.3 the Tenant pays the Council's reasonable costs (including legal costs) incurred by the Council in connection with the dealing.

### **21.4 No assignment if Act to apply**

Despite anything to the contrary in this Lease, if the Act does not apply to this Lease and an assignment of this Lease would result in the Act applying to this Lease (either during the Term or as a result of the grant of a lease for the Further Term), the Council may withhold its consent to an assignment of this Lease.

**21.5 Right of first refusal**

The Tenant must, prior to applying for the Council's consent for an assignment of this Lease, give written notice to the Council offering to assign this Lease to the Council, or its nominee on the same terms as the proposed assignment. The offer must remain open for acceptance by the Council for 14 days.

**21.6 Change in shareholding**

If the Tenant is a corporation (other than a corporation listed on any stock exchange in Australia) a change in the control of the corporation as existed at the Commencement Date (whether occurring at the one time or through a series or succession of issues or transfers) or a change in the holding of more than one-half of the issued share capital, either beneficially or otherwise, will be deemed to be an assignment of this Lease and the Tenant must seek the Council's prior written consent.

**21.7 Not to lodge caveat**

The Tenant must not lodge or allow any person claiming through the Tenant to lodge any caveat in respect of the Premises.

**21.8 Mortgage of Lease**

The Tenant must not create any security over this Lease or the Tenant's Property.

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**22. Tenant's obligations at the end of this Lease****22.1 Tenant's obligations**

At the end of this Lease, the Tenant must:

22.1.1 vacate the Premises and give them back to the Council in a condition consistent with the Tenant having complied with its obligations under this Lease;

22.1.2 remove the Tenant's Property (including all signs and lettering) and reinstate the Premises in the condition the Premises were in prior to the installation of the Tenant's Property including making good any damage caused by the removal of the Tenant's Property, except, if requested by the Council, any improvements, alterations, plant and equipment or fixtures and fittings of a structural nature (which must be left in proper working order and shall become the property of the Council); and

22.1.3 give to the Council all keys and other security devices for the purposes of obtaining access to the Premises. The Tenant must reimburse the Council on demand the cost of rekeying or replacing any locks or other security devices required as a result of the Tenant's failure to comply with this clause.

**22.2 Tenant's Property left in Premises**

Anything left in the Premises after 7 days of the end of this Lease will be deemed to be abandoned by the Tenant and will become the property of the Council and may be removed by the Council at the Tenant's cost and at the Tenant's risk and the parties agree that this clause 22.2 is an agreement about the disposal of uncollected goods for the purposes of s 56(6) of the *Australian Consumer Law and Fair Trading Act 2012* (Vic).

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**23. Council's rights and obligations****23.1 Quiet enjoyment**

As long as the Tenant does not breach this Lease, the Council must not interfere with the Tenant's use and occupation of the Premises except as provided by this Lease.

**23.2 Alterations to the Premises**

The Council may carry out any works, alterations, renovation or refurbishment of the Premises which may include extending or reducing any buildings on the Premises. The Council must use all reasonable endeavours to cause as little disruption as possible to the Tenant's use of the Premises in exercising the Council's rights under this clause.

**23.3 Dealing with the Land**

The Council may:

23.3.1 subdivide the Land or grant easements or other rights over the Land or the Premises except where it will unreasonably interfere with the Tenant's use and occupation of the Premises;

23.3.2 install, repair and replace pipes, cables and conduits in the Premises; and

23.3.3 use the roof and external walls of the Premises for any purposes the Council determines.

**23.4 Entry by Council**

The Council may enter the Premises at any reasonable time after giving the Tenant reasonable notice to:

23.4.1 inspect the condition of the Premises;

23.4.2 rectify any default by the Tenant under this Lease; or

23.4.3 carry out any inspection, repairs, maintenance, works or alterations in the Premises which the Council decides to or is required to carry out by any law or authority.

The Council must use all reasonable endeavours to cause as little disruption as possible to the Tenant's use of the Premises in exercising the Council's rights under this clause.

**23.5 Emergency events**

In an emergency the Council may:

23.5.1 enter the Premises at any time without giving notice to the Tenant;

23.5.2 close the Premises for such period as the Council reasonably considers necessary; and

23.5.3 prevent the Tenant from entering the Premises, or require the Tenant to leave and stay out of the Premises.

**23.6 Reletting and sale**

The Council may:

- 23.6.1 affix a 'For Lease' sign on the Premises and show the Premises to intending tenants at any reasonable time upon reasonable notice to the Tenant during the 6 months prior to the end of the Term (except where the Tenant has validly exercised an option for a Further Term); and
- 23.6.2 affix a 'For Sale' sign on the Premises and show the Premises to intending purchasers of the Premises at any reasonable time upon reasonable notice to the Tenant during the Term.

Any sign erected by the Council must not unreasonably interfere with the Tenant's use and occupation of the Premises.

**23.7 Council's consent**

Unless otherwise provided for in this Lease, where the Council is required to give its consent under this Lease, the Council must not unreasonably withhold its consent but may give its consent subject to such conditions as the Council may reasonably determine.

**23.8 No fettering**

The Tenant acknowledges and agrees that nothing in this Lease in any way limits, fetters or restricts the power or discretion of Council in the exercise of its statutory rights, duties or powers under the *Local Government Act 2020 (Vic)*, the *Local Government Act 1989 (Vic)*, or the *Planning and Environment Act 1987 (Vic)*, or the exercise of any other statutory right, power or duty that Council may lawfully exercise.

**23.9 Name of Premises**

The Council may name the Premises or the Land, adopt a logo for the Premises or the Land and change the name and logo for the Premises or the Land at any time. The Tenant must not, without the Council's prior written consent, adopt a logo or sub-brand the Premises or any part of the Premises.

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**24. Termination of Lease****24.1 Re-entry**

The Council may re-enter the Premises and terminate this Lease if:

- 24.1.1 any part of the Rent is in arrears for 28 days (whether or not the Council has demanded payment);
- 24.1.2 an Insolvency Event occurs in relation to the Tenant or any person who has guaranteed the obligations of the tenant under this Lease; or
- 24.1.3 the Tenant breaches this Lease and does not remedy the breach within 28 days of receipt of written notice from the Council.

**24.2 Damages following determination**

If this Lease is terminated by the Council, the Tenant agrees to compensate the Council for any loss or damage the Council suffers arising in connection with the Tenant's breach of this Lease including the loss of the benefit of the Tenant performing its obligations under this Lease up to the expiration of the Term.

**24.3 Resumption of Premises**

If any part of the Premises is resumed by any authority and the Premises becomes unfit for the Permitted Use, then either the Council or the Tenant may end this Lease by written notice to the other.

**24.4 Essential terms**

The essential terms of this Lease are clauses 5, 9.1, 9.2, 9, 10, 12, 14.1, 14.2, 15.1, 17.1, 17.4, 18.1, 18.4, 20 and 29.6 and the Tenant's obligations under any Special Conditions. The breach of an essential term is a repudiation of this Lease.

**24.5 No deemed termination**

If the Tenant vacates the Premises, the Council will not be deemed to have terminated this Lease merely by the acceptance of keys from the Tenant, entry into the Premises for any purpose, or the showing of the Premises to prospective tenants or purchasers. This Lease will be deemed to continue until such time as the Council gives notice to the Tenant terminating this Lease, or otherwise agrees with the Tenant that this Lease is terminated.

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**25. Destruction or damage of Premises****25.1 Reduction in Rent**

If the Premises, or any part of the Premises is destroyed or damaged to the extent that the Tenant cannot use or have access to the Premises (except if the Tenant causes or contributes to the destruction or damage, or the Council's insurer is not legally required to reinstate the Premises because the Tenant caused or contributed to the destruction or damage) then the Council will reduce the Rent and the outgoings by a reasonable amount depending upon the nature and extent of destruction or damage until the Tenant can use or have access to the Premises.

**25.2 Reinstatement of Premises**

If the Premises or any part of the Premises are destroyed or damaged, the Council may, within 6 months from the date of such damage or destruction, give notice to the Tenant:

25.2.1 terminating this Lease, where the Council considers that the damage or destruction is such that repairing it is impracticable or undesirable; or

25.2.2 that the Council will commence reinstatement of the Premises to a condition where the Tenant can use or have access to the Premises.

The Council does not have to reinstate the Premises.

**25.3 Tenant's right of termination**

Where the Tenant has not caused or contributed to the damage or destruction of the Premises and the payment of the insurance for the Premises is not refused due to the act or default of the Tenant, provided the Tenant has not previously requested in writing to the Council to reinstate the Premises, the Tenant may give written notice to the Council terminating this Lease where the Council does not:

25.3.1 give notice to the Tenant pursuant to clause 25.2; or

25.3.2 commence reinstatement within 9 months of the date of damage or destruction.

Upon termination of this Lease, each party is released from all further obligations under this Lease except nothing in this clause releases either party from any breach of this Lease arising prior to the date of termination.

#### **25.4 Dispute resolution**

If a dispute arises under this clause about the amount of the Rent or outgoings payable by the Tenant, either party may ask the President of the Australian Property Institute (Victorian Division) to nominate a valuer to determine the dispute as an expert. The parties will be bound by the determination of the valuer and will share the fees of the valuer equally.

#### **25.5 No compensation**

The Tenant acknowledges that if the Premises are destroyed or damaged, the Tenant is not entitled to receive any compensation from the Council, except this clause does not apply where the Act applies to this Lease.

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## **26. Personal Property Securities Act 2009**

### **26.1 Definitions**

In this clause 26:

26.1.1 **Council PPS Items** means any item of Personal Property which:

- (a) is owned or leased by the Council; and
- (b) is situated on the Premises or the Land at any time during the term of this Lease;

26.1.2 **PPS Act** means the *Personal Property Securities Act 2009* (Cth);

26.1.3 **Tenant PPS Items** means any item of Personal Property which:

- (a) is owned or leased by the Tenant;
- (b) is situated on the Premises or the Land at any time during the term of this Lease; and
- (c) the Council has the right to require the Tenant to transfer ownership of that item to the Council, or the Tenant has the obligation to transfer ownership of that item to the Council, whether before or after the end of the term of this Lease,

but does not include any Council PPS Items; and

26.1.4 words and expressions that are not defined in this Lease but which have a defined meaning in the PPS Act have the same meaning as in the PPS Act.

### **26.2 Tenant's obligations**

The Tenant:

26.2.1 charges its interest in all Tenant PPS Items situated on the Premises or the Land from time to time in favour of the Council, as security for the performance of the Tenant's obligations under this Lease, including but not limited to the Tenant's obligations to transfer ownership in the whole or any part of the Tenant PPS Items to the Council;

- 26.2.2 acknowledges and agrees that the charge granted by the Tenant under clause 26.2.1 constitutes the grant of a Security Interest which the Council is entitled to register under the PPS Act;
- 26.2.3 acknowledges that the grant of this Lease also constitutes the grant of a Security Interest in the Council PPS Items in favour of the Council, which interest the Council is entitled to register under the PPS Act; and
- 26.2.4 must do all things required by the Council from time to time (including, without limitation, signing any documents required by the Council) to enable the Council to register its above Security Interests under the PPS Act, and to otherwise perfect its Security Interest in the Tenant PPS Items and the Council PPS Items so that the Council's Security Interests have priority over any other Security Interests under the PPS Act in relation to the Tenant PPS Items and the Council PPS Items.

### **26.3 Security Interests**

The Tenant:

- 26.3.1 warrants that it has not created a Security Interest in respect of any Council PPS Items on or prior to execution of this Lease; and
- 26.3.2 must not create a Security Interest in respect of any Council PPS Items or Tenant PPS Items in favour of any person other than the Council without the Council's prior written consent, which consent may be granted or withheld in the Council's absolute discretion.

### **26.4 Indemnity for breach of this clause**

The Tenant must indemnify and hold harmless the Council against all claims, damages or loss incurred by the Council as a consequence of any breach by the Tenant of this clause.

### **26.5 Further obligations**

The Tenant acknowledges and agrees that:

- 26.5.1 it has no right under the PPSA to receive a copy of any 'verification statement' or 'financing charge statement' (as those terms are defined in the PPSA); and
- 26.5.2 on the expiration or earlier termination of this Lease, the Tenant must sign (and procure any holder of a registered Security Interest to sign) any document that the Council considers necessary or desirable under or as a result of the PPS Act to discharge any registered Security Interests under the PPS Act in relation to the Tenant PPS Items and the Council PPS Items.

### **26.6 Clause prevails**

In the event of any inconsistency between this clause and any other provision of this Lease, the provisions of this clause will prevail and that other provision will be read down and interpreted accordingly.

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## **27. Guarantor**

Not applicable.

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**28. Disputes****28.1 Application of clause**

Unless the Act applies, this clause 28 applies to all disputes under this Lease except disputes that are to be resolved in a way prescribed by another provision of this Lease.

**28.2 Notice of dispute**

In the event of a dispute arising under this Lease, either party may serve upon the other party a notice of dispute in writing specifying the nature of the dispute.

**28.3 Meeting of the parties**

An authorised representative of the Tenant and the Council must meet within 21 days of the service of a notice of dispute provided by either party with a view to resolving the dispute.

**28.4 Meeting of management**

Before taking further action to resolve the dispute, the Manager for the relevant department of Council and the President/s or an equivalent person of the Tenant must meet with a view to resolving the dispute.

**28.5 Meeting of senior executives**

In the event that the dispute is not resolved as a result of any meeting under clause 28.4, before taking further action to resolve, the Chief Executive Officer of the Council and the Chief Executive Officer or an equivalent person of the Tenant must meet with a view to resolving the dispute.

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**29. General****29.1 Notices**

Any notice required to be served under this Lease must be in writing and must be served by post, email, facsimile transmission or hand delivered to:

29.1.1 the Tenant at its address set out in this Lease, the Tenant's registered office address, the Premises, or the last known address of the Tenant (notices served on the Tenant by email are to be sent to the email address specified in the Schedule to this Lease, or to such other email address as the Tenant may nominate from time to time to the Council in writing); and

29.1.2 the Council at its address set out in this Lease or any other address notified in writing to the Tenant by the Council (notices served on the Tenant by email are to be sent to the email address specified in the Schedule to this Lease, or to such other email address as the Council may nominate from time to time to the Tenant in writing).

**29.2 Time of service**

A notice or other communication is deemed served:

29.2.1 if served personally or left at the person's address, upon service;

29.2.2 if posted, 3 business days after posted;

- 29.2.3 if served by facsimile transmission, subject to clause 29.2.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile machine;
- 29.2.4 if served by email, subject to clause 29.2.5, at the time the email containing the notice left the sender's email system, unless the sender receives notification that the email containing the notice was not received by the recipient; and
- 29.2.5 if received after 5.00 pm in the place of receipt or on a day which is not a business day, at 9.00 am on the next business day.

**29.3 Entire understanding**

This Lease and the Disclosure Statement (if any) contains the entire understanding between the parties as to the subject matter contained in it. All previous agreements, representations, warranties, explanations and commitments, expressed or implied, affecting this subject matter are superseded by this Lease and have no effect.

**29.4 Waiver**

If the Council accepts the Rent or any other monies under this Lease (before or after the end of this Lease) or does not exercise or delays exercising any of the Council's rights under this Lease, it will not be a waiver of the breach of this Lease by the Tenant or of the Council's rights under this Lease.

**29.5 No reliance**

The Tenant warrants that the Tenant has not been induced to enter into this Lease by any representation (verbal or otherwise) made by or on behalf of the Council that is not set out in this Lease.

**29.6 Special Conditions**

This Lease is subject to the Special Conditions. The Special Conditions override any inconsistent provisions in this Lease.

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**30. Interpretation**

**30.1 Governing law and jurisdiction**

This Lease is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and waives any right to object to proceedings being brought in those courts.

**30.2 Persons**

In this Lease, a reference to a person includes a firm, partnership, association, corporation or other corporate body.

**30.3 Joint and several**

If a party consists of more than 1 person, this Lease binds them jointly and each of them severally.

**30.4 Legislation**

In this Lease, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

**30.5 Documents**

In this Lease:

- 30.5.1 a recital, schedule, annexure or description of the parties forms part of this Lease; and
- 30.5.2 a reference to a document or instrument, including this Lease, includes a reference to that document or instrument as novated, altered or replaced from time to time.

**30.6 Clauses and headings**

In this Lease:

- 30.6.1 a reference to a clause, schedule or annexure is a reference to a clause, schedule or annexure in or to this Lease; and
- 30.6.2 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this Lease.

**30.7 Severance**

In this Lease:

- 30.7.1 if a provision is held to be illegal, invalid, void, voidable or unenforceable, that provision must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable; and
- 30.7.2 if it is not possible to read down a provision as required in this clause, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this Lease.

**30.8 Number and gender**

In this Lease, a reference to:

- 30.8.1 the singular includes the plural and vice versa; and
- 30.8.2 a gender includes the other genders.

**30.9 No relationship**

No party to this Lease has the power to obligate or bind any other party. Nothing in this Lease will be construed or deemed to constitute a partnership, joint venture or employee, employer or representative relationship between Council and the Tenant. Nothing in this Lease will be deemed to authorise or empower the Tenant to act as agent for or with Council.

**30.10 Exclusion of statutory provisions**

The following statutory provisions are excluded from this Lease:

- 30.10.1 Section 144 of the *Property Law Act 1958* (Vic); and
- 30.10.2 Division 7 of the *Transfer of Land Act 1958* (Vic).

**30.11 Electronic execution**

Each party consents to the signing of this Lease by electronic means. The parties agree to be legally bound by this Lease signed in this way.

**30.12 Counterparts**

This Lease may be executed in counterparts, all of which taken together constitute one document.

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## Annexure A – Special Conditions

### 1. Additional/Replacement signage

The Tenant must, at its own cost, erect a sign on the Premises which must:

- 1.1 clearly state the name of the Tenant, and the activities conducted at the Premises;
- 1.2 comply with all local planning laws and requirements; and
- 1.3 be to the reasonable satisfaction of the Council acting in its capacity as owner of the Land.

### 2. Membership of Tenant

The Tenant must:

- 2.1 permit residents and ratepayers of the municipality to become members of the Tenant upon satisfying the Tenant's reasonable requirements for membership;
- 2.2 upon demand, inform Council of the number of members of the Tenant; and
- 2.3 within 7 days of demand, provide all necessary documents to the Council to verify the membership of the Tenant.

### 3. Reporting requirements

The Tenant must give to the Council:

- 3.1 within 60 days of the end of each financial year the Tenant's audited financial accounts certified by an independent accountant, in accordance with the Tenant's obligations under the *Associations Incorporation Reform Act 2012 (Vic)* for that financial year;
- 3.2 on each anniversary of the Commencement Date of this Lease, a written report containing a business plan and financial projections for the next 3 years;
- 3.3 within 30 days of the Tenant's annual general meeting, a written report detailing:
  - 3.3.1 the activities conducted by the Tenant during the preceding year and, where applicable, a list of the groups which have used the Premises and a list of times at which the Premises were used; and
  - 3.3.2 the office bearers appointed to the Tenant, their duties and the length of term of the office of each office bearer.

### 4. Tax exempt

The Tenant must not undertake any activity or permit anything to be done which may cause it to cease being exempt from Commonwealth income tax under the *Income Tax Assessment Act 1997 (Cth)*.

**5. Restriction on use-[Not used]****6. Common Areas**

For the purposes of this Special Condition, 'Common Areas' means those areas coloured red on the plan labelled 'Building Plan' attached to this Lease in Annexure B.

- 6.1 The Council grants the Tenant the right during the Term to use the Common Areas together with the Council and any other persons permitted by the Council.
- 6.2 The Tenant must not deny entry access to other persons who wish to use the common areas, unless there are reasonable grounds for exclusion.
- 6.3 The Tenant must ensure that after the Tenant's use, the Common Areas are left clean, tidy and in good repair, having regard to the general condition of the Common Areas prior to the Tenant's use.
- 6.4 The Tenant will reimburse the Council for the costs associated with repair or rectification of any damage to the Common Areas (including any chattels, fixtures or fittings thereon) caused by the Tenant.
- 6.5 The release and indemnity in clauses 16.1 and 16.2 apply to the Common Areas as if they were part of the Leased Area.

**7. Car Parking**

The Tenant is granted the right to use the onsite car parks during permitted operating hours on a non-exclusive basis for the purpose of parking motor vehicles. The Tenant must:

- (a) observe all parking laws and regulations;
- (b) not in any way litter the land upon which the car parks are located;
- (c) have regard to the rights and interests of other users of the land upon which the car parks are located;
- (d) not in any way obstruct the entrances, exits and driveways to the Premises or the land upon which the car parks are located;
- (e) not park delivery vehicles during loading or unloading in any places other than those which the Council may allot for those purposes.

The Council will not be liable to the Tenant for any damage or loss sustained by the Tenant as a result of this grant of right.

**8. Hire of the Premises [Not used]****9. Premises unoccupied**

- 9.1 The Tenant must not leave the Premises unoccupied for more than 7 days, subject to Special Condition 9.2.
- 9.2 The parties acknowledge and agree that the Tenant is not required to operate the service from the Premises during school holiday periods, and such periods shall not constitute a breach of Special Condition 9.1, provided that during such periods:
  - 9.2.1 the Tenant ensures that the security alarm (if installed) is on and all lockable doors and windows are locked; and
  - 9.2.2 an employee or agent of the Tenant attends the Premises at least once every 7 days to check the security and condition of the Premises.

**10. Tenant's Rules and Constitution**

The Tenant must not amend its rules of incorporation or its constitution without the prior written consent of the Council.

**11. Condition report [Not used]****12. Exemption from *Retail Leases Act 2003***

12.1 The Tenant acknowledges that Council has entered into this Lease on the basis that:

- (a) the annual Rent is less than \$10,000;
- (b) the Tenant is a body corporate that exists for the purposes of (and uses the Premises for) providing or promoting community or similar facilities or objectives and that applies its profits in promoting its objects and prohibits the payment of any dividend or amount to its members; and
- (c) accordingly, pursuant to the determination made by the Minister for Small Business under section 5(1)(e) of the Act and published in the *Victoria Government Gazette* No. S362 on 6 October 2014, the Act does not apply to this Lease.

12.2 The Tenant warrants that its constitution or rules of association prohibit payment of any dividend, benefit or other amount to its members.

12.3 The Tenant agrees that during the Term and any Further Term:

- 12.3.1 it must apply any profits that it receives solely towards the promotion of the Tenant's objects;
- 12.3.2 it must provide a copy of its current constitution or rules to Council within 7 days of it being requested to do so; and
- 12.3.3 it must use the Premises solely for the Permitted Use.

**13. Council Policies**

Without limiting any of the Tenant's other obligations under this Lease, in occupying and using the Premises and the Building, the Tenant must comply with any organisational policies adopted by Council in respect of the occupation and use of Council-owned buildings, including, without limitation, the adopted policies bearing the following names as at the Commencement Date:

- 13.1 the Single-Use Plastic Free Events Policy; and
- 13.2 Safeguarding Children Policy.

**14. Gaming Machines**

14.1 In this Special Condition 14, **Gaming Machine** means a gaming machine within the meaning of the *Gambling Regulation Act 2003 (Vic)*.

14.2 The parties acknowledge that Council has agreed to grant this Lease to the Tenant on the basis that the Tenant does not derive any part of its revenue from the operation of Gaming Machines at the Premises or in any other location.

- 14.3 Without limiting any of the Tenant's other obligations under this Lease, the Tenant must not at any time during the Term of this Lease:
- 14.3.1 own or operate any Gaming Machine at the Premises or in any other location;
  - 14.3.2 apply for or hold any licence under the *Gambling Regulation Act 2003* (Vic) in respect of the Premises or any other location; or
  - 14.3.3 do any other thing, the effect of which is that the Tenant derives any part of its revenue from the operation of Gaming Machines at the Premises or in any other location (irrespective of whether the Gaming Machines are operated by the Tenant itself, or by a third party).
- 14.4 The Tenant must give to Council, within 7 days of demand, copies of any financial statements or other documents in its possession, which Council may request, to enable Council to determine whether the Tenant has complied with its obligations under Special Condition 14.3.
- 14.5 If requested by Council, the Tenant must include, as part of its annual report given to Council under Special Condition 3, a certificate from a registered company auditor certifying whether the Tenant has fulfilled its obligations under Special Condition 14.3 during the preceding year.
- 14.6 This Special Condition 14 is an essential term of this Lease.

## 15. Approvals and Compliance

### 15.1 Definitions

For the purposes of this Special Condition:

**Education and Care Act** means the *Education and Care Services National Law Act 2010* (Vic);

**Education and Care Regulations** means all regulations made under the Education and Care Act;

**Education and Care Service** has the meaning given to that term in the Education and Care Act;

**Nominated Supervisor** has the meaning given to that term in the Education and Care Act;

**Regulatory Authority** has the meaning given to that term in the Education and Care Act. As at the Commencement Date, the Regulatory Authority is the Secretary of the Department of Education and Training;

**Serious Incident** has the meaning given to that term in s 174 of the Education and Care Act; and

**Show Cause Notice** has the meaning given to that term in the Education and Care Act.

Words and expressions that are not defined in this Lease, but which have a defined meaning in the Education and Care Act or the Education and Care Regulations, have the same meaning as in the Education and Care Act or the Education and Care Regulations.

## 15.2 Application of Special Condition

This Special Condition applies if the Permitted Use involves the conduct of an Education and Care Service at the Premises.

## 15.3 Approval Requirements

Without limiting any of the Tenant's other obligations under this Lease, the Tenant must obtain and maintain throughout the Term, all approvals required to engage in the Permitted Use at the Premises, including, without limitation:

- 15.3.1 a provider approval to provide Education and Care Services, as required pursuant to Part 2 of the Education and Care Act (**Provider Approval**); and
- 15.3.2 an appropriate service approval under Part 3 of the Education and Care Act reflecting nature of the Permitted Use (**Service Approval**).

## 15.4 Tenant's Obligations

The Tenant must, at all times:

- 15.4.1 provide a copy of the Service Approval and the Provider Approval to the Council, on demand;
- 15.4.2 ensure that a Nominated Supervisor is appointed for the Education and Care Service;
- 15.4.3 display on a visible part of the Premises, the prescribed information in accordance with s 172 of the Education and Care Act; and
- 15.4.4 comply with the Service Approval, the Provider Approval, the Education and Care Act and the Education and Care Regulations, including, without limitation, ensuring that:
  - (a) all children being educated and cared for by the Tenant are adequately supervised;
  - (b) children are not subject to any form of corporal punishment or discipline that is unreasonable in the circumstances;
  - (c) every reasonable precaution is taken to protect children from harm and from any hazard likely to cause injury; and
  - (d) prescribed staffing levels are maintained at all times.

## 15.5 Notification to the Council

- 15.5.1 The Tenant must notify the Council of any complaint which the Tenant is required to report to the Regulatory Authority under the Education and Care Act, within 24 hours of reporting the complaint to the Regulatory Authority.
- 15.5.2 The Tenant must notify the Council of any Serious Incident which the Tenant is required to report to the Regulatory Authority under the Education and Care Act, within 24 hours of notifying the Regulatory Authority of the Serious Incident.
- 15.5.3 The Tenant must immediately notify Council if it is charged with, or convicted of, an offence under Part 6 of the Education and Care Act.
- 15.5.4 The Tenant must immediately notify the Council if a Show Cause Notice is served on the Tenant by the Regulatory Authority, or if the Tenant's Service

Approval or Provider Approval is suspended (even if voluntarily), cancelled or surrendered.

#### 16. Working with Children (WWC) Checks

- 16.1 This Special Condition applies if the Tenant's activities at the Premises involve persons engaged in 'child related work' within the meaning of the *Worker Screening Act 2020* (Vic) (**WSA**).
- 16.2 Without limiting the Tenant's obligations concerning compliance with all laws and requirements of any authority in connection with the Premises and the Tenant's use and occupation of the Premises, the Tenant must:
- 16.2.1 ensure that all employees and volunteers who are required to apply for a WWC clearance (as defined in the WSA) have done so, before working with children at the Premises;
  - 16.2.2 provide a copy of the WWC clearance of each of the Tenant's employees and volunteers working at the Premises to the Council, on demand;
  - 16.2.3 ensure that any employee or volunteer that is given a WWC exclusion (within the meaning given to that term in the WSA) does not work with children at the Premises; and
  - 16.2.4 subject to Special Condition 16.3, ensure that the information in any WWC clearance of the Tenant's employees and volunteers which is provided to the Council, is kept confidential.
- 16.3 The Tenant agrees that the Council may disclose the information in any WWC clearance of the Tenant's employees and volunteers for the purpose of administering or enforcing this Lease or if required by law.

#### 17. Child Safe Standards

- 17.1 In this Special Condition:

**Child Safe Standards** means the child safe standards published in the Victoria Government Gazette on 1 July 2021 by the Minister for Child Protection pursuant to the CW&S Act, as amended from time to time.

**Child Safe Standards Guide** means the document entitled 'A Guide for Creating a Child Safe Organisation' published by the Commission for Children and Young People (a copy of which is available at the website <https://ccyp.vic.gov.au/assets/resources/New-CSS/A-guide-for-creating-a-Child-Safe-Organisation-190422.pdf>).

**CW&S Act** means the *Child Wellbeing and Safety Act 2005* (Vic).

- 17.2 The Tenant acknowledges and agrees that it is aware of and has obtained a copy of the Child Safe Standards (which are available at the website <https://ccyp.vic.gov.au/assets/resources/New-CSS/New-Child-Safe-Standards-Information-Sheet.pdf>) prior to the Tenant entering into this Lease.
- 17.3 If the Tenant is:
- 17.3.1 an applicable entity within the meaning of the CW&S Act; and
  - 17.3.2 not otherwise exempt from the requirements of the CW&S Act,

the Tenant must:

- 17.3.3 comply with the Child Safe Standards at all times during the Term and any Further Term; and
- 17.3.4 on or before the Commencement Date:
  - (a) implement a child-safe policy;
  - (b) display and make available a public commitment to child safety for public access;
  - (c) put in place:
    - (i) a code of conduct that establishes clear expectations for appropriate behaviour of staff and volunteers with children and young people and in promoting and maintaining child safety and wellbeing; and
    - (ii) strategies to ensure children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously; and
    - (iii) strategies to ensure equity is upheld and diverse needs are respected in policy and practice, including provision of a culturally safe and inclusive environment;
  - (d) establish appropriate human resources practices (including child safe recruitment practices, screening, supervision and training for staff and volunteers) to reduce the risk of child abuse; and
  - (e) establish an accessible, child-focused complaints handling policy, including when complaints should be reported to relevant authorities, including Victoria Police, Child Protection and the Commission for Children and Young People;
- 17.3.5 implement such other policies and practices from time to time as are relevant and appropriate to comply with the Child Safe Standards;
- 17.3.6 take all reasonable steps to exclude or prevent persons (including customers) from entering the Premises if, in the opinion of the Tenant (acting reasonably), their presence or behaviour threatens the safety or wellbeing of children in the Premises; and
- 17.3.7 provide to Council such evidence of the Tenant's compliance with Special Condition 17.3.4 as may be required by Council, within 7 days of a written request being made by Council.
- 17.4 The Tenant may use the Child Safe Standards Guide for assistance in complying with its obligations under Special Condition 17.3.
- 17.5 Despite any other provision in this Lease, the Tenant must comply with any reasonable requirement or direction issued by Council in relation to Council's:
  - 17.5.1 compliance with the Child Safe Standards; and
  - 17.5.2 implementation of policies and practices from time to time as are relevant and appropriate to comply with the Child Safe Standards.
- 17.6 This Special Condition 17 is an essential term of the Lease. Non-compliance with the Child Safe Standards will constitute a breach of this Lease.

**18. Greenhouse gas emissions**

- 18.1 Upon request by Council, the Tenant must provide Council with access to all utility usage data generated in respect of the Premises (including, without limitation, records of energy and water consumption and copies of invoices from utility providers), for the purpose of calculating greenhouse gas emissions for the Premises.
- 18.2 Upon request by Council, the Tenant must allow Council to install energy and water efficiency measures at the Premises, in consultation with the Tenant. The Tenant must comply with the Tenant's repair and maintenance obligations in respect of any such measures installed by Council, as set out at Annexure D of this Lease.

**19. Structural or services works****19.1 Council approval required**

The Tenant must not carry out any structural or services works (**Structural Works**) at the Premises without Council's prior written approval (as landlord) of the works.

**19.2 Council's discretion**

Council may approve or refuse to approve proposed Structural Works in its absolute discretion.

**19.3 Timing for request for approval**

The Tenant must make a request for Council approval of proposed Structural Works at least 2 months prior to the proposed commencement date of the Structural Works.

**19.4 Information to be included in request**

In making a request for Council's approval of proposed Structural Works, the Tenant must include the following information:

- 19.4.1 the details of the Tenant's builder;
- 19.4.2 design drawings and specifications;
- 19.4.3 engineering reports;
- 19.4.4 a project plan (including a program of works); and
- 19.4.5 any other information about the Structural Works which Council may request.

**19.5 Council review and response**

- 19.5.1 Council will use all reasonable endeavours to give notice to the Tenant within 30 days of receipt of a request for approval that:
- (a) the Structural Works are approved; or
- (b) the Structural Works are not approved.
- 19.5.2 The Tenant must reimburse Council's reasonable costs incurred in considering the Tenant's request for approval under this Special Condition 19 (including, if Council requires, obtaining a peer review of the proposed Structural Works), within 14 days of request by Council, regardless of whether Council approves the Structural Works.

**19.6 Insurance**

The Tenant must:

- 19.6.1 procure the Tenant's builder to maintain, from the commencement of the Structural Works, a contract works insurance policy including:
- (a) public liability for at least \$20 million for any one event;
  - (b) contractors' all risk insurance for the full replacement value of the Structural Works;
  - (c) worker's liability as required by law;
  - (d) motor vehicle, plant and equipment; and
  - (e) any other insurances reasonably required by Council in respect of the Structural Works; and
- 19.6.2 ensure that the builder's policy:
- (a) is taken out with a reputable and substantial insurer approved by Council in the joint names of the builder, Council and the Tenant and for amounts approved by Council; and
  - (b) indemnifies Council and its contractors and employees against all liabilities and expenses of any kind that Council may incur arising directly or indirectly from carrying out the Structural Works.

Prior to commencing the Structural Works, and whenever reasonably requested by Council, the Tenant must produce certificates of currency and copies of the policies of insurance required to be effected under this Special Condition.

**19.7 Items to be provided upon completion of works**

Within 14 days of completion of the Structural Works, the Tenant must provide Council with the following items in respect of the Structural Works:

- 19.7.1 'as built' plans; and
- 19.7.2 copies of all operating manuals and warranties.

**19.8 Tenant's other obligations**

Nothing in this Special Condition 19 limits any of the Tenant's obligations under clause 14.3 or any other provision of this Lease.

**20. Evacuation Plans**

- 20.1 The Tenant acknowledges that Council (or its contractors) have affixed evacuation plans in the Premises, attached to this lease as Annexure H, and
- 20.1.1 The evacuation plans are placed in the designated locations (marked '*you are here*').
  - 20.1.2 The evacuation plans cannot be obstructed or blocked.
  - 20.1.3 Assembly points cannot be changed unless evacuation plans are updated to reflect any variation.

**21. Service Agreement**

- 21.1 The Tenant must comply at all times with the Service Agreement, attached to this lease as Annexure I ('Service Agreement') which may be varied from time to time by mutual agreement of both parties.
- 21.2 In the event that the Tenant fails to comply with its obligations under the Service Agreement and does not achieve compliance within 14 days of Council issuing written notice identifying the non-compliance issue, then Council may terminate this Lease by providing 30 days' written notice to the Tenant.
- 21.3 For the avoidance of doubt, in complying with the Service Agreement, the Tenant must comply with any relevant legislation including but not limited to:
- 21.3.1 *Child Wellbeing and Safety Act 2005 (Vic)*;
  - 21.3.2 *Children's Services Act 1996 (Vic)*;
  - 21.3.3 *Children's Services Regulations 2020 (Vic)*;
  - 21.3.4 *Education and Care Services National Law Act 2010 (Vic)*;
  - 21.3.5 *Education and Care Services National Regulations 2011 (Vic)*; and
  - 21.3.6 *Working with Children Act 2005 (Vic)*.
- 21.4 In the event of any inconsistency between a provision of the Service Agreement and a provision of this Lease, the Lease provision will prevail to the extent of the inconsistency.

**22. Costs not to be reimbursed**

Notwithstanding anything else contained in this Lease, the Tenant is not required to reimburse Council for the ordinary costs of:

- a) Security (other than after-hours call out costs incurred as a result of the Tenant's activities);
- b) Building insurance premiums (excluding increases caused by the Tenant's act, default or use of the Premises); or
- c) Council's compliance with legislation relating to Essential Safety Measures.

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## Annexure B – Plan of Premises

### Site Plan



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## Annexure C – Rules

These are the rules at the Commencement Date of this Lease. The rules form part of this Lease.

### Rule 1 Conduct

The Tenant must conduct the Tenant's business in a proper reputable and businesslike manner befitting a high-quality business and not do anything that may harm the business or reputation of the Council or the Premises, or reflect unfavourably on the Council or the Premises.

### Rule 2 No vending machines

The Tenant must not permit any gaming, vending or amusement machines in the Premises without obtaining the prior written consent of the Council.

### Rule 3 No auctions

The Tenant must not conduct any auctions or fire sales in the Premises without obtaining the prior written consent of the Council.

### Rule 4 No smoking

The Council's buildings are non-smoking. The Tenant must:

- (a) not permit any smoking in the Premises; and
- (b) display 'no smoking' signs in the Premises if requested by Council.

### Rule 5 Load limits and inflammable substances

The Tenant must not

- (a) overload the floors of the Premises beyond their maximum permitted loading;
- (b) without the Council's written approval, bring onto, store or remove any heavy objects or other equipment which is likely to damage the Premises;
- (c) not do anything that increases the load of the electrical circuits in the Premises; or
- (d) store any inflammable or explosive substances in the Premises unless required for the Permitted Use.

### Rule 6 Television and radio

The Tenant must operate with care any televisions, radios, music systems or other equipment in the Premises so as not to create noise which may be considered as a nuisance under the *Public Health and Wellbeing Act 2008 (Vic)* and/or which is not in accordance the State Environment Protection Policy (Control of Music Noise from Public Premises).

### Rule 7 Endanger Premises

The Tenant must not do or permit anything to be done in connection with the Premises which in the opinion of the Council may endanger the Premises or be a risk to any person or property.

**Rule 8 No residence**

The Tenant must not use the Premises as a residence or allow anyone to sleep in the Premises without obtaining the prior written consent of the Council.

**Rule 9 No storage**

The Tenant must not store on the Premises any goods which are not required for the purposes of the Tenant's business.

**Rule 10 Preparation of food**

The Tenant must not prepare or cook food on the Premises other than in areas which have been provided or approved by the Council for that purpose.

**Rule 11 No animals**

The Tenant must not allow an animal on the Premises, except a guide dog accompanying a person with impaired sight, without obtaining the prior written consent of the Council, except where reasonably associated with activities relating to the Tenant's Permitted Use.

**Rule 12 Environmentally sustainable practices**

The Tenant must endeavour to practice, and encourage, appropriate environmentally sustainable practices, including:

- (a) recycle and reuse of materials generated within the Premises;
- (b) minimise the generation of any materials that may require depositing to landfill;
- (c) minimise the consumption of energy and water within the Premises; and
- (d) as far as practicable select environmentally appropriate materials for use within the Premises.

**Rule 13 Keys and security devices**

The Tenant must:

- (a) keep a register of keys, access cards or other security devices and to whom they are given and promptly provide a copy of the register to the Council upon request;
- (b) pay on demand the Council's costs of issuing, repairing and replacing any keys, access cards or other security devices for the Tenant;
- (c) not install any locks or security devices which cannot be opened by the keys provided by, or to, the Council; and
- (d) comply with the Council's requirements about building security.

**Rule 14 Emergencies**

The Tenant must:

- (a) give the Council at least two (2) contact names and their address and telephone numbers for the Council to use in emergencies and advise the Council of any changes to this information;
- (b) regularly practice procedures to be followed in the event of fire, emergency evacuation and other disruptions;

- (c) comply with the instructions of the Council and/or relevant emergency authority in the event of an emergency; and
- (d) pay on demand the Council's costs incurred as a result of the Tenant's activation of emergency or warning devices in the Premises including smoke detectors and fire alarms.

**Rule 15 Obstructions**

The Tenant must not obstruct any emergency exits, Common Areas, service ducts, access to fire prevention devices, lights, windows or anything that allows air into the Premises. The Tenant must remove any obstructions immediately upon receiving written notice from the Council or the Council may remove any offending item or material at the Tenant's cost.

**Rule 16 Access to the Premises**

If, to gain access to the Premises, the Tenant must cross other land under the control of the Council, the Tenant must ensure there is no interference with any other person using that land and comply with the directions of the Council in relation to using that land.

**Rule 17 Delivery of goods**

When carrying goods or equipment to or from the Premises, the Tenant must use only those parts of the Premises allowed by the Council and make sure that any trolley or other device used for carrying goods does not mark or damage the floor and makes minimal noise. If the Premises is located in a residential area, the Tenant must ensure that deliveries are made between the hours of 7.00am (9.00am weekends or public holidays) and 8.00pm.

**Rule 18 Council's Assets**

The Tenant must not remove any of the Council's Assets from the Premises.

**Rule 19 Council's standards for the Premises**

The Tenant must:

- (a) obtain the Council's consent before the Tenant does anything that affects the quality or standard of the Premises or its presentation, including affixing anything on or visible from the outside of the Premises (this includes but is not limited to signs, lights, window coverings, canopies, flags, antennae and receiving dishes); and
- (b) comply with all reasonable requests or directions of the Council in relation to the cleanliness or standard of presentation of the Premises or areas near the Premises.

**Rule 20 No inflatable structures**

The Tenant must not set up or allow any inflatable structures (e.g. jumping castles) on the Premises.

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## Annexure D – Maintenance Obligations

**NOTE:** The failure to identify a specific or general obligation in the table below does not limit the obligations of the Tenant under the general terms of the Lease. Any reference to "existing installations" means those installations existing at the Premises prior to the making of any alterations or additions by the Tenant. Additional maintenance obligations may be imposed under the Special Conditions. The Special Conditions override this Annexure D to the extent of any inconsistency.

Nothing in this Annexure obliges the Council to undertake repair or maintenance works. Subject to any obligations imposed on the Council under the Act, the undertaking of any repair and maintenance works is subject to the Council being able to comply with its obligations under the *Local Government Act 2020* and the ability of the Council to allocate funds to the Premises. If the Council proposes to carry out repair and maintenance works which are not the responsibility of the Tenant under this lease, the Council must notify the Tenant of any repairs and maintenance the Council proposes to undertake.

For the purpose of any works the Council carries out:

- the timing of the completion of the works will be determined by the Council;
- the standard of work will be determined by the Council having regard to the Permitted Use of the Premises;
- the Tenant must not object to or delay the works; and
- subject to the Act, the Tenant will not bring a claim for any refund, damages or compensation as a result of any inconvenience or interruption associated with the works, or as a result of the works not being completed or undertaken.

**Table 1: Maintenance Obligations**

Obligation	Tenant Responsibilities	Council Responsibilities
<b>Car park and driveway</b>	Keep clean and free of litter	Repair and replace as required
<b>Cleaning</b>	Cleaning must be maintained at an acceptable standard. (The Tenant may utilise Council's contract cleaners and Sanitary Disposal Unit Services at the cost of the Tenant.)	No responsibility
<b>Fences and gates</b>	Maintain in good condition Additional gates and fencing (these must meet regulatory standards) Advise Council immediately of any child proof gate not self closing	Clean, repair and replace existing installations as required
<b>Garbage collection</b>	Waste to be stored in proper containers and removed regularly Keep garbage bin enclosure (if any) clean, tidy and locked Remove all rubbish/garden waste following working bees	Council to provide bins for general waste, recycling and green waste Maintenance of bin enclosure (if any) Removal of rubbish from Council provided bins weekly
<b>General equipment and Tenant's Property</b>	Clean, maintain, inspect, service, repair and replace all fixtures, fittings, plant and equipment, including general equipment such as clocks, computer equipment, portable heaters, photocopiers, telephones, general office equipment, furnishings and kitchen supplies purchased by the Tenant and make good any damage as a result of installing or removing such property	No responsibility
<b>Graffiti</b>	Report graffiti to Council	Removal of graffiti
<b>Inspections/audits</b>	A representative of the Tenant is required to attend annual maintenance audits of the Premises conducted by Council.	Regular inspection for cleanliness and annual maintenance audit of buildings, playground and outdoor play areas Provide report to Tenant of findings and provide an indication as to when the items noted will be attended to
<b>Pest control</b>	Take proper precautions to keep Premises free of rodents, pests and vermin Employ pest exterminators in consultation with the Council at the cost of the Tenant	In consultation with Tenant
<b>Personal hygiene services</b>	Install and maintain to a high standard	No responsibility
<b>Signage – statutory and other</b>	Clean and maintain in good condition Advise Council of intention to replace signage and submit plans for such Approval is required prior to installation.	Repair and replace as required
<b>ESSENTIAL SERVICES</b>		
<b>Emergency exits</b>	Keep the exits clear at all times and not interfering with any emergency lighting	Maintain, inspect, repair and replace Update fire evacuation plans as necessary
<b>Fire protection</b>	Maintain kitchen range hood filters in a clean condition as required for food handling and fire prevention Advise Council of fire equipment that needs to be refilled or replaced	Provision and maintenance of 'essential safety measures' including fire extinguishers, fire hoses, hydrants and fire detection systems (i.e. smoke and thermal detectors and monitored fire panels) in compliance with the Building Code of Australia

Obligation	Tenant Responsibilities	Council Responsibilities
<b>Paths of Travel to Exits</b>	<p>Keep paths of travel to an exit in an efficient condition and keep them functional and clear of obstruction at all times (passage to be a width and height as specified by the Building Code of Australia)</p> <p>Inspections to be carried out in accordance with the frequency provided in the building 'Occupancy Permit' and the details recorded in the maintenance log provided for that purpose</p>	<p>Council to collate essential safety measure details and prepare 'Annual Essential Safety Measures Report' documents in compliance with the Building Code of Australia</p>
<b>BUILDING MAINTENANCE</b>		
<b>Asbestos auditing</b>	<p>Council approval is required for any works planned to be undertaken at the Premises.</p>	<p>Conduct mandatory asbestos audits in accordance with the Occupational Health and Safety Act 2004 and provide information on the location of asbestos as required</p> <p>Ensure maintenance works are carried out at the Premises using methods which will ensure compliance with statutory requirements and public safety.</p>
<b>Electrical wiring</b>	<p>Unless required under any legislation or statutory regulation, any new wiring required by the Tenant is at the Tenant's expense and will require Council's pre-approval.</p> <p>Note: All works are to be carried out by Council's licensed tradespersons.</p>	<p>Maintain, inspect, service, repair and replace existing wiring (includes testing and tagging of electrical appliances)</p>
<b>Plumbing/drainage/toilets</b>	<p>Keep drainage service pits free of debris and inspect regularly</p> <p>Unless required by a statutory regulation or building regulation, any new plumbing will be at the Tenant's expense.</p> <p>Purchase and installation of water tanks and water saving devices must be in consultation with Council.</p> <p>Note: All works are to be carried out by Council's licensed tradespersons.</p>	<p>Maintain, inspect, service, repair and replace existing installations, including toilets, sinks and taps</p>
<b>Structural</b>	<p>No responsibility</p>	<p>Clean, maintain, inspect, repair and replace roof, gutter, spouting, walls (internal and external), ceiling, floor, stumps and footings etc.</p>
<b>Works of a hazardous nature</b>	<p>Any planned works to the Premises must be approved by Council and comply with the permit to work system maintained by Council.</p>	<p>A permit to work system is used by Council to control and monitor building maintenance activities which are of a hazardous nature including hot work, working at heights, disconnection or isolation of services, confined space and asbestos.</p>
<b>FIXTURES AND FITTINGS</b>		
<b>Air conditioning and/or heating</b>	<p>New and additional installations at Tenant's expense, in consultation with the Council</p> <p>Council to approve proposal prior to purchase of new/additional systems</p>	<p>Clean, maintain, inspect, service, repair and replace existing installations</p>
<b>Cupboards, benchtops, shelving, etc.</b>	<p>Keep clean and in good condition</p> <p>New shelving and additional cupboards require Council's pre-approval.</p>	<p>Repair and replacement (as required) of inbuilt cupboards, benchtops and shelving</p>
<b>Curtains/ drapes/ blinds</b>	<p>Keep clean and in good condition</p>	<p>Repair and replacement as required</p>

Obligation	Tenant Responsibilities	Council Responsibilities
<b>Disability access</b>	Keep clean and in good condition	Installation of disabled access as scheduled, to comply with the <i>Disability Services Act 2006</i> (or subsequent relevant legislation) and the Council's Capital Works Program Once installed, Council will repair and replace as required.
<b>Disability access - portable</b>	Clean, maintain, inspect, service, repair and replace	No responsibility
<b>Doors</b>	Clean and maintain in good condition	Repair and replacement as required
<b>Electrical appliances</b>	Only appliances authorised by the Council to be used.	Authorisation of Tenant's electrical appliances.
<b>Electrical fittings and lights (including external lighting except training lights)</b>	No responsibility	Clean, maintain, inspect, service, repair and replace existing installations, including replacement of light globes and tubes
<b>Floor surfaces and coverings</b>	Clean and maintain existing floor coverings Provision of flooring mats/rugs	Ensure a safe base floor Repair, maintain and replace floor coverings as per Council's flooring program
<b>Fly screens &amp; security grills</b>	Keep clean and in good condition	Repair and replacement as required
<b>Food handling areas</b>	Keep clean and in a hygienic state in accordance with food handling plan Regularly inspect and clean exhaust fans, flues and filters	No responsibility
<b>Furniture/Children's Furniture</b>	New or replacement furniture Repairs can be undertaken by Council at Tenant's expense.	No responsibility
<b>Hot water system</b>	No responsibility	Clean, maintain, inspect, service, repair and replace
<b>Keys and locks</b>	Control of keys issued to Tenant Maintenance of Key Register Advise Council of key holders within 30 days of Annual General Meeting Report any lost or damaged keys to Council immediately Replacement keys and additional installations at Tenant's expense	Clean, maintain, inspect, service, repair and replace existing installations Provision of keys to Tenant – limited to three (3) sets Maintenance of Council's Key Register
<b>Painting – interior and exterior wall surfaces</b>	Keep clean and in good condition Tenant may make a request to the Council to undertake internal painting subject to conditions set by Council.	Repainting when assessed by Council as being required Paint touch ups as required
<b>Redecorating</b>	Redecorate according to the relevant surfaces previous treatment at least 3 months prior to the end of the Term as directed by Council	No responsibility
<b>Security system and related fittings</b>	After hours security call out costs by either Council's after-hours duty officer or security patrol where alarm activation has been caused through the activities of the Tenant Additional alarm system installations at Tenant's expense	Maintain, inspect, service, repair and replace existing installations Respond to after-hours alarm activations and ensure that the site is safe and secured

Obligation	Tenant Responsibilities	Council Responsibilities
<b>Skylight</b>	No responsibility	Clean, maintain, inspect, repair and replace
<b>Storage</b>	Keep passageways clear and egress maintained at all times Tenant to pay cost of removal of inappropriately stored items Maintain storage containers in good condition for aesthetics and public safety	Removal of inappropriately stored items (at Tenant's cost)
<b>Telephones &amp; intercom systems</b>	Install, repair and replace New installations must be approved by the Council.	No responsibility
<b>Whitegoods</b>	Keep clean Council's Assets Staffroom facilities – purchase all items For testing and tagging purposes, Council is to be advised of any new electrical or whitegoods introduced to the Premises.	Repair, maintain and replacement of whitegoods (including stoves, hot plates, microwaves ovens, dishwashers, refrigerators, washing machines, dryers)
<b>Windows and glazing (including plate glass)</b>	Keep clean and in good condition Tenant to pay for internal glass breakages	Repair and replacement as required
<b>OUTDOOR PLAY SPACES</b>		
<b>Garden beds</b>	Replacement planting, watering and minor weed control A plan of intended installation of watering system is required by Council prior to installation. Any planting must obtain prior approval from Council's Parks Department before purchase.	No responsibility
<b>Irrigation &amp; reticulation systems</b>	Installation of new irrigation systems A plan of intended installation to be submitted to Council prior to purchase and installation of equipment	Maintain and repair and replace existing
<b>Loose litter / leaves / soffitfall</b>	Pathways to be cleared at least weekly	No responsibility
<b>Paving and paths</b>	Keep clean and in good condition New paving associated with playground modifications in consultation with Council	Repair and replace existing as required New paving if required by Department of Education and Early Development Hard surface weed control by negotiation
<b>Playgrounds</b>	Report any defects or damage	Inspect fortnightly, maintain soffitfall, repair and replace
<b>Playground Equipment</b>	Clean and maintain in good condition New playground equipment or modifications to existing equipment Note: Council to be consulted prior to purchase/installation of equipment	Repair and replacement (if identified during quarterly audit) of all fixed playground equipment – swings, slides, wooden climbing structures, playground decking
<b>Retaining walls, outdoor steps etc.</b>	Keep clean and in good condition Consultation with Council and submission of proposed landscape plan prior to installation of additional retaining walls/steps is required	Repair and replace as required
<b>Sand and Tanbark</b>	Maintain throughout the year at required depth as per Department of Education and Early Childhood Development Guidelines	Provision on an annual basis
<b>Sandpit Cover</b>	Clean, maintain, repair and replace	Initial sandpit cover

Obligation	Tenant Responsibilities	Council Responsibilities
<b>Shade sails</b>	Purchase new shade sails and replace in consultation with Council Tenant is encouraged to apply for funding from relevant bodies.	Council to contribute 50% of cost of purchase and replacement of shade sail Maintain and repair sail structures
<b>Synthetic turf</b>	Replacement of existing and installation of new Consultation with Council and submission of proposed area plan prior to installation	Maintain and repair
<b>Trees</b>	New and additional plantings in consultation with Council Advice must be sought from Council prior to the planting of trees which grow more than 3 metres.	Maintain, inspect, prune and remove as required
<b>Turf</b>	General maintenance	No responsibility
<b>Water tanks</b>	New installations to be arranged in consultation with Council Submission of proposed sighting plan prior to installation Tenant is encouraged to apply for funding from relevant bodies.	Maintain, repair and replace

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## **Annexure E – Disclosure Statement**

Not applicable

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## **Annexure F – Hiring Agreement**

Not applicable

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## **Annexure G – Condition Report**

Not applicable

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## Annexure H – Evacuation Plan

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## Annexure I – Service Agreement

**Service Agreement  
between Darebin City Council and**

.....

Darebin City Council ('Council') is committed to supporting community managed and not for profit Early Childhood Education and Care (ECEC) services through the provision of a lease for multiple factors outlined in the Darebin Early Years Infrastructure Planning Framework 2021-2041 including:

- To enable not for profit kindergarten and long day care to be financially viable
- To provide families with a choice of services including community-managed services
- To recognise the high-quality ratings of community-managed services.

Council acknowledges the ongoing dedication and support of ..... in its provision of quality early childhood services to the Darebin community.

**1. BACKGROUND**

- 1.1 This Service Agreement states the purpose of the service, and the conditions attached to the provision of the service. It also defines the rights and responsibilities of each party to this agreement.
- 1.2 This Agreement seeks to maintain and enhance the collaborative relationship between Council and ..... regarding the use and operation of the public land and building at ..... ('the Premises) for the fostering by ..... of the wellbeing of children and families through the provision of early childhood education and care.
- 1.3 Council and ..... agree to communicate relevant information as required and provide opportunities for both parties to meet and share information regarding the delivery of the service on the Premises.
- 1.4 Council and ..... will work together cooperatively and in good faith to ensure that the service and facility responds to community needs, and relevant Council plans and strategies.

**2. PURPOSE**

- 2.1 The Service Provider shall provide the Service set out in this Service Agreement.
- 2.2 The Council has leased land and buildings to the Service Provider to facilitate the provision of the Service, that is, the operation of an early childhood education and care service for the benefit of the Darebin community.
- 2.3 The Service Provider accepts full responsibility for the policy and operation of the Service.
- 2.4 The Service Provider will plan the operation of the Service taking into consideration community needs and relevant Council plans and strategies including:
  - [Darebin Early Years Infrastructure Planning Framework 2021-2041](#)
  - [Darebin Families, Youth and Children Strategy City of Darebin](#)
  - [Darebin's Towards Equality Framework](#)
  - [Darebin's Disability Access and Inclusion Plan.](#)

### 3. DEFINITIONS

In this Service Agreement, the following words and phrases have the meanings set out below:

**"National Quality Framework"** means the National Quality Framework established by the Commonwealth Department of Education, Employment and Workplace Relations on 1 January 2012 and any further Quality Standards established by the Commonwealth or State Governments.

**"Rules"** mean the rules of the Tenant.

**"Service"** means the early childhood education and care service provided by the Service Provider pursuant to this Service Agreement, the Rules of Tenant, the Lease and any other statutory provisions or Commonwealth or State Government or Council policies in force from time to time.

**"Service Program"** means the provision of early childhood education and care service for children up to school entry age.

Capitalised expressions which are not defined in this Service Agreement have the respective meanings given to them in the Lease.

### 4. LEGAL INCORPORATION

- 4.1 The Service Provider must maintain itself as an incorporated association under the provisions of the *Associations Incorporation Reform Act 2012 (Vic)*.
- 4.2 The Rules of the Service Provider must be maintained in a form which ensures:
- 4.2.1 The Service Provider's purposes and powers are consistent with the Council's policies (including but not inclusive to the Families, Youth and Children Strategy, frameworks and principles) and are relevant to the provision of early childhood education and care programs,
  - 4.2.2 The Service Provider is a non-profit organisation,
  - 4.2.3 The Service Provider's management structure is open and operates on democratic lines: and
  - 4.2.4 If the Service Provider is run by a committee of management, it must include a majority local parents with children under school age currently using the Service.
- 4.3 The Service Provider must provide Council with a copy of the Rules and notify Council (within 60 days) of any proposed amendments to its statement of purpose or its rules. An updated copy of the Rules must be provided once amendments are ratified at a special general meeting of the Tenant.
- 4.4 The Service Provider must provide Council with a list of service representatives and leadership roles, their contact details, and their duties on an annual basis and when requested.
- 4.5 The Service Provider must provide Council with the date of the following year's annual general meeting 60 days prior and provide minutes after the meeting.

### 5. POLICIES OF THE SERVICE PROGRAM

- 5.1 The Service Provider must develop policies relating to the Service in consultation with parents, interested residents of the community and staff, and will use these policies as guidelines in the development and operation of the Service.

- 5.2 The Service Provider must take ultimate responsibility in relation to the setting of guidelines in accordance with relevant Commonwealth and State Government requirements.
- 5.3 The Service Provider must review policies of the service at least every three years and/or when changes in legislation occur.
- 5.4 The Service Provider must develop and maintain a quality improvement plan as required by the National Quality Framework and develop a strategic business plan which reflects forward planning for the service provided to families. A copy of which must be provided on request by Council.

## **6. SERVICE PROGRAM**

The Service Provider must develop and operate a program ('Service Program') which:

- 6.1 Is first and foremost for the benefit of families with young children who live, study and work in the local community.
- 6.2 Provides for the delivery of early childhood and care services for children up to school entry age.
- 6.3 Is designed to accommodate the needs of families with young children who live and work in the community in as integrated and flexible a way as possible.
- 6.4 Reflects the policy directions of Darebin Early Years Infrastructure Planning Framework 2021-2041 and Families Youth and Children Strategy, frameworks and principles.
- 6.5 Meets the requirements of the National Quality Framework.

## **7. DEVELOPMENT OF THE SERVICE PROGRAM**

- 7.1 The Service Provider must develop the Service Program by assessing and reviewing the needs of families with young children annually, who live and work in the community and attend the Premises, by considering the following:
  - 7.1.1 Child Safe Standards,
  - 7.1.2 Children's needs for care, education and supervision,
  - 7.1.3 Children's needs for quality social development opportunities and a quality play environment,
  - 7.1.4 Parents' needs for care and supervision of their children in their absence (whether on an occasional, part-day or full-day basis),
  - 7.1.5 Parents' needs for friendship, support networks, information and skills development,
  - 7.1.6 Social inclusion is the right of all children and families.
- 7.2 To support strategic planning and continuous improvement, the service will survey families enrolled in their funded kindergarten program (As outlined in the Kindergarten Funding Guide, Department of Education, 2023).
  - 7.2.1 The Service Provider will provide Council with a copy of the report.
  - 7.2.2 Council will share information with the service to inform strategic planning such as the Kindergarten Infrastructure and Services Plan (KISP).

## **8. OPERATION OF THE SERVICE PROGRAM**

- 8.1 Places
  - 8.1.1 The Service must participate in the Council Kindergarten Registration System for 3 and 4-year-old kindergarten and support the Priority of Access requirements.
  - 8.1.2 The service must optimise available places and spaces in line with Federal and/or State Government Policy and Funding Criteria.

- 8.1.3 The Service Provider must consider the demand for funded kindergarten places as its first priority when determining the service model in line with State government policy and funding criteria.
- 8.1.4 From time to time, with the exception of weekends and outside of the Service Provider's regular hours of operation, the Council may request that the Service Provider provide additional kindergarten sessions at the Premises to meet the needs of the community. The Service Provider agrees to consider any such requests acting reasonably; however, the parties acknowledge and agree that any decision regarding the provision of additional kindergarten sessions will depend upon factors such as availability of funding and the demand for sessions. The Service Provider's agreement to the provision of additional kindergarten sessions will not be unreasonably withheld.
- 8.1.5 The Service must cater for government funded places (i.e. kindergarten, child care and occasional care) prior to considering options to offer non-government /unfunded programs.
- 8.1.6 The Service Provider may offer other early years and family support programs/services where space permits.

## 8.2 Hours of Operation

The Service must remain open for such hours as to ensure compliance with any funding agreement between the Commonwealth or State Government and the Service Provider.

## 8.3 Access to the Service Program

The Service Provider agrees to support access and inclusion of children and families.

- 8.3.1 The Service will provide accessible, equitable, inclusive and responsive services, programs and spaces, to all families within the community especially those who face barriers to participation as referenced in [Darebin's Towards Equality Framework](#):
- Aboriginal and Torres Strait Islander peoples.
  - People from culturally and linguistically diverse backgrounds, notably recently-arrived migrants, refugees and people seeking asylum.
  - LGBTQIA+ community (lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual).
  - People with a disability.
  - People experiencing poverty, including intergenerational disadvantage.
- 8.3.2 The Service will support and maintain engagement with families as outlined in the Kindergarten Funding Guide (Department of Education, 2023) including:
- Creating a welcoming and culturally inclusive environment.
  - Maintaining access for children displaying diverse learning needs.
  - Supporting families and children experiencing multiple barriers to establish consistent attendance.
- 8.3.3 Council will provide Services with information on supports available to facilitate inclusion of families and children in early years.

#### 8.4 Management of the Service Program

The Service Provider must be responsible for the management and general operation of the Service and the Service Program.

#### 8.5 Staff

8.5.1 The Service Provider is responsible for the employment of all staff, the determination of staff positions and the conditions of employment and for any action or claim resulting from any such employment.

8.5.2 The Service Provider must comply with all statutory and regulatory requirements which it is obliged to comply with in relation to the employment of staff, including police and working with children checks.

8.5.3 The Service Provider must ensure that all staff are employed under the relevant award conditions (i.e. Victorian Early Childhood Teachers and Assistants Agreement (VECTAA), Children's Services Award, Professional Childcare Standard) and receive award wages and conditions.

#### 8.6 Training

8.6.1 The Service Provider is responsible for ensuring adequate training for staff and committee members. This includes making arrangements for staff and committee members to participate in training and networks to enhance the provision of early childhood services in Darebin including:

- Darebin Director and Committees of Management networks and other training opportunities provided by the City of Darebin.
- Professional development offered through early years peak bodies.

#### 8.7 Standards

Without limiting the generality of the preceding provisions, the Service Provider must:

8.7.1 Provide the Services promptly and efficiently and with a degree of care, diligence and skill normally exercised by providers performing services of a similar nature.

8.7.2 The Service Provider must ensure that its personnel have the requisite skills and experience to perform the Services to that standard; and

8.7.3 Comply with all statutory and regulatory requirements which it is obliged to comply with, in or in connection with, the provision of the Service.

### 9. COUNCIL POLICIES

9.1 The Service Provider must give due and proper consideration to the Council policies including:

- [Darebin Early Years Infrastructure Planning Framework 2021-2041](#)
- [Darebin Families, Youth and Children Strategy City of Darebin](#)
- [Darebin's Towards Equality Framework](#)
- [Darebin's Disability Access and Inclusion Plan.](#)

9.2 Service Provider must comply with, and must ensure that its personnel comply with, any lawful and reasonable direction given by the Council during regular hours of operation.

**10. ACCOUNTS AND BUDGET**

10.1 The Service Provider must provide the Council with a copy of its independently audited annual accounts and operating budget for the following financial year on an annual-basis (30 days after the AGM) or when requested. The annual accounts must be audited by a person or firm holding recognized public accounting qualifications.

10.1.1 The Council may, at its own expense, require the financial books and records of the Service Provider to be independently audited. If the Council does so, then the Council shall provide the Service Provider with a copy of the auditor's report.

10.1.2 The Service Provider must not raise loan funds without the prior written approval of the Council.

**11. DISPUTE IN RELATION TO THE SERVICE AGREEMENT**

11.1 The Service Provider and Council will enter into good faith discussions to resolve a dispute in relation to the service agreement within a reasonable timeframe.

**EXECUTED** as a Service Agreement

**SIGNED** by and on behalf, and with the authority, of the **DAREBIN CITY COUNCIL** by .....in the exercise of a power conferred by an Instrument of Delegation dated 1 July 2025, in the presence of:

.....

**General Manager Community**

Date.....

.....

Witness

The Early Years Service Provider agrees to comply with the Service Agreement:

**EXECUTED** by ( ), in accordance with section 38(1) of the *Associations Incorporation Reform Act 2012* by being signed by authorised persons for the incorporated association:

.....  
Committee Member

.....  
Committee Member (or Secretary)

.....  
Full Name

.....  
Full Name

**Pages 104 to 131 have been removed from the Agenda.**

**All other items remain the same**

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## 9.4 DRAFT CULTURAL DIVERSITY AND INCLUSION PLAN FOR ADOPTION

**Author:** Coordinator Equity, Inclusion & Wellbeing  
Equity and Diversity Team Leader

**Reviewed By:** Chief Executive Officer

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### EXECUTIVE SUMMARY

This report presents the Cultural Diversity and Inclusion Plan 2026-30 (CDIP) for Council consideration and adoption. It sets out Council's four-year whole-of-organisation roadmap to strengthen equity, rights, inclusion and wellbeing for culturally and linguistically diverse (CALD) and migrant communities in Darebin. The CDIP has been informed by extensive community engagement, contemporary evidence-based practice, and alignment with Council's broader strategic commitments and national standards.

The CDIP aligns with the:

- *Our Darebin Plan 2025-2029 and Towards Equality: Equity, Inclusion and Human Rights Framework 2019-29*
- national *Welcoming Cities Standards 2024 Accreditation* recommendations and the community engagement findings.

This ensures a whole-of-Council, coordinated and consistent approach to support and enhance the rights, inclusion and wellbeing of culturally and linguistically diverse community members who live, work, study or access services and spaces in Darebin.

A whole-of-Council approach will be used to implement the draft Plan. Operationally focused annual implementation plans will be developed detailing timelines, responsibilities and resourcing for the strategies and initiatives. An evaluation framework will be developed, and annual reports will be provided to Council and the community.

<b>Officer Recommendation</b>
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**That Council**

- (1) Thanks community members for their participation and contributions that have shaped the Cultural Diversity and Inclusion Plan 2026-30.
  - (2) Adopts the Cultural Diversity and Inclusion Plan 2026-30 attached as **Appendix A** to this report.
  - (3) Authorises the Chief Executive Officer (or delegate) to make minor editorial changes, corrections and formatting, as necessary.
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### BACKGROUND / KEY INFORMATION

Council has a long-standing commitment to working with and for culturally and linguistically diverse communities, recognising the profound contribution that migrants across generations have made to the social, cultural and economic fabric of Darebin.

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This includes support for refugees and people seeking asylum, and a clear commitment to standing up against racism in all its forms. Council has reaffirmed this commitment through initiative 2.1.2: Finalise and implement the Cultural Diversity and Inclusion Action Plan in the Our Darebin Plan 2025-29.

Development of the CDIP has been underway since late 2024, building on Council's accreditation as 'Excelling' under the national Welcoming Cities standards in August 2024. The CDIP (**Appendix A**) is now ready to be proposed for adoption.

### Previous Council Resolution

At its meeting held on 28 January 2025, Council resolved:

*'That Council*

- (1) Approves Option 1 [...] to defer completion of the Cultural Diversity Action Plan and LGBTIQA+ Action Plan by December 2025, to provide inclusive opportunities for community engagement.*
- (2) Supports immediate engagement with the relevant Council committees [...]*
- (3) Receives monthly progress briefing reports from officers on the development of the Cultural Diversity Action Plan and LGBTIQA+ Action Plan.'*

### ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Pillar 2: Respectful and Inclusive

### ALIGNMENT TO OUR DAREBIN PLAN 2025-29

Strategic Direction 2: Equity, Diversity and Inclusion - A City where our rich diversity is celebrated, everyone can thrive and belong, and our services, programs, places and spaces are equitable, responsive, inclusive and accessible to all.

### DISCUSSION

The CDIP has been informed by extensive community engagement, evidence-informed practice, key Council strategic plans, accreditations and best practice. The draft CDIP aims to build on Council's policies, programs and services to support rights, inclusion and wellbeing of communities from culturally and linguistically diverse and migrant backgrounds living, working, studying or accessing services and spaces in Darebin. The CDIP has been designed to be responsive to community needs, while remaining practicable and achievable for Council.

### Strategic Context

The CDIP has been intentionally designed to align with Council's broader social justice work in the *Towards Equality: Equity, Inclusion and Human Rights Framework 2019-29* (the framework). The framework sets out Council's strategic commitment to addressing barriers to inclusion for Darebin's diverse communities and brings together State and Federal anti-discrimination and human rights legal obligations. The framework reiterates Council's pre-existing diversity, inclusion, equity and human rights commitments and the need to consider them across all of Council's services, programs, policies and decision-making processes.

The framework goals have been used to align and map the initiatives within the draft CDIP. This structured approach ensures that all aspects of Council's role are systematically considered and incorporated and ensures alignment with other action plans in the equity and diversity portfolio. The table below demonstrates how key elements of the draft CDIP have been directly aligned with existing strategic documents and community engagement outcomes.

CDIP elements	Strategic alignment
Vision	<ul style="list-style-type: none"> <li>Community Vision 2041</li> <li>Community engagement</li> </ul>
Guiding Principles	<ul style="list-style-type: none"> <li>Towards Equality Framework 2019-2029</li> <li>Community engagement</li> </ul>
Goals	<ul style="list-style-type: none"> <li>Towards Equality Framework 2019-2029</li> </ul>
Strategies and initiatives	<ul style="list-style-type: none"> <li>Our Darebin Plan 2025-2029</li> <li>Towards Equality Framework 2019-2029</li> <li>Community engagement</li> <li>Welcoming Cities Standards and Accreditation recommendations</li> </ul>
Program logic and strategic indicators	<ul style="list-style-type: none"> <li>Our Darebin Plan 2025-2029</li> <li>Towards Equality Framework 2019-2029</li> <li>Welcoming Cities Standards</li> </ul>

### Plan Development

The CDIP includes clearly articulated goals, outcomes, strategies and initiatives. Each of the three goals is supported by strategies that outline the key steps required to achieve these goals, directly reflecting the messages we heard from the community and stakeholders. For every strategy, specific initiatives are being identified that Council will implement over the four-year life of the plan. The Plan on a Page (**Appendix A**) illustrates this structure.

The CDIP is informed by two major sources:

- An extensive in-depth community engagement process (June to August 2025) with culturally and linguistically diverse community members, with particular emphasis on people who experience barriers to participation and communities Council usually finds hard to reach.

This provided deep insight into the experiences and perspectives of Darebin's culturally and linguistically diverse communities across genders, ages, migration waves, neighbourhoods (with a focus on areas of higher cultural and linguistic diversity), language groups and levels of English proficiency. Particular attention was given to community members with limited English, supported through translation and interpreting where needed.

This engagement also included clear direction from Wurundjeri Woi-wurrung Elders that, in the Australian (and local Darebin) context, theirs is the foundational culture from which cultural diversity can be understood, grow and flourish. This is why the CDIP will include a message from Elders as a first foreword, reflecting their rightful place in the local (and Australian) context. Beyond this significant symbolic gesture, we will engage in regular consultations with Wurundjeri Woi-wurrung Elders during the implementation of the plan to ensure we continue to be guided by them.

- The findings and recommendations from the multi-year *Welcoming Cities Accreditation* process informed the CDIP and supported Council's achievement of Australia's first 'Excelling' accreditation under the national Welcoming Cities Standards in August 2024. The CDIP builds on this work by addressing the 6 key areas of the Standards:

- (1) community leadership, (2) social and cultural inclusion, (3) economic development,
- (4) learning and skills, (5) civic participation and (6) places and spaces.

The findings from both sources informed the development of key initiatives across a range of Council departments, reflecting the whole-of-Council approach required for cultural diversity and inclusion. The CDIP has also been shaped by the Welcoming Cities Reference Group, which provided guidance throughout all stages of the project, including the review and analysis of community engagement findings in September 2025 and the presentation of directions for the first draft in November 2025.

This alignment ensures the plan is grounded in accreditation standards, best practice and contemporary sector thinking, while also reflecting strong local community voices. The result is a balanced approach that integrates broader state and national policy contexts alongside local priorities.

### **Implementation, monitoring and reporting**

To ensure delivery of the CDIP, operationally focused annual implementation plans are being developed to further detail the initiatives, providing clear and measurable steps to advance them. This provides a roadmap (and organisational commitment) for incremental progress towards the goals and initiatives. These annual implementation plans will outline specific actions to be implemented each year.

To support evaluation and demonstrate the Plan's impact, a program logic has been included in the draft CDIP (**Appendix A**).

A program logic is a widely used tool that visually demonstrates how a program will work and what the impact will be. It maps the relationship between what we do (inputs and outputs) and what we want to achieve (outcomes and impacts) to test if the intended impacts are realistic and achievable from the available resources and planned activities. This tool also helps identify underlying assumptions and external factors that need to be considered.

The short-term outcomes are changes expected immediately following participation in the activities (e.g. new skills), and medium-term outcomes are the changes expected to follow-on from the short-term outcomes (e.g. behaviour change). Long-term impacts are the lasting impacts of the program, these are often achieved over many years and include contribution from other programs and external factors.

## **CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

### **Financial Management**

This project is supported by operating project funding of \$80,000 in 2025-26.

### **Community Engagement**

Extensive and in-depth community engagement undertaken between June and August 2025 successfully reached groups often underrepresented in Council consultations:

- 60% of survey respondents were born outside Australia
- 16.5% reported they do not speak English well or at all
- in comparison, Darebin's broader population is 31.4% overseas born with 6% reporting limited English proficiency.

This significant multicultural participation offers rich insights into migrant experiences, language barriers and the intersectional challenges faced by residents. The strong representation from these groups is linked to deliberate outreach and place-based engagement using multiple engagement methods – including paper-based surveys and in person engagement alongside online channels. This approach appears to have broadened reach to residents with limited digital access, particularly older people, public housing residents (10.9% of respondents compared with 4.1% of Darebin's population), and those with lower English proficiency.

Paper surveys generated almost double the responses (151) compared with online surveys (79), highlighting that reliance on digital only engagement would have excluded critical community voices.

### **Key findings and themes**

Community engagement led to a deep understanding of the experiences and perspectives of Darebin's culturally and linguistically diverse communities. Findings include:

- Darebin's diversity is both its greatest strength and challenge.
- Community support networks can buffer exclusion but have to be supported and nurtured.
- Racism and discrimination dominate experiences, including in workplaces, public spaces, and Council facilities (31% of respondents experienced racism there). Safety concerns linked to racism consistently impact daily life.
- Language emerges as a critical fault line, with limited English speakers experiencing the lowest sense of belonging and facing compound barriers accessing services, including Council services, citing language as their primary barrier.
- Being born overseas is also a major barrier, as time in Darebin cannot fully replace the local knowledge and networks of those born here. Even overseas born residents who speak English "well" struggle, suggesting integration challenges extend beyond basic communication to cultural navigation of Australian systems.

Key areas of focus for the plan based on community engagement findings include:

- Transform service delivery from "welcoming" to "reaching". This reflects guidance from the Wurundjeri Woi-wurrung Elders who are the only ones who can welcome people to their Country. Council's role is to support, reach out and bring programs to communities. Community members want more place-based engagement in neighbourhood houses, cultural centres, community development and outreach programs and shopping precincts.
- Address the 'belonging-discrimination' paradox: Community members want more community-building approaches and support to resident-led initiatives (including community development work with public housing residents), peer networks and local support programs. A strong local network can sustain a sense of belonging even when external discrimination is high.
- Target racism and discrimination systematically: racism emerges as a persistent concern across Darebin, with refugees and people seeking asylum, speakers with limited English proficiency and visible minorities bearing disproportionate impacts. Racism is experienced in workplaces, public spaces and Council settings and there is an opportunity to address this systematically.

- Bridge the civic knowledge gap: two-thirds of residents don't know how to engage with Council decisions. Those who understand the system are twice as likely to participate, indicating civic education as a fundamental prerequisite for democratic inclusion. This offers an opportunity to invest in civic education and outreach or, at a minimum, provide Council information in plain language to bridge the gap.

### **Ongoing Community Engagement**

The CDIP builds on more than four years (2021-2024) of sustained work across Council to map and assess programs, services, places and spaces, internal systems and community partnerships with the aim of strengthening social, cultural, civic and economic participation for culturally and linguistically diverse, migrant and refugee communities. This comprehensive assessment process contributed to Darebin achieving an 'Excelling' accreditation under the Welcoming cities Standards in August 2024, providing a benchmark for identifying areas of strength and opportunities for improvement. Community members and key stakeholders including relevant agencies and local organisations played a central role throughout, particularly through the Welcoming Cities Reference Group (WCRG), which has key organisations represented and offered ongoing advice, guidance and collaboration at every stage.

Adoption at this stage enables implementation to commence promptly giving time to embed the implementation plan across the organisation. This positions Council to build momentum, respond to community priorities and maximise the impact of early action. Post-adoption, ongoing community engagement will be a feature of the Plan's implementation through the engagement of community members and key stakeholders in its various programs, actions and initiatives.

## **COUNCIL POLICY CONSIDERATIONS**

### **Environmental Sustainability Considerations (including Climate Emergency)**

While community feedback did not explicitly emphasise mitigation of, and adaptation to, the climate emergency, evidence shows this is an area of interest and need across community – impacting the most disadvantaged community members.

### **Equity, Inclusion, Wellbeing and Human Rights Considerations:**

Development of the CDIP included an Equity Impact Assessment to ensure active consideration of intersectional needs and lived experiences and to support gender equality (as legally mandated), address discrimination and disadvantage, support environments for health and foster and promote human rights.

### **Economic Development and Cultural Considerations**

Economic opportunities, support to business and employment pathways were strong requests from culturally and linguistically diverse, migrant and refugee communities during the engagement of the CDIP– in alignment with Welcoming Cities recommendations. Support to diverse cultural expression through arts and creative culture emerged as a compelling theme.

### **Operational Impacts**

The CDIP includes initiatives relevant to Open Space, road and place-naming and other places and spaces-related Council functions.

### Legal and Risk Implications

The CDIP can assist Council to meet its legal obligations under State and Federal anti-discrimination and human rights legislation. Of relevance is Council's 'positive duty' to prevent discrimination against its employees and service users on the basis of protected attributes, including race. Council must also uphold human rights protected under the Victorian Charter, notably cultural rights.

### IMPLEMENTATION ACTIONS

Subject to adoption at the March Council Meeting, operational implementation and evaluation plans will be finalised in April, and implementation of the Plan will commence in May.

### APPENDICES

- Draft Cultural Diversity and Inclusion Plan (CDIP) 2026-30 (**Appendix A**) [↓](#)

### DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



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to live

# Cultural Diversity and Inclusion Plan (CDIP) 2026-30

## **Acknowledgement of Aboriginal and Torres Strait Islander People**

Darebin City Council acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and Custodians of the land and waters we now call Darebin and affirms that Wurundjeri Woi-wurrung people have lived on this land for millennia, practising their customs and ceremonies of celebration, initiation and renewal. Council acknowledges that Elders, past and present, and future leaders are central to the cohesion, intergenerational wellbeing and ongoing self-determination of Aboriginal communities. They have played and continue to play a pivotal role in maintaining and transmitting culture, history and language.

Council respects and recognises Aboriginal and Torres Strait Islander communities' values, living culture and practices, including their continuing spiritual connection to the land and waters and their right to self-determination. Council also recognises the diversity within Aboriginal and Torres Strait Islander communities.

Aboriginal and Torres Strait Islander people and communities have had and continue to play a unique role in the life of the Darebin municipality. Council recognises and values this ongoing contribution and its significant value for our City and Australian society more broadly.

*Extract (updated) from Darebin City Council's Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander people 2019.*

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Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation /  
Wurundjeri Woi-wurrung Elders foreword - [PLACEHOLDER](#)

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Mayor's foreword - **PLACEHOLDER**

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Plan on a page						
VISION (Extract from Darebin 2041 Community Vision)	Darebin is an equitable, vibrant, healthy and connected community where all residents and businesses experience safety, fulfillment and prosperity. Darebin respects and celebrates Aboriginal and Torres Strait Islander people, and our diverse communities.					
OUR DAREBIN PLAN 2025–29 STRATEGIC DIRECTIONS	Aboriginal Culture and Knowledge	Equity, Diversity and Inclusion			Health and Wellbeing	
STRATEGIC INDICATORS	Community satisfaction with Council’s support of diversity, inclusion and fairness.		Number of Council plans, policies and programs that apply the equity impact assessment (and gender impact assessment) to their planning process, in line with the Towards Equality framework and <i>Gender Equality Act 2020</i> .			
OUR FOUR-YEAR STRATEGY	Plan and establish Council’s strategic response to build equity, inclusion and human rights for our community.					
OUR INITIATIVE	Finalise and implement the Cultural Diversity and Inclusion Plan (CDIP).					
TOWARDS EQUALITY FRAMEWORK PRINCIPLES	Recognising Australia’s First peoples and the right to self determination	Upholding human rights	Advancing social justice	Meaningful, equitable and inclusive community engagement	Championing health equity	Supporting climate justice
GOALS	<b>Goal 1:</b> Inclusive organisation		<b>Goal 2:</b> Inclusive services, places and spaces		<b>Goal 3:</b> Inclusive community	
CULTURAL DIVERSITY AND INCLUSION PLAN STRATEGIES (Summary versions)	<p><b>1.1:</b> Raise awareness and understanding of Aboriginal and Torres Strait Islander peoples’ culture and history, notably with newly arrived migrants.</p> <p><b>1.2:</b> Lead proactively in standing against racism and discrimination.</p> <p><b>1.3:</b> Lead proactively to uphold and promote the rights of newly arrived refugees and people seeking asylum.</p> <p><b>1.4:</b> Support knowledge of cultural diversity and inclusion, racism and discrimination, and intercultural understanding.</p> <p><b>1.5:</b> Build a safe and inclusive organisation that reflects Darebin’s culturally diverse and migrant communities.</p> <p><b>1.6:</b> Ensure engagement, information sharing and intersectionality.</p>		<p><b>2.1:</b> Ensure accessible engagement, information sharing and communication, including equitable access to information and services by different language groups.</p> <p><b>2.2:</b> Prevent and address racism and discrimination, empower the community and improve community safety.</p> <p><b>2.3:</b> Design and deliver accessible and responsive services, supports and programs for CALD communities, including tailored initiatives to meet specific needs.</p> <p><b>2.4:</b> Improve access to Council facilities and public spaces through accessible, culturally safe infrastructure that meets specific community needs.</p>		<p><b>3.1:</b> Support and deliver accessible opportunities for cultural expression and intercultural understanding through art and public activities.</p> <p><b>3.2:</b> Provide learning opportunities and respond to the learning needs of culturally diverse communities through Darebin Libraries.</p> <p><b>3.3:</b> Provide accessible learning and skill development opportunities.</p> <p><b>3.4:</b> Strengthen inclusion and representation in Council’s decision-making and planning processes, civic knowledge and engagement.</p>	

**Background – WHY have a CDIP?**

Council has developed a Cultural Diversity and Inclusion Plan (CDIP) to strengthen the rights, inclusion and wellbeing of all, by ensuring Darebin’s CALD and migrant communities have equitable opportunities to thrive.

The CDIP outlines strategies and initiatives to ensure Council is building on existing policies, programs and services that support civic, social, physical and economic participation for people who live, work, study in or visit Darebin.

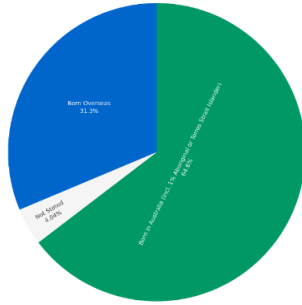
The CDIP delivers on commitments in the Our Darebin Plan 2025–29 and in the Towards Equality: Equity, Inclusion and Human Rights Framework 2019-29. It also strengthens our participation in the Welcoming Cities network, where Darebin was accredited as an Excelling Welcoming City in 2024.

The CDIP was developed through community engagement and insights from the Welcoming Cities accreditation process. It focuses on improving access to services and programs (including language access), promoting safety and anti-discrimination, supporting cultural expression and recognising diverse cultural perspectives. It aims to ensure all CALD and migrant communities in Darebin can participate fully and live their lives well.

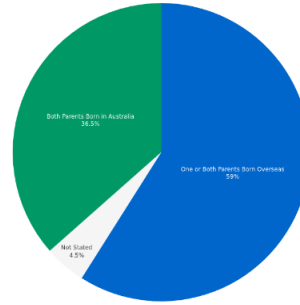
## Darebin Cultural Diversity Snapshot

### ABS Census 2021 & Community Insights

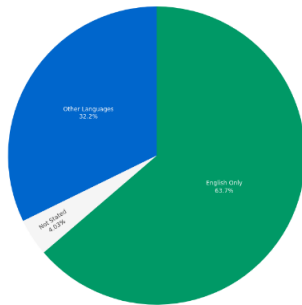
#### Place of Birth



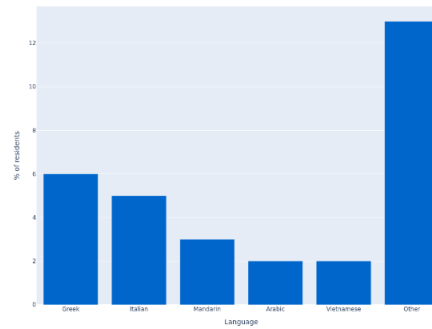
#### Parents' Birthplace



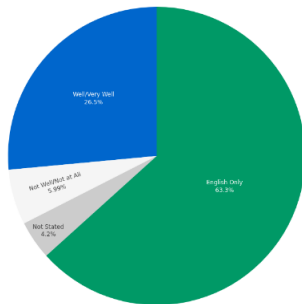
#### Languages Spoken at Home



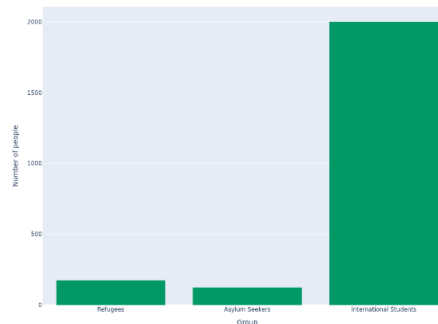
#### Other Languages Breakdown



#### English Proficiency



#### Community Insights



**CDIP focus: culturally & linguistically diverse and migrant communities**

- Who: People born overseas in non-English-speaking countries, who speak a language other than English at home, or identify with distinct cultural traditions.
- Priority: Refugees and people seeking asylum, newly-arrived migrants, young people, intersectional experiences.
- Needs: Address discrimination & safety; improve access (including language); support cultural expression.

The CDIP supports CALD and migrant people and communities. This includes individuals and communities who were born overseas in non-English speaking countries, speak a language other than English at home, or identify with distinct cultural traditions. CALD communities (overseas born including newly arrived or with at least one parent born overseas, and who speak a language other than English) often overlap with migrant and refugee groups but also include Australian-born people with strong cultural or linguistic ties to their heritage.

The CDIP has a particular focus on:

- people who are at risk of exclusion due to:
  - their cultural and/or linguistic backgrounds and/or
  - racialisation and/or
  - country of origin (including refugees and people seeking asylum)
- recognising and including people from migrant backgrounds such as:
  - second-generation migrants
  - young people
- intersectionality, including additional, complex and multilayered barriers and needs some people or groups may experience.

Identified, overarching needs include:

- addressing discrimination and safety
- improving access to services, programs, places and spaces, including language access, and access to opportunities
- supporting diverse cultural expression and including diverse cultural perspectives.

## **Our strategic context (legal and policy)**

A suite of international, federal, state and local documents (see Appendix) provides the strategic context for the development of the CDIP. Of particular note is our positive duty to prevent and respond to discrimination in our policies and practices as an employer and as a service provider on the basis of race (a person's colour, descent or ancestry, nationality, ethnic background or any characteristics associated with a particular race) or religious belief or activity. We also have a legal obligation to respect, uphold and promote cultural rights.

## **What we heard from the community**

Through extensive and in-depth community engagement we reached diverse groups, often under-represented in Council's consultations. This strong multicultural voice provides critical insights into migrant experiences and language barriers faced.

They told us that:

- Darebin's diversity is both its greatest strength and challenge.
- Community support networks buffer exclusion but must be supported and nurtured.
- Racism and discrimination dominate experiences. Safety concerns linked to racism consistently impact daily life.
- Employment support is needed, particularly for newly arrived migrants.
- Language is as a critical fault line, with people who speak limited English facing multiple barriers accessing services, including Council services
- Service access is also prevented by other barriers including lack of information and cultural understanding. Integration challenges extend beyond basic communication to cultural navigation of Australian systems.

They want us to:

- Transform Council service delivery from "Welcoming" to "Reaching", notably through meaningful place-based engagement and community development, focusing on public housing, resident-led initiatives and co-design and support for cultural events and neighbourhood celebrations.
- Target racism and discrimination systematically, in workplaces, public spaces and Council settings, and offer opportunities for economic inclusion.
- Bridge the civic knowledge gap by investing in civic education and outreach and providing Council information in plain language.

## Our CDIP context

### Vision

A fair, inclusive and equitable Darebin where people from culturally and linguistically diverse backgrounds – particularly those at risk of exclusion – who live, work, study or access services and spaces, can fully participate in social, political, civic and economic life and have equal access to opportunities and resources.

### Goals and outcomes







The CDIP outcomes are structured around the goals of the Towards Equality Framework.

Towards Equality framework goals	CDIP outcomes
<p><b>Goal 1: Inclusive organisation</b></p> <p>We will build an organisation that is inclusive and reflective of Darebin’s diverse communities where social justice, accountability, participation and community engagement, human rights, diversity and wellbeing are core principles that inform all of our policies, practices and business.</p>	<p><b>Outcome 1: A Council that leads through inclusive, reflective, culturally competent and anti-racist practice, and is responsive to the needs and aspirations of Darebin’s CALD communities.</b></p> <p>We will demonstrate leadership in advancing equity, equality, social justice and human rights by:</p> <ul style="list-style-type: none"> <li>• fostering and prioritising truth-telling and justice for Aboriginal people in work with CALD and migrant communities</li> <li>• standing against racism and discrimination</li> <li>• upholding and promoting the rights of newly arrived refugees and people seeking asylum</li> <li>• building a workplace that is inclusive, culturally competent and safe</li> <li>• supporting a workforce that is reflective of Darebin’s CALD communities.</li> </ul>
<p><b>Goal 2: Inclusive services, places and spaces</b></p> <p>We will build Council services, programs, places and spaces that are inclusive, responsive, accessible and equitable, and respond to the diversity of needs, rights and priorities in our communities.</p>	<p><b>Outcome 2: Inclusive, accessible, culturally relevant and responsive services, programs, places and spaces.</b></p> <p>We will design and deliver services, programs, places and spaces that are inclusive, accessible, safe, culturally relevant, appropriate and responsive to Darebin’s CALD communities and their needs.</p>

<p><b>Goal 3: Inclusive community</b> Working in collaboration with partner agencies, organisations and residents, we will contribute to building inclusive and empowered Darebin communities by facilitating and advocating for equitable opportunities for all people to be heard, connected, respected and supported to participate in community life and in decisions important to their lives.</p>	<p><b>Outcome 3: Inclusive, connected, safe and empowered communities that foster cultural inclusion and provide access to opportunities and civic participation.</b> We will contribute to building inclusive and empowered Darebin communities by listening to and working in partnership with them to understand, celebrate and value cultural heritage and diversity; foster cultural inclusion; provide access to opportunities and civic participation; promote intercultural relations and connections; and combat racism.</p>
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### Welcoming Cities Standard

In recognition of Darebin's status as an Excelling Welcoming City, the CDIP also draws on the six categories of the national Welcoming Cities Standard. Links to, and alignment with, the Welcoming Cities categories has been integrated into the design of the plan.

#	Welcoming Cities Standard categories	Category symbol
1.0	Community Leadership	
2.0	Social and Cultural Inclusion	
3.0	Economic Development	
4.0	Learning and Skills Development	
5.0	Civic Participation	
6.0	Places and Spaces	




## Cultural Diversity and Inclusion Plan (CDIP)




### GOAL 1 Inclusive organisation

**Outcome 1:** A Council that leads through inclusive, reflective, culturally competent and anti-racist practice, and is responsive to the needs and aspirations of Darebin’s CALD communities.

#### What we are already doing

- Delivering the Darebin Schools NAIDOC Yarning Conference for primary school students and organising sessions and events through the Council’s libraries and Intercultural Centre with a focus on Aboriginal histories and cultures, and truth-telling.
- Annual communications focusing on the rights of people seeking asylum and newly arrived refugees, and community-led activities during key dates, particularly refugee and cultural diversity weeks.
- Delivering opportunities with a focus on intercultural exchanges and understanding through ongoing events at Council’s Intercultural Centre.
- Darebin Community Awards for CALD communities, which create opportunities for knowledge and individual story sharing.

Strategy	Initiatives	Welcoming Cities Standard categories
<p><b>1.1:</b> Raise awareness and understanding of Aboriginal and Torres Strait Islander peoples’ culture, history, truth-telling and self-determination within CALD communities, notably newly arrived migrants.</p>	<p><b>1.1.1:</b> Design and deliver accessible and culturally safe opportunities and events for knowledge sharing by Aboriginal and Torres Strait Islander peoples and Elders (notably Wurundjeri Woi-wurrung as Traditional Owners) with CALD communities, notably newly arrived migrants.</p>	
<p><b>1.2:</b> Take a proactive approach and leadership role in standing against racism and discrimination.</p>	<p><b>1.2.1:</b> Maintain visible Council stance and support publicly.</p>	
<p><b>1.3:</b> Take a proactive and leading role in upholding and promoting the rights of newly arrived refugees and people seeking asylum.</p>	<p><b>1.3.1:</b> Advocate for the rights of newly arrived refugees and people seeking asylum by supporting national and locally emerging advocacy initiatives.</p>	


<p><b>1.4:</b> Strengthen and promote awareness, understanding and knowledge with a focus on cultural diversity and inclusion, and racism and discrimination, including creating opportunities for intercultural understanding.</p>	<p><b>1.4.1:</b> Deliver tailored education sessions on equal opportunity, anti-discrimination, anti-vilification and human rights.</p>	
<p><b>1.5:</b> Build a safe and inclusive organisation that reflects Darebin’s culturally diverse and migrant communities.</p>	<p><b>1.5.1:</b> Establish baseline data and aim to increase the number of culturally diverse employees at all levels of the Council’s workforce.</p> <p><b>1.5.2:</b> Strengthen staff cultural competence and understanding.</p>	
<p><b>1.6:</b> Ensure engagement, information sharing with an intersectional approach.</p>	<p><b>1.6.1:</b> Maintain regular, ongoing information sharing and engagement with the community and key stakeholders.</p> <p><b>1.6.2:</b> Develop and maintain collaborative opportunities that support and address intersectionality by responding to the needs of CALD individuals and groups who experience multiple and compounding forms of discrimination and exclusion. There will be a particular focus on women, young people, senior citizens, children and families, international students, LGBTQIA+ people and people living with disability.</p>	




**GOAL 2 Inclusive services, places and spaces**

**Outcome 2:** Inclusive, accessible, culturally relevant and responsive services, programs, places and spaces.

**What we are already doing**

- Providing multilingual services through Council’s multilingual support.
- Partnering with community groups, local police and government agencies through the Darebin Community Safety Reference Group to strategically coordinate a whole-of-community response to priority community safety issues.
- Supporting community service providers’ coordination and collaboration through the Darebin Emergency Relief Network.
- Information dissemination, targeted outreach and programs to various CALD groups through various Council departments including East Preston Community Centre, Intercultural Centre, Youth Services and Community Hubs.
- Supporting community organisations and service providers through Council’s community grants and other partnership opportunities (such as MoU with Preston Mosque).
- Promoting Darebin Libraries services among culturally diverse communities and responding to their learning needs.
- Targeted engagement with CALD people to respond to the needs of users from culturally diverse backgrounds when designing open spaces.

Strategy	Initiatives	Welcoming Cities Standard categories
<p><b>2.1:</b> Ensure accessible engagement, information sharing and communication with CALD and migrant communities, including equitable access to information and services by different language groups in the community.</p>	<p><b>2.1.1:</b> Strengthen and maintain Council’s multilingual services and information, including the Language Aid program, multilingual website content and translated materials. Ensure they are responsive to the changing demographics, English literacy levels and needs of Darebin’s linguistically diverse communities.</p> <p><b>2.1.2:</b> As part of an informed approach to Council’s engagement with culturally diverse communities, ensure that language, location, format, platform and time of engagement is accessible and culturally safe and appropriate.</p>	

<p><b>2.2:</b> Take a proactive role in preventing and addressing racism and discrimination in the community, including empowering the community and improving community safety.</p>	<p><b>2.2.1:</b> Deliver initiatives that prevent and respond to racism and discrimination.</p> <p><b>2.2.2:</b> Empower communities and strengthen their capacity to respond to racism and discrimination.</p> <p><b>2.2.3:</b> Identify and respond to community safety issues arising from incidents specific to CALD and migrant people, including racism and discrimination.</p>	
<p><b>2.3:</b> Design and deliver accessible and responsive services, support and programs for CALD communities, including tailored initiatives to meet specific needs.</p>	<p><b>2.3.1:</b> Map and identify key services and support, with continuous updates and proactive, accessible information dissemination to ensure responsiveness to changing and emerging needs. There will be a particular focus on health and wellbeing, advocacy, settlement, education, housing, legal assistance, transport, domestic and family violence, climate resilience, child and family support, and support for people with disability.</p> <p><b>2.3.2:</b> Design and deliver outreach and referral programs with a focus on CALD and migrant communities who are at risk of exclusion, and areas experiencing geographic disadvantage.</p> <p><b>2.3.3:</b> Design and deliver responsive services and support for the housing crisis, including engaging with CALD and migrant communities and taking into account their needs and recommendations.</p> <p><b>2.3.4:</b> Increase access to, and use of, services and support provided by Council facilities and service areas, including tailored support for health and wellbeing.</p>	
<p><b>2.4:</b> Ensure CALD communities have improved access to Council facilities and public spaces through accessible, culturally safe infrastructure that meets specific community needs.</p>	<p><b>2.4.1:</b> Ensure social equity and cultural safety in Council-owned facilities for all people, including people from diverse cultural backgrounds.</p> <p><b>2.4.2:</b> Consider diversity and CALD users when designing open spaces.</p>	

	<p><b>2.4.3:</b> Ensure an equitable and accessible hiring process for Council venues and community centres for CALD groups and organisations, particularly those with limited access, to support community events and activities.</p>	
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**GOAL 3 Inclusive community**

**Outcome 3:** Inclusive, connected, safe and empowered communities that foster cultural inclusion and provide access to opportunities and civic participation.

**What we are already doing**

- Delivering arts programming and spaces, with a focus on programming and curatorial frameworks to empower and create opportunities for local artists and creative communities from culturally diverse backgrounds.
- Continuing to apply the Place and Road Naming Policy, and Public Art Framework with a focus on cultural diversity.
- Supporting community-led events and gatherings, including at the Intercultural Centre and by supporting Neighbourhood Houses.
- Supporting opportunities that connect people from CALD and migrant communities – including international students – with employers, training providers and other relevant assistance e.g. job fairs and expos.
- Supporting CALD and migrant communities with access to opportunities for employment, business development and entrepreneurship through supporting social enterprises, not-for-profit networks, Darebin Economic Futures Network, place-based activations, and drop-in programming for Melbourne Polytechnic to provide employment coaching.
- Providing student placement opportunities at the Council, with a focus on international students from diverse backgrounds.
- Supporting ongoing English language literacy and learning opportunities through monthly English language classes at Council’s libraries, centres and Neighborhood Houses.
- Supporting other learning and skill development for various CALD groups such as families and children, and senior citizens.

Strategy	Initiatives	Welcoming Cities Standard categories
<p><b>3.1:</b> Support and deliver accessible opportunities for cultural expression and display by CALD communities through art and public activities that reflect local diversity and strengthen intercultural understanding and connection.</p>	<p><b>3.1.1:</b> Develop and deliver opportunities for CALD communities and newly arrived migrants to engage in cultural expression opportunities through Council festivals, events and programs.</p> <p><b>3.1.2:</b> Deliver initiatives that reflect culturally diverse heritage in public places and facilities, guided and advised by Aboriginal and Torres Strait Islander peoples, and in consultation with CALD communities.</p>	

	<p><b>3.1.3:</b> Support community-led events that celebrate diverse cultures, faiths and identities.</p> <p><b>3.1.4:</b> Support community and social gatherings and activities that celebrate cultural heritage, traditions and cuisine, and strengthen interfaith connections and community harmony.</p>	
<p><b>3.2:</b> Foster economic opportunities for CALD and migrant communities, including access to opportunities for employment, business development and entrepreneurship, with a focus on newly arrived migrant and refugee communities.</p>	<p><b>3.2.1:</b> Address barriers to employment and increase job opportunities.</p> <p><b>3.2.2:</b> Support social and economic revitalisation through projects and activities that enable people from CALD backgrounds to contribute to helping Darebin become a great place to visit and do business.</p> <p><b>3.2.3:</b> Support opportunities for information sharing on work rights and preventing workplace discrimination, with a focus on newly arrived migrants.</p> <p><b>3.2.4:</b> Ensure that Council’s procurement policies and practices support inclusive decision making. Identify opportunities to engage local suppliers from CALD communities, including addressing barriers to accessing council tendering and contracting opportunities.</p>	
<p><b>3.3:</b> Design and deliver accessible learning and skill development opportunities for CALD and migrant communities, including opportunities for lifelong learning and personal development, and access to education and vocational training, volunteering and student placements.</p>	<p><b>3.3.1:</b> Support volunteering and student placement opportunities, with a particular focus on migrants from culturally diverse backgrounds.</p> <p><b>3.3.2:</b> Provide learning opportunities and respond to the learning needs of culturally diverse communities through Darebin Libraries.</p>	
<p><b>3.4:</b> Strengthen and ensure that CALD and migrant communities are meaningfully included and</p>	<p><b>3.4.1:</b> Design and deliver accessible and multilingual opportunities to disseminate information on Council’s roles, services and engagement opportunities.</p>	

<p>represented in Council’s decision-making and planning processes, including strengthening civic knowledge and providing targeted opportunities for engagement.</p>	<p><b>3.4.2:</b> Ensure meaningful and accessible engagement and consultation with CALD and migrant communities as part of the engagement process across all Council initiatives.</p> <p><b>3.4.3:</b> Ensure representation of CALD and migrant communities in Council’s decision-making and community advisory platforms and opportunities.</p> <p><b>3.4.4:</b> Ensure that priorities and key decisions from Council meetings are available and disseminated in community languages.</p>	
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## Monitoring and reporting on the CDIP

Effective monitoring and evaluation are essential to ensure the CDIP is successfully implemented, remains relevant, and achieves meaningful outcomes for the community. We heard clearly from our community that accountability for the implementation of the Plan is important.

Key elements supporting the implementation, monitoring and reporting of the CDIP are:

- resourcing
- annual action planning
- annual reporting through the Council Plan.

The implementation of this Plan will be resourced with dedicated staffing, and actions will be aligned to annual Council budget development processes. The four-year initiatives of the CDIP will be further detailed in annual action plans that will provide incremental progress towards the initiatives and goals of the Plan.

Annual plans will outline specific actions to be implemented in each year, responsible departments and timelines. Progress of CDIP implementation will be presented as part of the Council Plan annual report, which is publicly available.

**Program Logic**

A program logic is a widely used tool that visually demonstrates how a program will work and what the impact will be. It maps the relationship between what we do (inputs and outputs) and what we want to achieve (outcomes and impacts) to test if the intended impacts are realistic and achievable from the available resources and planned activities.

Indicators from the following sources have been embedded into the program logic and will be used in the evaluation plan: : [\\*Welcoming Cities](#) (Indicators) [\\*\\*Towards Equality Framework](#) (Outcomes) [\\*\\*\\*Our Darebin Plan](#) (strategic indicators)

Inputs (Resources)	Outputs (Activities)	Outputs (Participation)	Short-term outcomes */**	Medium-term outcomes */**	Long-term impact */ **/***
<p><b>Strategic and Policy Foundations:</b> Council Plan, Community engagement findings, relevant legislation, Council’s policies Welcoming Cities Accreditation</p> <p><b>Resources:</b> Financial, People, Organisational Systems and Infrastructure</p> <p><b>Partnerships and Networks</b></p> <p><b>Community Knowledge and Lived Experience</b></p>	<p><b>Goal 1: Inclusive Organisation</b> Opportunities for knowledge sharing on Aboriginal and Torres Strait Islander peoples’ culture, history and truth-telling</p> <p>Council stance and support in response to racism incidents,</p> <p>Education and knowledge sharing sessions and Intercultural Centre’s program</p>	<p>Aboriginal and Torres Strait Islander Elders</p> <p>New Citizens</p> <p>Culturally and linguistically diverse and migrant communities</p> <p>Mayoral and Councillor Taskforce Supporting People Seeking Asylum</p> <p>Community advocacy organizations and groups</p> <p>Darebin staff</p>	<p>Increased awareness of Aboriginal and Torres Strait Islander peoples’ cultures and truth-telling</p> <p>Processes are in place to prevent and respond to racism incidents</p> <p>Increased awareness of, and information on, cultural diversity, inclusion and anti-racism</p> <p>Improved advocacy for the rights of refugees and people seeking asylum</p>	<p>Increased cross-cultural understanding and solidarity with Aboriginal and Torres Strait Islander peoples</p> <p>A municipality where racism is challenged</p> <p>Increased knowledge of cultural inclusion and anti-racism, including increased community response</p> <p>Increased access to services and supports for refugees and people seeking asylum</p>	<p>Strengthened recognition of Aboriginal and Torres Strait Islander peoples’ rights, history and ongoing leadership</p> <p>An inclusive, socially cohesive municipality where racism is actively challenged, cultural diversity is valued and the human rights of refugees and people seeking asylum are improved</p> <p>A culturally inclusive and safe organisation that reflects the</p>

<p><b>Organisational Culture and Leadership Commitment</b></p> <p><b>Ongoing learning, review and improvement</b></p>	<p>Advocacy for the rights of refugees and people seeking asylum</p> <p>Inclusive and accessible recruitment processes for people from culturally and linguistically diverse backgrounds</p> <p>Staff training on diversity and Inclusion</p> <p>Collaboration with community and stakeholders</p>	<p>Stakeholders and Council’s Advisory Committees</p>	<p>Improved organisational systems to support cultural inclusion</p>	<p>Increased workforce diversity.</p>	<p>diversity of Darebin’s communities</p>
	<p><b>Goal 2: Inclusive services, places and spaces</b></p> <p>Multilingual communications and services</p> <p>Tailored engagement with culturally and linguistically diverse people</p>	<p>Culturally and linguistically diverse and migrant communities</p> <p>Victorian Equal Opportunity and Human Rights Commission</p> <p>Community organization and groups</p> <p>Darebin Schools</p>	<p>Improved multilingual information and engagement processes</p> <p>Increased awareness of services and supports</p> <p>Improved planning and design considerations</p>	<p>Increased access to engagement opportunities and participation in Council services among culturally and linguistically diverse people</p> <p>Increased use of Council facilities and public spaces</p>	<p>Equitable access to information, engagement opportunities and services and supports ***</p> <p>Inclusive and culturally safe public spaces***</p>

	<p>Initiatives that prevent and respond to racism incidents and community safety issues</p> <p>Information dissemination on services and supports, and delivery of responsive program to communities in need</p> <p>Ongoing engagement with culturally and linguistically diverse communities on accessible public spaces and facilities including ongoing review of accessibility requirements</p>	<p>Darebin Community Safety Reference Group and local police</p> <p>Service providers</p>			
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	<p><b>Goal 3: Inclusive community</b></p> <p>Delivery of art festivals, events and programs</p> <p>Community-led events that celebration</p> <p>Support initiatives with focus on employment and business opportunities for migrant communities</p> <p>Volunteer and student placement programs</p> <p>Education and skill learning sessions</p> <p>Disseminate information on Council’s roles, engagement opportunities and key Council’s decision</p> <p>Implementing criteria and targets with focus on culturally and</p>	<p>Local artists and art organizations</p> <p>Culturally and linguistically diverse businesses and job seekers</p> <p>Employment support providers</p> <p>Groups and communities from divers cultural and faith background</p> <p>Students</p>	<p>Increased opportunities for cultural expression</p> <p>Improved awareness of, and access to, employment and business opportunity</p> <p>Improved access to learning and volunteering opportunities</p> <p>Increased civic awareness</p>	<p>Greater visibility and representation of cultural diversity</p> <p>Increased participation in employment pathways and business opportunities</p> <p>Increased participation in learning and volunteering opportunities</p> <p>Increased representation Council decision-making and planning processes</p>	<p>A vibrant and inclusive municipality where cultural diversity is celebrated***</p> <p>Enhanced economic inclusion, financial security and skills***</p> <p>Inclusive local government where culturally diverse communities have influence and voice</p>
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	linguistically diverse and migrant representation at Council’s meetings, advisory committees and other engagement opportunities				
Assumptions: Council will remain committed to the Plan including the provision of resourcing and funding. CALD people, communities and groups, partners and local business will want to engage with Council.			External factors: State and Federal legislation. Current levels of polarisation and racism.		

DRAFT

## Appendix A – Legal and policy strategic context

Below are the international treaties and declarations, federal and state laws and policies, and local commitments and frameworks that give direction and guidance for Council in the way we work with, and for, people and communities from migrant and CALD backgrounds.

### Victorian Government / State level

*Local Government Act 1989*

*Local Government Act 2020*

*Racial and Religious Tolerance Act 2001 – amended to Justice Legislation Amendment (Anti-vilification and Social Cohesion) Act 2025*

*Charter of Human Rights and Responsibilities Act 2006*

Municipal Association of Victoria's Statement of Commitment to Cultural Diversity (2012)

*Victorian Public Health and Wellbeing Act 2008*

*Equal Opportunity Act 2010*

*Multicultural Victoria Act 2011*

Victorian. And proud of it. Victoria's Multicultural Policy Statement underpinned by the Victorian Values Statement (incorporating All of Us Victorian Government Policy Statement 2009 and Valuing Cultural Diversity Policy 2002)

Victorian Treaty process and supporting legislation

Victoria's anti-racism strategy 2024–2029

Rebuilding Trust for a Multicultural Victoria (2025)

### Australian Government / National level

*Racial Discrimination Act 1975*

*Australian Human Rights Commission Act 1986*

*Fair Work Act 2009*

National Settlement Framework (2016)

Racism. It Stops with Me (Australian Human Rights Commission campaign)

Welcoming Cities network and Standard

National Anti-Racism Framework: A roadmap to eliminating racism in Australia (2024)

Towards fairness: A multicultural Australia for all (2024) (building on The Charter of a Public

Service in a Culturally Diverse Society 1999 and The People of Australia – Australia's

Multicultural Policy 2011)

### International

United Nations (UN) Universal Declaration of Human Rights (1948)

Refugee Convention (1951)

International Covenant on Economic, Social and Cultural Rights (1966)

International Covenant on Civil and Political Rights (1966)

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

UNESCO Universal Declaration on Cultural Diversity (2001)

UNESCO's Coalition of Cities against Racism and Discrimination in Asia and the Pacific (2009)

UN Sustainable Development Goals 2030

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**9.5 DRAFT LGBTIQA+ ACTION PLAN FOR ADOPTION**

**Author:** Access and Inclusion Policy Lead  
Coordinator Equity, Inclusion & Wellbeing

**Reviewed By:** Chief Executive Officer

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**EXECUTIVE SUMMARY**

This report presents the LGBTIQA+ Action Plan 2026-2030 (the Plan) for Council consideration and adoption. The Plan outlines a coordinated approach to improving LGBTIQA+ inclusion, health and wellbeing, and address inequalities, barriers to participation and experiences of discrimination and disadvantage.

The Plan is informed by extensive community and Council staff consultation, data analysis, and relevant key internal and State policies and legislation. The Plan has been aligned to the *Our Darebin Plan 2025-2029, Towards Equality: Equity, Inclusion and Human Rights Framework 2019-2029* and *Pride in our future: Victoria's LGBTIQA+ Strategy 2022-32*.

A whole-of-Council approach will be used to implement the Plan. Operationally focused annual implementation plans will be developed detailing timelines, responsibilities and resourcing for the strategies and initiatives. An evaluation framework will be developed, and annual reports will be provided to Council and the community.

<b>Officer Recommendation</b>
-------------------------------

**That** Council:

- (1) Thanks community members for their participation and contributions that have shaped the LGBTIQA+ Action Plan 2026–2030.
  - (2) Adopts the LGBTIQA+ Action Plan 2026-2030 attached at **Appendix A** to this report.
  - (3) Authorises Chief Executive Officer (or delegate) to make minor editorial changes, corrections and formatting, as necessary.
- 

**BACKGROUND / KEY INFORMATION**

LGBTIQA+ people experience discrimination and disadvantage at significantly higher rates than heterosexual Australians. The current socio-political landscape, both locally and internationally, is experiencing a rise in queerphobia and transphobia with significant impacts on social cohesion and the rights, safety and inclusion of LGBTIQA+ people. These experiences of discrimination impact LGBTIQA+ people's health and wellbeing, economic and social participation, and contributes to higher rates of health risk behaviours. This is compounded for LGBTIQA+ people with intersectional identities. Darebin has a higher LGBTIQA+ population than the Victorian average and this Plan will be important to the Darebin community.

To support the inclusion, health and wellbeing of LGBTIQA+ people in Darebin, Council has committed to the development and implementation of the LGBTIQA+ Action Plan in the *Our Darebin Plan 2025-29* (2.1.3 Finalise and implement the LGBTIQA+ Action Plan).

Development commenced in late 2023 and the LGBTIQA+ Action Plan is now ready for Council review and adoption.

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**Previous Council Resolution**

At its meeting held on 28 January 2025, Council resolved:

*That Council*

- (1) *Approves Option 1 [...] to defer completion of the Cultural Diversity Action Plan and LGBTIQA+ Action Plan by December 2025, to provide inclusive opportunities for community engagement.*
- (2) *Supports immediate engagement with the relevant Council committees [...]*
- (3) *Receives monthly progress briefing reports from officers on the development of the Cultural Diversity Action Plan and LGBTIQA+ Action Plan.'*

**ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Pillar 2: Respectful and Inclusive

**ALIGNMENT TO OUR DAREBIN PLAN 2025-29**

Strategic Direction 2: Equity, Diversity and Inclusion - A City where our rich diversity is celebrated, everyone can thrive and belong, and our services, programs, places and spaces are equitable, responsive, inclusive and accessible to all.

**DISCUSSION**

The LGBTIQA+ Action Plan has been informed by extensive community and Council staff engagement, evidence-informed practice, and key Council and State strategic plans. The draft Plan uses a whole-of-Council approach to recognise, elevate and empower Darebin's LGBTIQA+ communities, and address barriers to equity and inclusion. The initiatives and activities have been designed to be responsive to community needs, while remaining practicable and achievable for Council.

**Strategic Context**

The draft Plan has drawn on Council's robust commitment to equity, inclusion and human rights by aligning to key strategic documents, in particular *Our Darebin Plan 2025-2029* and *Towards Equality: Equity, Inclusion and Human Rights Framework 2019-2029*. This approach aims to build upon and embed Darebin's commitment to equity and inclusion, while also strengthening efficiency and contributing to lasting impacts and systems change.

The Plan is closely aligned with the State Government's *Pride in our future: Victoria's LGBTIQA+ Strategy 2022-32*. This supports best practice and contributes to broader state policy reform while remaining focused on local priorities. This approach positions Darebin well for future funding and partnership opportunities.

The table below demonstrates how key elements of the Plan have been directly aligned with existing strategic documents and community engagement outcomes:

LGBTIQA+ Action Plan elements	Strategic alignment
Vision	Community Vision 2041
Guiding Principles	Towards Equality Framework 2019-2029

	Community engagement
Goals	Towards Equality Framework 2019-2029
Strategies and initiatives	Our Darebin Plan 2025-2029 Towards Equality Framework 2019-2029 Pride in our future 2022-2032 Rainbow Ready Roadmap Community engagement
Program logic and strategic indicators	Our Darebin Plan 2025-2029 Towards Equality Framework 2019-2029 Pride in our future 2022-2032 Rainbow Ready Roadmap

The Plan:

- is strongly connected to the Municipal Public Health and Wellbeing Plan 2025-2029 (MPHWP), which is integrated into the Our Darebin Plan 2025-2029
- applies a Social Determinants of Health (SDoH) approach, recognising that LGBTIQ+ health and wellbeing are shaped by a wide range of interconnected social, economic and political factors beyond individual behaviours.

By focusing on determinants such as social connection, economic and civic participation, access to services and the broader sociocultural environment, the Plan leverages local government’s role in influencing the conditions that support community wellbeing. Through this approach, the Plan aims to reduce inequalities and exclusion and to create environments that enable LGBTIQ+ communities to feel safe, supported and able to thrive.

In particular, the following health priorities within the MPHWP are relevant to the LGBTIQ+ community, who experience these factors at higher rates than the broader population:

- Supporting improved access to mental health programs and services
- Preventing harm from gender-based violence
- Providing education and information regarding modifiable health risks, including vaping, tobacco use and preventing harm from alcohol.

**Plan Development**

The Plan is structured around the three *Towards Equality Framework* goals and outcomes. Under each goal are strategies and initiatives that detail the smaller steps that will be taken in order to achieve the goals. The strategies and initiatives reach across all departments at Council to create systemic change within the organisation, across services and with the broader community. The Plan on a Page (**Appendix A**) illustrates this structure.

As mentioned above the draft Plan is also closely aligned with *Pride in our future: Victoria’s LGBTIQ+ Strategy 2022-32*, the State Government’s first whole of government framework for equality and inclusion. The plan reflects the strategy’s priority areas: protecting equal rights and freedom, ensuring equitable and accessible services, strengthening visibility to guide decision making, and building safe, strong and sustainable communities. Aligning the draft Plan with the goals in the *Toward Equality Framework* and the *Pride in our future: Victoria’s LGBTIQ+ Strategy 2022-32* ensures best practice and contributes to broader state and national policy reform.

The LGBTIQA+ Advisory Committee and internal staff Pride Network were consulted in March 2025, December 2025 and January 2026 where members were provided with an overview of the Plan's development, key themes and strategies. The Plan and the methodology have been well received by the members with opportunities to guide and advise on the direction.

In response to community engagement, the Plan includes strategies and initiatives focused on:

- Supporting and enabling community-led and community targeted groups, events and services
- Increasing safety, and visibly and proactively responding to rising queerphobia and transphobia.

### **Implementation, monitoring and reporting**

To support implementation of the Plan and ensure accountability, operationally focused annual implementation plans have been developed detailing timelines, responsibilities and resourcing for the strategies and initiatives.

An evaluation framework will be developed for the Plan, including monitoring of outputs (activities and reach) and outcomes. Indicators will be aligned to Council's strategic indicators, as well as indicators from the *Towards Equality Framework 2019-2029*, *Pride in Our Futures 2022-2032* and *Rainbow Ready Roadmap*.

To further support evaluation and demonstrate the plan's impact, a program logic has been included in the Plan (**Appendix A**).

A program logic is a widely used tool that visually demonstrates how a program will work and what the impact will be. It maps the relationship between what we do (inputs and outputs) and what we want to achieve (outcomes and impacts) to test if the intended impacts are realistic and achievable from the available resources and planned activities.

This tool also helps identify underlying assumptions and external factors that need to be considered. The short-term outcomes are changes expected immediately following participation in the activities (e.g. new skills), and medium-term outcomes are the changes expected to follow-on from the short-term outcomes (e.g. behaviour change). Long-term impacts are the lasting impacts of the program; these are often achieved over many years and include contribution from other programs and external factors.

## **CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

### **Financial Management**

Council allocated operational project funding of \$60,000 in FY2025-26 for the LGBTIQA+ Action Plan.

### **Community Engagement**

Significant community engagement has informed the development of the draft Plan. Engagement was specifically designed to reach LGBTIQA+ people and elevate their voices and lived experiences. The strong representation from the LGBTIQA+ community is linked to deliberate outreach and place-based engagement using multiple engagement methods –

including online channels, outreach at festivals and events, interviews and targeted engagement with community groups, stakeholders and partners.

**2024 Engagement:**

- 2 submissions received (from Your Community Health and Victorian Pride Lobby)
- 10 interviews with stakeholders and peak bodies
- 5 Council Advisory Committees consulted (including 30 participants)
- 104 Your Say Darebin survey submissions (and 1,174 views)
- 150 community members directly engaged at 3 festivals/events (Midsumma Carnival, Northcote Rise Festival, Thornbury's HOT Pride Makers Market).

**2025 Engagement**

Engagement in 2025 focused on consultation with the LGBTIQ+ Advisory Committee during two meetings (March and December 2025) where the draft Plan was well received. This approach provided the Committee with dedicated, in-depth time to discuss the Plan's development and offer meaningful advice, feedback and input into its strategies and initiatives. The consultation period remained open for several days, ensuring members had adequate time to contribute thoughtfully and engage fully in shaping the draft Plan.

**Staff Consultation**

Consultation with Council staff occurred alongside the community engagement and throughout the draft Plan's development, including participation from staff across all levels and departments, as well as the staff Pride Network. Engagement included an intensive three-week consultation process involving in-depth meetings with 11 departments, as well as two internal workshops with over 70 staff, and a dedicated presentation to the Pride Network on the outline of the draft Plan.

**Key Themes**

The draft plan is structured around a set of key themes that bring together the insights from community engagement process. The key themes are:

- Provide leadership and advocacy across Council and municipality
- Ensure safe and accessible spaces, places, services, programs, and facilities
- Foster connections
- Create welcome, recognition and visibility
- Lead on advocacy, respect for and protection of human rights
- Build capacity.

**Ongoing Community Engagement**

The extensive community engagement undertaken, together with the strong support from the LGBTIQ+ Advisory Committee and the Pride Network for the Plan's strategies and initiatives, presents a valuable opportunity for Council to adopt the Plan. Adoption at this stage enables implementation to commence promptly giving time to embed the implementation plan across the organisation. This positions Council to build momentum, respond to community priorities and maximise the impact of early action.

Post-adoption, ongoing community engagement will be a feature of the Plan's implementation through the engagement of community members and key stakeholders in its various programs, actions and initiatives.

## **COUNCIL POLICY CONSIDERATIONS**

### **Environmental Sustainability Considerations (including Climate Emergency)**

Whilst the Plan does not explicitly emphasise mitigation of, and adaptation to, the climate emergency, evidence shows this is an area of interest and need across community, particularly for communities facing disadvantage. The LGBTIQ+ Action Plan includes initiatives focused on inclusion and equity in Emergency Management.

### **Equity, Inclusion, Wellbeing and Human Rights Considerations:**

An Equity Impact Assessment (EIA) was undertaken at the commencement of this project in October 2023. The EIA focused on ensuring the identities, needs and lived experience of trans and non-binary people, and LGBTIQ+ people with intersectional identities were centred. Once the Plan is adopted, an EIA review will be undertaken to ensure recommendations continue to be addressed throughout the life of the Plan.

### **Economic Development and Cultural Considerations**

A number of economic development strategies and initiatives are included in the Plan, these aim to strengthen equity in Council's procurement processes, increase LGBTIQ+ economic and workforce participation, and improve safety and inclusion for LGBTIQ+ people when accessing businesses, events and services in Darebin.

### **Operational Impacts**

The Plan takes a whole-of-Council approach and will therefore work with teams across Council to strengthen LGBTIQ+ inclusion across Council's operations. Specifically, this includes access to all gender toilets, and safe and inclusive libraries, recreation and leisure and emergency management facilities.

### **Legal and Risk Implications**

The draft Plan can assist Council to meet its legal obligations under State and Federal anti-discrimination and human rights legislation. Of particular relevance is Council's 'positive duty' to prevent discrimination against its employees and service users on the basis of protected attributes, including sexuality and gender.

## **IMPLEMENTATION ACTIONS**

Subject to adoption at the March Council Meeting, operational implementation and evaluation plans will be finalised in April, and implementation of the Plan will commence in May.

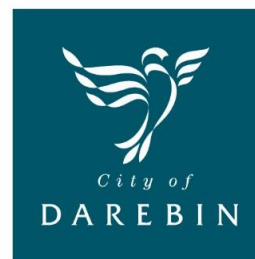
### **APPENDICES**

- Appendix A - Draft LGBTIQ+ Action Plan 2026-30 (**Appendix A**) [↓](#)

## **DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



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# LGBTIQA+ Action Plan 2026-30

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## Acknowledgement of Country

Darebin City Council acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and Custodians of the land and waters we now call Darebin and affirms that Wurundjeri Woi-wurrung people have lived on this land for millennia, practising their customs and ceremonies of celebration, initiation, and renewal.

Council acknowledges that Elders past and present, and future leaders, are central to the cohesion, intergenerational wellbeing and ongoing self-determination of Aboriginal communities. They have played and continue to play a pivotal role in maintaining and transmitting culture, history and language.

Council respects and recognises Aboriginal and Torres Strait Islander communities' values, living culture and practices, including their continuing spiritual connection to the land and waters and their right to self-determination. Council also recognises the diversity within Aboriginal and Torres Strait Islander communities.

Aboriginal and Torres Strait Islander people and communities have had and continue to play a unique role in the life of the Darebin municipality. Council recognises and values this ongoing contribution and its significant value for our City and Australian society more broadly.

*Extract from Darebin City Council's Statement of Commitment to Traditional Owners and Aboriginal and Torres Strait Islander people 2019.*

## Acknowledgements

Council would like to acknowledge and thank everyone that contributed to the development of this Plan. In particular, we acknowledge the LGBTIQ+ Advisory Committee and LGBTIQ+ community members and staff that shared their insights and lived experience with us.

## Message from the Mayor - Placeholder

### A note about language

We recognise that language is dynamic, personal and constantly evolving. Terminology that is considered appropriate today may change tomorrow, and we acknowledge that individuals within the LGBTQIA+ community may prefer different terms for themselves.

The term LGBTQIA+ as used in this Plan refers to people who are lesbian, gay, bisexual, trans and gender diverse, intersex, queer, questioning, and asexual. The + includes community members who identify in ways beyond the listed terms, and seeks to acknowledge the evolving nature of identity and language.

# Why have we developed this Plan?

## Community aspirations

Darebin’s **Community Vision** was developed by a panel that broadly represented the demographics of the Darebin community, and it outlines the type of community that members aspire to in the year 2041. The Vision strongly supports an inclusive and equitable community.

“Darebin is an equitable, vibrant, healthy and connected community where all residents and businesses experience safety, fulfillment and prosperity. Darebin respects and celebrates Aboriginal and Torres Strait Islander people, and our diverse communities. Darebin has responded effectively to the climate emergency by implementing a circular economy and creating a sustainable, green and liveable environment. Darebin is renowned for its collaborative engagement, integrity, transparency and commitment to financial sustainability.”

## Council strategic direction

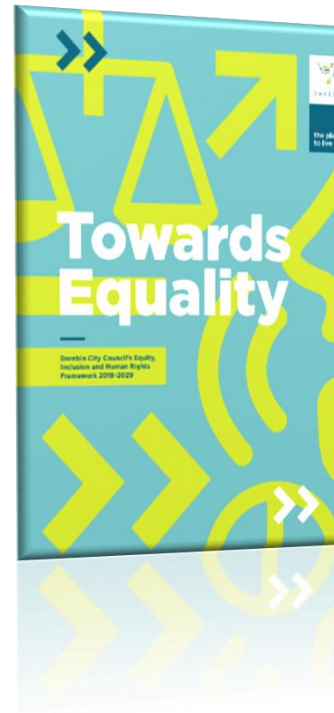
This Plan aligns with (and is an explicit action of) the **Our Darebin Plan 2025-2029**. The Our Darebin Plan outlines the specific focus areas of Council over the next four years. Three of the six strategic directions of the plan relate specifically to equity and inclusion:



Figure 1: Alignment with Our Darebin Plan strategic directions

This Plan is the key implementation tool for LGBTIQ+ inclusion under Darebin's overarching **Towards Equality: Equity, Inclusion and Human Rights Framework 2019-2029**. The Towards Equality Framework outlines Council's commitment to social justice under the following principles:

1. **Recognising Australia's First peoples and the right to self-determination for Aboriginal and Torres Strait Islander people as a foundation for equity and fairness:**  
This is the essential first step in order build equity, inclusion, human rights, and wellbeing in our community.
2. **Upholding human rights:** Place human rights at the centre of Council's values and work.
3. **Advancing social justice:** Actively remove inequalities to ensure people in our community can have equal access to wealth, health, wellbeing, justice, and opportunity.
4. **Delivering meaningful, equitable and inclusive community engagement:** Actively seek to engage with and listen to the needs and aspirations of all residents, including those whose voices might be less often heard.
5. **Championing health equity:** Inclusion and addressing of barriers that create disadvantage is vital to physical, social, mental, cultural, and spiritual health and wellbeing.
6. **Supporting climate justice:** Recognise and respond to the different ways that people within the community may be affected by climate change.



The goals of this Plan are taken directly from the Towards Equality Framework.

The Towards Equality Framework commits to supporting the rights of people and groups that experience discrimination and disadvantage, including:

LGBTIQ+ people

Aboriginal and Torres Strait Islander people

Culturally and linguistically diverse people, migrants, and refugees

Women and girls

People with disability

People experiencing poverty, including intergenerational disadvantage, in the context of historical and growing inequalities

Children

Young people

Older people

## Pride in our future: Victoria’s LGBTIQ+ Strategy 2022-32

This Plan outlines Darebin City Council’s contribution to the priorities of the Victorian Pride in Our Future strategy. The Pride in Our Future strategy outlines how the Victorian Government will work towards its vision that:

**“All Victorians feel safe, are healthy, have equal human rights and can live wholly and freely. LGBTIQ+ Victorians experience the benefits of full participation in economic, educational, political, community and social areas at all stages of life. Victoria leads the way in LGBTIQ+ equality, celebrating culture, community and taking sustained, enduring and measurable action.”**

It is a cross-government strategy, leveraging the significant influence that State Government has over legislation; service provision; funding of services, events and activities; community safety; infrastructure; and people.

The Strategy focuses on four priority areas (Figure 2):

1. Equal rights and freedoms
2. Equitable, inclusive and accessible services
3. Visibility to inform decision making
4. Safe, strong and sustainable communities.

The Darebin LGBTIQ+ Action Plan aligns closely with these priority areas. This alignment is denoted in the [Goals, strategies and initiatives](#) section of this plan by the relevant priority area symbol as shown in Figure 2.



Figure 2: Pride in Our Future 2022-32 priority areas.

## Other legal and policy requirements

Local governments operate under a strong legislative framework that requires proactive action to promote equality and combat discrimination. Victorian policies and legislation relevant to the LGBTIQ+ Action Plan include:

- Local Government Act 2020
- Charter of Human Rights and Responsibilities Act 2006
- Equal Opportunity Act 2010
- Change or Suppression (Conversion) Practices Prohibition Act 2021
- Gender Equality Act 2020
- Rainbow Ready roadmap

Further detail on these requirements is in Appendix A. By developing and implementing this LGBTQIA+ Action Plan, Council ensures its services, policies and advocacy efforts meet these legal and ethical obligations while working towards the shared community vision of an “equitable, vibrant, healthy and connected community”.

### Social Determinants of Health

This Plan takes a Social Determinants of Health (SDoH) approach. The SDoH explain the complex and interconnected relationships between the factors that influence health. The SDoH describe how health is shaped not only by lifestyle factors such as diet, physical activity or alcohol use, but also by broader social, economic and political factors such as access to housing, cost of food, and legal rights. These factors can be protective, such as having a job, or harmful, such as working in an unsafe environment.

Local government is well-placed to address the SDoH. This Plan focuses on determinants of health including social connection, economic and civic participation, access to services, and the socio-cultural environment. This approach aims to address inequities and exclusion and create conditions that promote the health and wellbeing of LGBTQIA+ people.

Alongside this Plan, Council addresses other determinants of health impacting LGBTQIA+ people through the *Municipal Public Health and Wellbeing Plan (MPHWP)*, incorporated in *Our Darebin Plan 2025-2029*. The MPHWP focuses on a number of health behaviours and health risks that impact LGBTQIA+ people at higher rates than the general population. This includes:

- Supporting improved access to mental health programs and services
- Preventing harm from gender-based violence
- Providing education and information regarding modifiable health risks, including vaping, tobacco use and preventing harm from alcohol.



Source: [NACCHO](#)

## Our LGBTIQ+ communities

Data about LGBTIQ+ people is limited as sexuality, sex characteristics and gender identity are often not well captured in data sets. Where data is available, it is more often at a state or national level rather than specific to a single municipality. Existing data shows that LGBTIQ+ people make up a significant proportion of the Darebin population and many face poorer health, economic and social outcomes than the wider population as a result of discrimination, stigma and exclusion.

As can be expected, the experiences of people within such a diverse population varies significantly with some groups experiencing poorer outcomes than others. It is also important to recognise that being LGBTIQ+ is only one part of a person’s identity. LGBTIQ+ people are diverse in many ways including Aboriginality, ethnicity, race, migration or refugee status, age, ability, geographic location, and socioeconomic status. Some of these identities and lived experiences result in additional discrimination, stigma and exclusion.

*Darebin City Council recognises the significant diversity of experiences of people within LGBTIQ+ communities. We recognise that experiences vary from person to person, and that experiences and needs of LGBTIQ+ individuals and groups can change over time and across different settings.*

{Infographics to be used in design}

It is estimated that 17.6% of Darebin adults identify as LGBTIQ+ (Victoria 11%).<sup>1</sup>

In Victoria, people aged 18-24 are almost twice as likely to identify as LGBTIQ+ as the total adult population.<sup>2</sup>

In 2021, 3.4% of couples living together in Darebin were same-sex couples.<sup>3</sup>

The number of male same-sex couples living together in Darebin increased by 62.5% between 2016 and 2021.<sup>4</sup>

It is estimated that around 1.7% of Australians are born with intersex variations.<sup>5</sup>

The largest national survey of LGBTIQ+ people to date<sup>6</sup> found that:

Around 13% of respondents reported having children or stepchildren.

38.5% of respondents reported living with a disability or long-term health condition

57% of respondents reported being unfairly treated because of their sexual orientation and 77.5% of trans and gender diverse people reported unfair treatment due to their gender identity.

In the 12 months prior to the survey, 39.5% of respondents experienced social exclusion, 34.6% experienced verbal abuse, 23.6% were harassed (such as being spat at or subjected to offensive gestures) and 14.6% were threatened with physical violence.

<sup>1</sup> Victorian Population Health Survey 2023, unpublished.

<sup>2</sup> Victorian Population Health Survey 2023, unpublished.

<sup>3</sup> Australian Bureau of Statistics, 2021 Census of Population and Housing.

<sup>4</sup> Australian Bureau of Statistics, 2021 and 2016 Censuses of Population and Housing.

<sup>5</sup> Australian Human Rights Commission, 2025.

<sup>6</sup> Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*. ARCSHS Monograph Series No. 122. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University

57% of respondents experienced high or very high psychological distress.

Almost 1 in 3 respondents reported having attempted suicide.

More than 4 in 5 young LGBTIQ+ people reported having ever experienced suicidal ideation, attempted suicide or self-harmed.<sup>7</sup>

22% of respondents reported having ever experienced homelessness, with trans and gender diverse people at greatest risk.

41.7% of respondents reported having experienced abuse from an intimate partner.

38.5% reported feeling abused by a family member.

Aboriginal and Torres Strait Islander LGBTIQ+ individuals may experience homophobic discrimination from within the Aboriginal and Torres Strait Islander community, as well as marginalisation and exclusion within the largely white-dominated LGBTIQ+ community.<sup>iii</sup>

Trans and gender diverse respondents reported higher rates of psychological distress, suicidal ideation and attempts, and poorer self-rated health than cisgender women and cisgender men.

A smaller proportion of participants from multicultural backgrounds reported feeling accepted a lot or always in almost all settings compared to those from an Anglo-Celtic background.

One in five (20.1%) LGBTIQ+ participants in Victoria were current smokers, compared to 16.7% in the general Victorian population.

Over one-quarter (27.8%) of participants reported drinking more than two standard drinks per day on average, exceeding national guidelines. This is markedly higher than the general population (16.1%)

Almost one in seven (14.2%) reported experiencing a time within the past 6 months when they had struggled to manage their drug use or where it negatively impacted their everyday life.

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<sup>7</sup> Amos, N., Lim, G., Buckingham, P., Lin, A., Liddel-Hunt, S., Mooney-Somers, J., Bourne, A., on behalf of the Private Lives 3, Writing Themselves In 4, SWASH, Trans Pathways, Walkern Katatdjin, and Pride and Pandemic teams (2023). *Rainbow Realities: In-depth analyses of large-scale LGBTQ+ health and wellbeing data in Australia*. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University.

## What is important to you?

The priorities of this Plan are directly informed by community consultation and engagement undertaken throughout 2024 and 2025. We engaged with the broader community, Council's LGBTIQ+ Advisory Committee, Council staff and key stakeholders including health and community service providers. The goals, strategies and initiatives outlined in this Plan are clearly linked to the key messages shared by our community and other stakeholders.

### Key messages from consultation

#### **Leadership, governance and advocacy**

We heard that it is important for Council to be a strong, visible ally committed to human rights and zero tolerance of discrimination. This involves building internal capability through knowledgeable staff and progressive policy development, while also driving external change via public policy and law reform submissions, collaboration with key partners, and delivering educational community campaigns.

#### **Safe and accessible services and infrastructure**

We heard that it is important to ensure that both the physical and Council service environments welcome all community members. Key priorities include focusing on safety and accessibility across all Council-run places, facilities and services. Council should provide equitable services for all –targeting those most in need – with specific attention to inclusive facilities, such as addressing the need for changeroom and bathroom facilities that meet the need of all genders.

#### **Visibility, recognition and celebration**

We heard that it is important that Council work to create a visible and affirming culture across the municipality. This involves supporting and delivering a diverse range of events – from small gatherings to large celebrations – to promote local achievements and history and using visible, recognisable signs of support that make the community feel seen and valued.

#### **Community connection and support**

We heard that promoting community connection and support is vital for reducing isolation and supporting LGBTIQ+ communities to meet their own needs and aspirations. This could be achieved by supporting local, accessible and informal gatherings that reduce barriers to participation. These connections should be inclusive of the wider population but also offer targeted opportunities for specific LGBTIQ+ groups to meet their needs.

#### **Capacity building and economic inclusion**

We heard that there is a desire to strengthen the LGBTIQ+ community and their involvement in the local economy by fostering resilience and inclusion. Key actions include actively mentoring and strengthening community groups and assisting local businesses and services to become more welcoming. Directly supporting LGBTIQ+ artists, performers and venues as key cultural assets was also important.

#### **Concern about the rise in anti-LGBTIQ+ sentiment**

We heard that the community is concerned about increasing anti-LGBTIQ+ sentiment, particularly targeting trans and gender diverse people. Community safety is very important, and there is a need for Council to not only be an ally but also to assertively lead and uphold human rights against discrimination and vilification. This requires clear public messaging of zero tolerance.

#### **Reflect the diversity of LGBTIQ+ people**

LGBTIQ+ communities are diverse and not a catch-all group. Many participants highlighted the compounded discrimination and exclusion experienced by LGBTIQ+ people who are also part of other marginalised groups, particularly for Aboriginal and Torres Strait Islander people, CALD people, people with disability, and older LGBTIQ+ residents. Services must be specifically designed to meet these complex, overlapping needs.

# Plan on a page

VISION	<p>Darebin is an equitable, vibrant, healthy and connected community where all residents and businesses experience safety, fulfillment and prosperity.</p> <p>Darebin respects and celebrates Aboriginal and Torres Strait Islander people, and our diverse communities.</p> <p>Darebin has responded effectively to the climate emergency by implementing a circular economy and creating a sustainable, green and liveable environment.</p> <p>Darebin is renowned for its collaborative engagement, integrity, transparency and commitment to financial sustainability.</p>			
OUR DAREBIN PLAN 2025-29 STRATEGIC DIRECTIONS	Aboriginal Culture and Knowledge	Equity, Diversity and Inclusion	Health and Wellbeing	
STRATEGIC INDICATORS	Community satisfaction with Council's support of diversity, inclusion and fairness.		Number of Council plans, policies and programs that apply the Equity Impact Assessment (and Gender Impact Assessment) to their planning process, in line with the Towards Equality Framework and Gender Equality Act 2020.	
OUR 4 YEAR STRATEGY	Plan and establish Council's strategic response to build equity, inclusion and human rights for our community.			
OUR INITIATIVE	Finalise and implement the <b>LGBTIQA+ Action Plan</b>			
TOWARD EQUALITY FRAMEWORK PRINCIPLES	Human Rights and Social Justice	Intersectionality	Participation & Voice	Accountability
GOALS	Goal 1: Inclusive Organisation		Goal 2: Inclusive Services, Places and Spaces	Goal 3: Inclusive Community
LGBTIQA+ ACTION PLAN STRATEGIES	<p>1.1 Take a community leadership role in promoting the rights, safety, and wellbeing of LGBTIQA+ people, families, and communities.</p> <p>1.2 Embed LGBTIQA+ inclusion as a core competency across Council.</p> <p>1.3 Strengthen LGBTIQA+ visibility, voice, representation and leadership.</p> <p>1.4 Provide a safe, healthy and equitable workplace for LGBTIQA+ staff by promoting a positive and inclusive organisational culture.</p>		<p>2.1 Deliver services, programs, places and spaces that respond to the diverse needs and priorities of LGBTIQA+ people and families across the lifespan.</p> <p>2.2 Deliver and support initiatives that connect, recognise and celebrate LGBTIQA+ communities.</p>	<p>3.1 Collaborate with local partners to improve safety, inclusion and health and wellbeing of LGBTIQA+ people.</p> <p>3.2 Support LGBTIQA+ people, families and communities to organise and connect to meet their own needs and aspirations.</p> <p>3.3 Support the contribution of LGBTIQA+ people to the local economy.</p>

# Vision

Darebin is an equitable, vibrant, healthy and connected community where all residents and businesses experience safety, fulfillment and prosperity.

Darebin respects and celebrates Aboriginal and Torres Strait Islander people, and our diverse communities.

Darebin has responded effectively to the climate emergency by implementing a circular economy and creating a sustainable, green and liveable environment.

Darebin is renowned for its collaborative engagement, integrity, transparency and commitment to financial sustainability.

# Guiding principles

There are four principles that reflect the key sentiments shared by our community and which form the foundation of all actions of this Plan.

**Human rights & social justice**

We are committed to upholding the rights, dignity, and safety of LGBTIQ+ people by embedding equity and inclusion into policies, programs, and services. We are resolute in our support of LGBTIQ+ communities in the face of discrimination, misinformation, and disinformation.

**Intersectionality**

We recognise people's lives and experiences are shaped by multiple intersecting identities that can result in power and privilege for some, and compounded discrimination and exclusion for others. We will actively address the needs of people who face discrimination and exclusion on multiple and compounding fronts (e.g. LGBTIQ+ people with disability, older LGBTIQ+ people).

**Participation & voice**

We ensure that LGBTIQ+ people and communities are meaningfully included in Darebin by centring their voices and lived experiences in decision-making and co-design processes.

**Accountability**

We take ownership of our actions and uphold the commitments we make to the LGBTIQ+ community.

# Goals, strategies, and initiatives

The LGBTIQ+ Action Plan is structured around the three goals and intended outcomes of the **Towards Equality Framework**, ensuring that our actions drive systemic change across the organisation and our services, and in the broader community.



Under each of the three **goals** are **strategies** that outline key elements of meeting each goal. These are clearly tied to the key messages we heard from our community and other stakeholders. For each strategy, there is a list of initiatives that Council will implement over the four years of the Plan.

## GOAL 1: Inclusive organisation

We will build an organisation that is inclusive and reflective of Darebin's diverse communities, where social justice, accountability, participation and community engagement, human rights, diversity, and wellbeing are core principles that inform all our policies, practices and business.

**Outcomes:** A diverse and inclusive Council (as an organisation) that reflects our community.

Strategy	Initiatives	Pride in our Future priority **
1.1 Take a community leadership role in promoting the rights, safety and wellbeing of LGBTIQ+ people, families and communities.	1.1.1 Proactively respond to and stand up against instances of homophobic, biphobic and transphobic hate speech, misinformation and disinformation in the local community.  1.1.2 Lead and contribute to community-led advocacy efforts and campaigns on key issues relating to rights, safety and discrimination.	
1.2 Embed LGBTIQ+ inclusion as a core competency across Council.	1.2.1 Identify and implement opportunities to provide training, resources and support to staff to promote safe, inclusive and affirming environments across Council operations.	
1.3 Strengthen LGBTIQ+ visibility, voice, representation and leadership.	1.3.1 Embed LGBTIQ+ community participation in program and service design, delivery and evaluation.  1.3.2 Install visible symbols of welcome across Council operations throughout the municipality.  1.3.3 Ensure LGBTIQ+ people and families are represented in Council communications.	

	<p>1.3.4 Support recognition of LGBTIQ+ leaders.</p>	
<p>1.4 Provide a safe, healthy and equitable workplace for LGBTIQ+ staff by promoting a positive and inclusive organisational culture.</p>	<p>1.4.1 Ensure recruitment and staff management policies and procedures are inclusive for LGBTIQ+ people.</p> <p>1.4.2 Consider the unique impacts of gender inequality and gender-based violence on LGBTIQ+ staff within Council’s broader gender equality action planning.</p> <p>1.4.3 Support and promote Council’s internal Pride Network.</p> <p>1.4.4 Strengthen processes for LGBTIQ+ staff to provide feedback on their experience and perspectives related to the working environment.</p> <p>1.4.5 Address the needs of all genders in the provision of staff toileting and change facilities.</p> <p>1.4.6 Implement initiatives that promote positive mental health and reduce psychosocial hazards, sexual harassment and bullying experienced by LGBTIQ+ staff.</p>	 

## GOAL 2: Inclusive services, places and spaces

We will build Council services, programs, places and spaces that are inclusive, responsive, accessible and equitable, and respond to the diversity of needs, rights and priorities in our communities.

**Outcome:** Accessible, equitable, inclusive, and responsive Council services, programs, places and spaces.

Strategy	Initiatives	Pride in our Future priority**
<p>2.1 Deliver services, programs, places, and spaces that respond to the diverse needs and priorities of LGBTIQ+ people and families across the lifespan.</p>	<p>2.1.1 Equip Council departments with the tools and resources to assess and strengthen inclusion and accessibility of services, programs, and infrastructure.</p> <p>2.1.2 Address the needs of all genders in the provision of public toilet and change facilities.</p> <p>2.1.3 Incorporate the unique safety needs, perceptions and experiences of LGBTIQ+ communities and other priority populations in public space design and management.</p> <p>2.1.4 Incorporate the unique needs of LGBTIQ+ communities in the development of major Council strategies and plans.</p> <p>2.1.5 Facilitate increased opportunities for LGBTIQ+ participation in physical activity and sport.</p> <p>2.1.6 Support and deliver a range of services and programs targeted at and/or led by the LGBTIQ+ community that promote health, wellbeing and connection across the lifespan.</p>	
<p>2.2 Deliver and support initiatives that connect, recognise and celebrate LGBTIQ+ communities.</p>	<p>2.2.1 Support and deliver a range of events and programs targeted at and/or led by the LGBTIQ+ community that respond to diverse LGBTIQ+ community needs and interests and support LGBTIQ+ storytelling, arts, culture and identity.</p>	

### GOAL 3: Inclusive community

Working in collaboration with partner agencies, organisations and residents, we will contribute to building inclusive and empowered Darebin communities by facilitating and advocating for equitable opportunities for all people to be heard, connected, respected and supported to participate in community life and in decisions important to their lives.

**Outcome:** An inclusive and empowered community where social cohesion and community harmony are fostered.

Strategy	Initiatives	Pride in our Future priority**
<p>3.1 Collaborate with local partners to improve safety, inclusion, and health and wellbeing of LGBTIQ+ people.</p>	<p>3.1.1 Collaboratively seek opportunities, address service gaps and attract resources that support the health and wellbeing of Darebin’s LGBTIQ+ community.</p> <p>3.1.2 Support local community groups, organisations and businesses to become more welcoming and inclusive of LGBTIQ+ people, families and communities, and address discriminatory behaviours.</p> <p>3.1.3 Support and deliver initiatives to improve safety and reduce homophobia, transphobia and biphobia for LGBTIQ+ people, families and communities.</p>	
<p>3.2 Support LGBTIQ+ people, families and communities to organise and connect to meet their own needs and aspirations.</p>	<p>3.2.1 Identify and implement opportunities to encourage greater use of Council’s community grants programs to support LGBTIQ+-focused groups and initiatives.</p>	
<p>3.3 Support the contribution of LGBTIQ+ people to the local economy.</p>	<p>3.3.1 Support the development of LGBTIQ+-owned or focused businesses.</p> <p>3.3.2 Ensure Council’s procurement and leasing policies and practices adopt an equity lens.</p>	

## Monitoring and reporting on the Plan

Effective monitoring and evaluation are essential to ensure the LGBTIQ+ Action Plan is successfully implemented, remains relevant, and achieves meaningful outcomes for the community. We heard clearly from our community that accountability for the implementation of the Plan was important.

Key elements supporting the implementation, monitoring and reporting of this Plan are:

- resourcing
- annual action planning
- annual reporting.

The implementation of this Plan will be resourced with dedicated staffing, and actions will be aligned to annual Council budget development processes. The four-year initiatives of the Plan will be further detailed in annual action plans that will provide incremental progress towards the initiatives and goals of the Plan. Annual plans will outline specific actions to be implemented in each year, responsible departments and timelines.

A report on the progress of Plan implementation will be presented to the LGBTIQ+ Advisory Committee and Councillors each year. These reports will be publicly available.

## Program Logic

A program logic is a widely used tool that visually demonstrates how a program will work and what the impact will be. It maps the relationship between what we do (inputs and outputs) and what we want to achieve (outcomes and impacts) to test if the intended impacts are realistic and achievable from the available resources and planned activities.

Indicators from the following sources have been embedded into the program logic and will be used in the evaluation plan: \*[Rainbow Ready Roadmap](#) (Indicators) \*\*[Towards Equality Framework](#) (Outcomes) \*\*\*[Pride in Our Future](#) (Vision) \*\*\*\*[Our Darebin Plan](#) (Strategic Indicators)

Inputs (Resources)	Outputs (Activities)	Outputs (Participation)	Short-term outcomes	Medium-term outcomes	Long-term impact	
Funding	<b>Goal 1: Inclusive Organisation</b> <ul style="list-style-type: none"> <li>- Respond to queerphobia</li> <li>- Advocate</li> <li>- Train staff</li> <li>- Engage LGBTIQ+ communities</li> <li>- Increase visibility</li> <li>- Update HR and recruitment</li> <li>- Provide all gender staff toilets</li> <li>- Provide staff network</li> </ul>	Staff	Increased staff knowledge and understanding*	More inclusive workforce and work environment	A diverse and inclusive Council (as an organisation) that reflects our community.**	
Staff		State Government	Improved workplace processes*	Increased staff satisfaction and LGBTIQ+ retention		
Skills		LGBTIQ+ people, community groups and leaders	Increased LGBTIQ+ participation in community engagement*	LGBTIQ+ residents feel heard	Accessible, equitable, inclusive and responsive Council services, programs, places and spaces.**	
Knowledge		Broader population	Increased LGBTIQ+ visibility and support*	LGBTIQ+ experiences and needs are embedded	An inclusive and empowered community where social cohesion and community harmony are fostered.**	
Networks					LGBTIQ+ residents feel a sense of belonging	
Time (4 years)					Reduced misinformation*	LGBTIQ+ Victorians experience the benefits of full participation in economic, educational, political, community and
Venues and spaces					Increased LGBTIQ+ uptake and participation	
Online communications platforms	<b>Goal 2: Inclusive services, places and spaces</b>	Staff	Improved services, places and spaces*			
Advisory Committee		LGBTIQ+ people				

Pride Network	<ul style="list-style-type: none"> <li>- Maintain Rainbow Tick and Aged Care accreditation</li> </ul>	Sports clubs and leisure centres	Increased celebration events and community awareness*	Increased LGBTIQ+ social connection	social areas at all stages of life.**
Towards Equality Framework	<ul style="list-style-type: none"> <li>- Implement all gender toilets and change rooms</li> </ul>	Broader population	Strengthened reputation regarding LGBTIQ+ inclusion and access	Improved access and inclusion	LGBTIQ+ people have improved health and wellbeing.
Council Plan	<ul style="list-style-type: none"> <li>- Provide inclusive services focussing on: ageing, youth, libraries, arts, sports and recreation, emergency management</li> <li>- Celebrate dates of significance</li> <li>- Undertake Equity Impact Assessments</li> </ul>			Improved best practice compliance/alignment Number of Council plans, policies and programs that apply the Equity Impact Assessment to their planning process****	Community satisfaction with Council's support of diversity, inclusion and fairness****
	<b>Goal 3: Inclusive community</b> <ul style="list-style-type: none"> <li>- Build partnerships</li> <li>- Identify service gaps</li> <li>- Respond to safety needs</li> <li>- Support businesses and groups</li> <li>- Provide community grants</li> <li>- Update procurement</li> </ul>	LGBTIQ+ community groups Local organisations and partners LGBTIQ+ businesses Funders Staff	Stronger partnerships Needs and gaps identified Equitable procurement processes Uptake of grants*	Effective collaboration Increased service provision Stronger local LGBTIQ+ businesses Reduced discrimination and increased safety*	

Assumptions: Council will remain committed to the Plan including the provision of resourcing and funding. LGBTIQ+ people and groups, partners and local business will want to engage with Council.	External factors: State and Federal legislation. Current levels of polarisation and queerphobia.
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## Appendix A – Relevant legal and policy requirements of Council

Victorian policies and legislation relevant to the LGBTIQ+ Action Plan include:

- **Local Government Act 2020:** Requires Council to consider the diverse needs of the local community in its functions and services.
- **Charter of Human Rights and Responsibilities Act 2006:** Requires all public authorities, including Council, to act compatibly with and give proper consideration to human rights (including the right to equality and freedom from discrimination) in their operations.
- **Equal Opportunity Act 2010:** Makes it unlawful to discriminate on the basis of sexual orientation, gender identity, disability, race, religious belief, or activity.
- **Change or Suppression (Conversion) Practices Prohibition Act 2021:** Reinforces the protection of LGBTIQ+ people from harmful practices.
- **Gender Equality Act 2020:** Requires Council to consider gender and how gender combines with other identities (such as sexuality or disability) when planning and reviewing policies, programs and services.

The Victorian Government has developed **Pride in our future: Victoria's LGBTIQ+ strategy 2022-32** to drive inclusion and equality for LGBTIQ+ communities in government work in Victoria. The Strategy identifies four priority areas:

1. Equal rights and freedoms
2. Equitable, inclusive and accessible services
3. Visibility to inform decision making
4. Safe, strong and sustainable communities.

This LGBTIQ+ Action Plan aligns with both the Pride in Our Future strategy and the **Rainbow Ready roadmap**. The Rainbow Ready roadmap has been developed as a resource for organisations (including local government) to support planning and delivery of actions that align with the Pride in Our Future strategy in rural and regional areas. Despite the rural and regional focus, this resource is useful in the assessment and ongoing evaluation of the inclusiveness of Darebin City Council service and operations. The list of indicators for local governments is in [Appendix B](#).

## Appendix B – Rainbow Ready roadmap indicators for local government

There are 15 indicators included in the [Rainbow Ready roadmap local government setting guide](#). These are organised under the Rainbow Ready core principles of LGBTIQ+ inclusion: understanding, inclusion, visibility and safety. The Rainbow Ready roadmap resources provide prompts for assessing inclusivity, action planning and evaluation of progress. The initiatives and annual actions of this Plan will work towards strengthening Council's actions in these areas.

### Understanding

1. The council educates its staff and volunteers on LGBTIQ+ inclusion.

### Inclusion

2. LGBTIQ+ residents take part in council committees and in council planning.
3. Council grants are provided to support local LGBTIQ+ initiatives.
4. The council supports local LGBTIQ+ events.
5. The council provides an inclusive workplace for LGBTIQ+ employees and volunteers.

### Visibility

6. The council has a strategy or plan for LGBTIQ+ inclusion.
7. The council has a statement of LGBTIQ+ inclusion that is publicly visible.
8. Council information incorporates LGBTIQ+ inclusive language and images.
9. The council takes opportunities to fly the rainbow or trans flags.
10. The council's website and social media accounts profile LGBTIQ+ initiatives, events, people and resources.

### Safety

11. Bookings and assessment processes are LGBTIQ+ inclusive.
12. LGBTIQ+ groups and services are supported to access council spaces.
13. The council provides all-gender bathroom and change room options.
14. Potential risks to the safety of LGBTIQ+ group members are identified and minimised.
15. The council responds to anti-LGBTIQ+ incidents by advocating for the rights of LGBTIQ+ members and taking steps to prevent future incidents.

**9.6 COMMUNITY GRANTS PROGRAM REVIEW****Author:** Manager Equity and Climate**Reviewed By:** Chief Executive Officer**EXECUTIVE SUMMARY**

This report presents the findings of a recent internal review of Council's Community Grants Program. The Review's strategic recommendations are presented for Council's consideration. Specifically, that the Program's 14 grant streams be retained, while the current 'Partnership Grants' be replaced with a 'Multi-Year Funding' category to provide equitable access for eligible community organisations to longer term program funding. The report also recommends a series of operational changes for introduction in the forthcoming 2026-27 round to strengthen program accessibility and governance, and to better support communities to access grants.

**Officer Recommendation****That Council:**

- (1) Notes the Community Grants Program Review (Summary Report) at Appendix A.
- (2) Replaces 'Partnership Grants' with 'Multi-Year Funding' grants available on a rolling 3-year cycle and open to all eligible community organisations for multi-year programs and projects.
- (3) Continues to offer the fourteen (14) grant streams offered in recent years, as noted in point 4 below.
- (4) Notes that having regard to Council's final 2026-27 budget allocation for the Community Grants Program, officers will allocate funding across the fourteen grant streams generally as follows:

Grant Stream	Indicative % of Total Funding
Small	10.5
Venue Hire Support	10.0
Older & Active (funded from separate budget)	-
Festivals & Community Events	5.5
Emergency Food Relief	5.5
Equity & Wellbeing	5.5
Artist-led Initiatives	5.5
Youth	5.5
Environment & Sustainability	5.5
Aboriginal & Torres Strait Islander	5.5
MULTI-YEAR: Equity & Wellbeing	23.0
MULTI-YEAR: Arts	7.0
MULTI-YEAR: Youth	5.5
MULTI-YEAR: Environment & Sustainability	5.5

- (5) Notes that a series of operational changes will be introduced as part of the forthcoming 2026-27 grant round to improve program accessibility, inclusivity and governance, and community engagement and capacity building.

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## BACKGROUND / KEY INFORMATION

A review of Darebin's Community Grants Program (the Review) has been conducted by officers in response to the following:

### **Our Darebin Plan 2025-29 (Council Plan):**

*Strategy 6.1.2.1: Review existing partnerships and Community Grant Program;*

*Action 1.1.5: Deliver a community grants stream for Aboriginal and Torres Strait Islander community groups and not-for-profit organisations to help resource community projects and programs.*

**June 2025 Council Resolution**, which appears below.

**Council's Community Grants Policy**, which states that community grants:

*...aim to support community projects and activities that align to the goals and objectives of the Council Plan to address local priorities and enable the community to participate in the social, cultural, and economic life of the municipality.*

*All grant programs will seek to further the reach of Council's social, environmental, and economic objectives through investment in the community and will directly align to the goals and objectives of the Council Plan.*

*Specific funding priority areas under grants programs are to be determined by Council. These must align with and reflect the adopted Council Plan.*

### **Previous Council Resolution**

At its meeting held in June 2025, Council resolved:

*'That Council:*

1. *Endorses a review of Darebin's grant-making program to align the program to the Council Plan 2025-29, where:*
  - a) *The review considers the value achieved for grantees and to the broader Darebin community, contemporary best-practice approaches to grant-making, and benchmarking against comparable Councils.*
  - b) *Is informed by community engagement, including feedback from past and present grant recipients, and organisations who have an interest.*
  - c) *Workshop options with council by November 2025, with a report to be tabled in March 2026 on recommendations to strengthen all council grant programs.*
2. *Endorses:*
  - a) *Deferring the second round of the three-year partnerships grants until after Council considers the grant program review and endorses its revised approach to grant-making.*
  - b) *Endorses the extension of the current partnership grants for 12 months.'*

## **ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Pillar 1: Vibrant, Healthy and Connected

## **ALIGNMENT TO OUR DAREBIN PLAN 2025-29**

Strategic Direction 6: Decision Making, Community Engagement and Transparency - A City that is well-managed, transparent and trusted by its community and partners, with clear and respectful communication that builds confidence in Council's decisions.

### **DISCUSSION**

Following is a summary of findings from the Review, with more information in the 'Community Grants Program Review, March 2026 – Summary Report' at **Appendix A**.

#### **Stakeholder Consultation**

A survey was distributed to community members and Council staff, receiving 113 responses (86 from community grant recipients and 27 from Council officers).

The survey results included:

- 45% of respondents nominated community outreach as the most effective and impactful way to help communities be well-prepared for grant rounds and maximise the number of grant applications. It was suggested that a broader range of communications and face-to-face opportunities would assist.
- Community groups highlighted the need to ensure equitable access for vulnerable groups, particularly CALD groups.
- Respondents identified ways to make the grants streams more accessible, including simplifying the process and ensuring the grant goals were well-defined.
- Respondents were consistent in their ratings of Council strategic priorities with Equity, Diversity & Inclusion; Aboriginal Culture & Knowledge; and Health & Wellbeing ranked (in order) as most important.

Further consultation data is contained in the Community Grants Program Review.

#### **Benchmarking**

Benchmarking against the other M9 Councils occurred. The outcomes included:

- Darebin ranks in the top 4 M9 councils for the amount of community grant funding offered.
- Darebin is one of four M9 councils that offer multi-year funding.
- Three of the M9 councils have councillors making final decisions about grant allocations. At Darebin, decisions are made by a cross-organisational panel of relevant staff and then are reported to Council for noting only.

#### **Governance and Integrity**

The Community Grants Program was last reviewed and restructured in 2019. In 2022, the Victorian Auditor General's Office (VAGO) conducted a performance audit titled 'Fraud Control Over Local Government Grants', which examined the processes and practices associated with Council grant programs.

In response, Council conducted a review of the Community Grants Program and produced the 'Self-Assessment Report - Grant Framework Review, July 2022'.

The primary objective was to review and assess Council's grants processes to determine if they were well designed, mitigate fraud related risks and were operating as intended. Twenty-one improvement opportunities were identified, 17 of which have been actioned. The four outstanding recommendations relate to fraud and corruption and conflict of interest training for relevant staff.

It is noted that Partnerships Grants were initially run outside of Council's Community Grants Program and thus were not reviewed as part of Council's 2022 Self-Assessment.

### **Partnership Grants**

Partnership Grants were introduced in 2019. Their purpose was to provide funding for community organisations over a period of 3 years, to give them the capacity to deliver greater community benefit than a single year's funding. They aim to encourage ongoing, discrete, standalone programs which help to maximise and embed community outcomes.

In 2025-26, Partnerships Grants were offered in 4 of 14 grant streams and accounted for 45% of Council's total Community Grants allocation of \$877,000, as follows:

Partnership Grant Stream	Stream allocation
Equity & Wellbeing	\$256,844
Arts	\$41,000
Youth	\$25,625
Environment & Sustainability	\$66,625
Total:	\$390,094

Partnership grants were due to end on 30 June 2025 before being extended by Council resolution to 30 June 2026.

As noted above, Partnerships Grants were not reviewed in the 2022 Self-Assessment that followed the VAGO audit. This most recent Review of the Community Grants Program has considered the VAGO report and notes that for the good governance and integrity of the Community Grants Program, it should not preference any organisation for funding on the basis that they are an identified or prioritised partner. The principle is that community grants should be equally accessible to all eligible organisations and that councils should look to other programs if it wishes to provide funding to particular 'partner' organisations.

The Review has also found, however, that the multi-year funding element of the Partnerships Grants has positive benefits for longer term program and project impact.

The Review recommends, therefore, that Partnership Grants be rebranded as 'Multi-Year Funding' and be open to all eligible community organisations, with new guidelines to ensure community organisations do not become reliant on funding from Council. This will allow different organisations to have an opportunity to benefit from grant funding over multiple years.

### **Strategic Alignment**

The Review's examination of the Community Grant Program's alignment with and performance against current Council Plan objectives has found good alignment and outcomes. Specifically, the grants awarded in 2025 have funded projects that assist in the delivery of the Council Plan's community-facing strategic objectives, including:

### Aboriginal Culture and Knowledge

Dedicated Aboriginal and Torres Strait Islander Community Grants advance Darebin's commitments to truth telling, self-determination and cultural safety. Examples include NAIDOC family days, arts workshops, 3KND radio training, and men's cultural workshops.

These initiatives reflect the Council Plan objectives to preserve Aboriginal culture, increase visibility, and support Treaty-aligned community engagement.

### Equity, Diversity and Inclusion

Many 2025 awarded grants directly support Darebin's goal of being an inclusive and equitable city. Examples include Somali Australian Council Victoria improving Somali women's mental health, Proud2Play supporting LGBTIQ+ inclusion through fitness, and Greek Elderly Citizens of Thornbury running inclusive social programs for seniors. These initiatives mirror the Council Plan's priorities around reducing discrimination, strengthening belonging and supporting people most at risk of exclusion.

### Health and Wellbeing

Projects such as Get Active sports activities, youth mental health workshops, food relief programs (e.g., DIVRS, All Saints Preston), and urban food systems initiatives (e.g., DIVRS Urban Food Program) support the following Council priorities: mental health, social connection, physical activity, safe communities and reduced harm from gambling and addiction. The grants enable community led health promotion consistent with the Municipal Public Health and Wellbeing Plan.

### Climate Leadership and Response

Numerous 2025 grants contribute to Darebin's climate leadership goals such as CERES' Olives to Oil program, Village Greening's climate aware neighbourhood model, community gardens, circular economy initiatives (e.g. Darebin Hard Rubbish Heroes), and Thin Green Line environmental restoration. These projects deliver community level emissions reduction, food security, biodiversity protection and waste minimisation - all of which are priorities within Council's Climate Emergency Plan.

### Vibrant Places and Economy

Artistic and cultural grants including FUSE Festival projects, Creative medium grants, and local performances through Darebin City Brass and Preston Symphony Orchestra enhance Darebin's creative identity and local economy. Venue Hire Support Grants enable accessible, affordable use of community spaces, aligning with Council's goal of creating vibrant, liveable neighbourhoods rich with cultural activity.

### **Grant Streams and Funding Allocations**

As noted above, the current Program consists of 14 grant streams. Given the above finding that the Program has produced outcomes that align well with Council Plan objectives, it is recommended that the current grant streams are appropriate and should be maintained.

While the overall budget for the Community Grants Program is determined by Council as part of the annual budget process each year, the amount of funding allocated to particular grant streams is considered and set under delegation prior to the commencement of every grant round, having regard to the overall budget allocated by Council, and previous years' demand and uptake in particular grant streams.

The grant streams that were offered in **2025-26** were:

Grant Stream	Stream Funding	% of Total Funding	Maximum Grant
Small	\$85,547	9.7	\$3,000
Venue Hire Support	\$79,000	9	\$8,000
Older & Active (funded by 'Supported & Connected Living' budget)	(\$60,000)	NA	\$3,000
Festivals & Community Events	\$51,250	5.8	\$5,000
Emergency Food Relief	\$10,250	1.2	\$4,000
Equity & Wellbeing	\$52,275	6	\$15,000
Artist-led Initiatives	\$73,288	8.4	\$15,000
Youth	\$51,250	5.8	\$5,000
Environment & Sustainability	\$41,512	4.7	\$15,000
Aboriginal & Torres Strait Islander	\$43,000	4.9	\$5,000
PARTNERSHIP GRANTS: Equity & Wellbeing	\$256,844	29.2	\$50,000
PARTNERSHIP GRANTS: Arts	\$41,000	4.7	\$8,000
PARTNERSHIP GRANTS: Youth	\$25,625	2.9	\$25,000
PARTNERSHIP GRANTS: Environment & Sustainability	\$66,625	7.7	\$40,000
Total:	\$877,466		

Noting that actual funding amounts are subject to Council's final 2026-27 adopted budget, the recommended Grant Streams and indicative funding for **2026-27** are:

Grant Stream	Indicative % of Total Funding	Maximum grant
Small	10.5	\$3,000
Venue Hire Support	10.0	\$3,000
Older & Active (funded by 'Supported & Connected Living' budget)	-	\$3,000
Festivals & Community Events	5.5	\$5,000
Emergency Food Relief	5.5	\$4,000
Equity & Wellbeing	5.5	\$10,000
Artist-led Initiatives	5.5	\$10,000
Youth	5.5	\$10,000
Environment & Sustainability	5.5	\$10,000
Aboriginal & Torres Strait Islander	5.5	\$10,000
MULTI-YEAR: Equity & Wellbeing	23.0	\$50,000
MULTI-YEAR: Arts	7.0	\$20,000
MULTI-YEAR: Youth	5.5	\$25,000
MULTI-YEAR: Environment & Sustainability	5.5	\$25,000

While current practice is to offer partial funding (compared to the requested amount) when applications exceed available funding, feedback suggests that groups often struggle to deliver intended project outcomes when partial funding is granted. While the Review does not recommend eliminating partial funding, assessment panels should preference better project outcomes over spreading partial grants across a wider group of applicants.

### **Operational Improvements**

The Review has recommended a series of operational recommendations including:

- Better supporting community organisations to build capacity and diversify their funding sources beyond Council grants.
- Strengthening program accessibility and engagement by offering application forms in languages other than English and expanding outreach, information sessions and resources across community centres and libraries.

- Prioritising the highest scoring applications with 100% funding and reducing the practice of partial funding.
- Refining assessment processes and ensuring relevant staff complete appropriate risk management training to support effective program governance.
- Updating the Community Grants Policy to reflect Council's decisions and operational changes.

These operational changes will be implemented as part of the forthcoming 2026-27 community grants round, which opens in April 2026.

## **CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

### **Financial Management**

The Community Grants Program is aligned to the Community Grants Policy and the recommendations of independent and internal audits and reviews that ensure administration and assessment of all grants is transparent, equitable, clearly articulated and appropriately acquitted.

### **Community Engagement**

A survey was distributed to community members and Council staff, receiving 113 responses (86 from community grant recipients and 27 from Council officers). The results are summarised in the Discussion section of this report and in the attached Community Grants Review Report.

### **Other Principles for consideration**

#### **Overarching Governance Principles and Supporting Principles**

- (i) the transparency of Council decisions, actions and information is to be ensured.

#### **Public Transparency Principles**

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

#### **Strategic Planning Principles**

- (e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances;

#### **Service Performance Principles**

- (d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;

## **COUNCIL POLICY CONSIDERATIONS**

### **Environmental Sustainability Considerations (including Climate Emergency)**

Environmental sustainability and climate emergency objectives have been considered in relation to the strategic alignment of the current program with Council Plan objectives. (Refer to Discussion section of this report).

**Equity, Inclusion, Wellbeing and Human Rights Considerations:**

Equity, inclusion, wellbeing and human rights have been considered in relation to the strategic alignment of the current program with Council Plan objectives.

**Economic Development and Cultural Considerations**

Economic development and culture objectives have been considered in relation to the strategic alignment of the current program with Council Plan objectives.

**Operational Impacts**

Community grant programs are resource intensive. The impacts of program governance and community engagement improvements will need to be monitored and resourcing levels reviewed on an ongoing basis.

**Legal and Risk Implications**

Ongoing adherence to the outcomes of the various independent and internal reviews, particularly as they relate to robust, transparent and equitable processes, will help to minimise risk around the Community Grant Program. The Review has recommended program governance improvements that will be implemented as part of the forthcoming 2026-27 grants round. Transitioning away from Partnership Grants will assist with good governance and integrity principles.

**IMPLEMENTATION STRATEGY**

- 2026-27 Community Grants round opens April 2026
- Panel assessments late June 2026
- Panel recommendations for ELT endorsement July 2026
- Grants allocations reported for noting at 25 August 2026 Council Meeting.

**APPENDICES**

- Grants Program Review - Summary Report (**Appendix A**) [↓](#)

**DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



# COMMUNITY GRANTS PROGRAM REVIEW

March 2026

– SUMMARY REPORT –



**Internal review of the Community Grants Program**  
undertaken by the Equity & Climate Department, Partnerships Team.

## Acknowledgement of Country

Darebin City Council acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and custodians of the land and waters we now call Darebin and affirms that Wurundjeri Woi-wurrung people have lived on this land for millennia, practising their customs and ceremonies of celebration, initiation and renewal.

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# 1. Executive Summary

A review of the Community Grants Program has found that while the program is aligned with Our Darebin Council Plan Strategic Objectives, there are several opportunities to strengthen program effectiveness, enhance equity and inclusion, and improve program governance.

The review includes Strategic Recommendations (for Council consideration) and Operational Recommendations.

The **Strategic recommendations** relate to maintaining the existing 14 grant streams for 2025-26 while discontinuing previous partnership grant practices that directed funding to prioritised organisations. In their place, they propose a new Multi-year Funding category be introduced, providing equitable access for all eligible community organisations to seek longer term project funding on a three-year cycle. Collectively, these recommendations maintain the strategic alignment of the grants program with Council Plan objectives and support a more transparent, consistent and impact focused approach to partnership and multi-year investment in community initiatives.

The **Operational recommendations** relate to the relocation of funding across grant streams to better reflect community demand and consultation feedback, while supporting community organisations to build capacity and diversify their funding sources beyond Council grants. Accessibility and engagement could be strengthened by offering application forms in languages other than English and expanding outreach, information sessions and resources across community centres and libraries. Additionally, refining assessment processes and ensuring relevant staff complete appropriate risk management training will support effective program governance.

## 2. Background

### Rationale for the Review

A review of Darebin's Community Grants program (the Review) has been conducted by officers in response to the following:

#### Our Darebin Plan 2025-29 (Council Plan):

*Strategy 6.1.2.1: Review existing partnerships and Community Grant Program;*

*Action 1.1.5: Deliver a community grants stream for Aboriginal and Torres Strait Islander community groups and not-for-profit organisations to help resource community projects and programs.*

#### June 2025 Council Resolution:

*That Council:*

1. *Endorses a review of Darebin's grant-making program to align the program to the Council Plan 2025-29, where:*

- a) The review considers the value achieved for grantees and to the broader Darebin community, contemporary best-practice approaches to grant-making, and benchmarking against comparable Councils.*
- b) Is informed by community engagement, including feedback from past and present grant recipients, and organisations who have an interest.*
- c) Workshop options with council by November 2025, with a report to be tabled in March 2026 on recommendations to strengthen all council grant programs.*

2. *Endorses:*

- a) Deferring the second round of the three-year partnerships grants until after Council considers the grant program review and endorses its revised approach to grant-making.*
- b) Endorses the extension of the current partnership grants for 12 months.*

**Council's Community Grants Policy**, which states that community grants:

*...aim to support community projects and activities that align to the goals and objectives of the Council Plan to address local priorities and enable the community to participate in the social, cultural, and economic life of the municipality.*

*All grant programs will seek to further the reach of Council's social, environmental, and economic objectives through investment in the community and will directly align to the goals and objectives of the Council Plan.*

*Specific funding priority areas under grants programs are to be determined by Council. These must align with and reflect the adopted Council Plan.*

## Scope of Review

The scope of the review included:

- Consideration of the Community Grant Program's alignment with the current Council Plan.
- Examination of the Program's processes, procedures and accessibility.
- Analysis of the distribution of funding across the various Community Grants streams.
- The performance, outcomes and processes of the current 'Partnership Grants'.
- Review of the composition and function of the grants assessment panel.
- Consideration of governance and compliance matters associated with the Program.

The following areas were not included in the scope of this review:

- Council's grant seeking programs (grants sought by Council from external bodies).
- Neighbourhood House funding agreements.
- Council's potential role in facilitating philanthropic and other external grants for the community.

## Methodology

As well as review and analysis of previous grants, current processes, audit reports and previous reviews, this review is informed by the following:

### Stakeholder Consultation

A survey was distributed to community members and Council staff, receiving 113 responses (86 from community grant recipients and 27 from Council officers).

The survey sought feedback on the following questions:

1. *How can we improve the grant application process for community members and organisations?*
2. *How do Council grants assist you or your group/organisation to respond to community needs?*
3. *Which Strategic Directions should community grants address?*
4. *How do you find information about funding opportunities?*

### Benchmarking

Benchmarking was conducted with the M9 Councils (Darebin, Hobsons Bay, Maribyrnong, Melbourne, Merri-Bek, Moonee Valley, Port Phillip, Stonnington and Yarra).

### 3. Findings

#### Consultation feedback

The survey results included:

- 45% of respondents nominated community outreach as the most effective and impactful way to help communities be well-prepared for grant rounds and maximise the number of grant applications. It was suggested that a broader range of communications and face-to-face opportunities would assist.
- Community groups highlighted the need to ensure equitable access for vulnerable groups, particularly CALD groups.
- Respondents identified ways to make the grants streams more accessible, including simplifying the process and ensuring the grant goals were well-defined.
- Respondents were consistent in their ratings of Council strategic priorities with Equity, Diversity & Inclusion; Aboriginal Culture & Knowledge; and Health & Wellbeing ranked (in order) as most important.

Further data can be found in Appendix 3 – Summary of Consultation & Data.

#### Benchmarking

Darebin is part of the M9 Councils, and a benchmarking exercise was conducted against this group.

##### Total Funding Available

Darebin ranks in the top 4 M9 councils for the amount of community grant funding offered.

Melbourne	Hobsons Bay	Maribyrnong	Merri-bek	Moonee Valley	Port Phillip	Stonnington	Yarra	Darebin
Data removed from Summary Report.								\$877k

##### Resourcing

Community grants staff resourcing levels vary across the M9 councils as follows:

Melbourne	Hobsons Bay	Maribyrnong	Merri-bek	Moonee Valley	Port Phillip	Stonnington	Yarra	Darebin
Data removed from Summary Report.								1 EFT

Resourcing requirements should be reviewed on an ongoing basis to ensure the program is appropriately resourced to achieve both governance compliance and maximum community benefit.

##### Multi-Year Funding

Darebin is one of four M9 councils that offer multi-year funding:

Melbourne	Hobsons Bay	Maribyrnong	Merri-bek	Moonee Valley	Port Phillip	Stonnington	Yarra	Darebin
✓		✓				✓		✓

##### Decision-Making

Three of the M9 councils have councillors making final decisions about grant allocations. At Darebin, decisions are made by a cross-organisational panel of relevant staff and then are reported to Council for noting only.

## Governance and Integrity

The Community Grants program was last reviewed and restructured in 2019 with changes and budgets that took effect in 2020. In June 2022, Council received a letter from the Minister for Local Government drawing Councils' attention to a performance audit conducted by the Victorian Auditor General's Office (VAGO) titled 'Fraud Control Over Local Government Grants', which examined the processes and practices associated with Council grant programs.

In response, Council's Governance and Risk team conducted a review of the Community Grants program and produced the 'Self-Assessment Report - Grant Framework Review, July 2022'. The primary objective of the self-assessment was to review and assess Council's grants framework and processes to determine if they are well designed, mitigate fraud related risks and are operating as intended. Twenty-one improvement opportunities were identified, 17 of which have been actioned. The four outstanding recommendations relate to fraud and corruption and conflict of interest training for relevant staff.

While the Partnerships Grants were established in 2019, they were initially run outside of Council's Community Grants program and were not specifically reviewed as part of Council's 2022 Self-Assessment. Therefore, it is worth noting that the VAGO report highlighted:

- **Risk of Inequitable Funding:** VAGO found that Councils often fail to assess applications against clear criteria or document decisions, making it difficult to demonstrate that programs are "transparent, equitable and benefit the community". A partnership stream that preferences specific groups risks failing this "equitable" test.
- **Recurring Grant Risks:** Recommendation 5 explicitly advises councils to "evaluate the benefit of recurring grants and require recipients to seek future funding through existing competitive grant programs". This appears to directly conflict with a "partnership" stream that provides priority access to particular organisations.
- **Conflict of Interest Gaps:** The report highlighted that councils consistently fail to identify and manage conflicts of interest. Pre-identifying "partners" for priority funding risks perceived or actual bias, which VAGO warns increases the risk of fraud.
- **Lack of Transparency:** VAGO noted that many councils do not document funding decisions in a consistent, centralised way. Separating the framework ensures that "partnerships" (which are often strategic/service-level agreements) are governed by procurement and contract standards rather than being "hidden" in community grant budgets.

## Partnership Grants

Partnership Grants were introduced in 2019. Their purpose was to provide funding for community organisations over a period of 3 years, which gives them the capacity to deliver greater community benefit than a single year's funding. They aim to encourage ongoing, discrete, standalone programs which help to maximise and embed community outcomes.

In 2025-26, Partnerships Grants were offered in 4 of 14 grant streams and accounted for 45% of Council's total Community Grants allocation of \$877,000.

Grant category	Stream allocation
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Emergency Food Relief	\$10,250
Equity & Wellbeing	\$52,275
Artist-led Initiatives	\$73,288
Youth	\$51,250

Environment & Sustainability	\$41,512
Aboriginal & Torres Strait Islander	\$43,000
<b>PARTERSHIP GRANTS</b>	
Equity & Wellbeing (Multi-Year)	\$256,844
Arts (Multi-Year)	\$41,000
Youth (Multi-Year)	\$25,625
Environment & Sustainability (Multi-Year)	\$66,625
<b>TOTAL</b>	<b>\$877,466</b>

Partnership grants were due to end on 30 June 2025 before being extended by Council resolution to 30 June 2026. Accordingly, the relevant groups are aware that funding is due to end.

As noted above in relation to the VAGO audit, good governance and integrity objectives mean that the Community Grants Program should not preference any organisation for funding on the basis that they are an identified or prioritised partner. Organisations were initially identified as partners upon successful, merit-based application for Partnership funding. However, continuing to fund the same organisations on the basis that they are existing partners, rather than on merit, would be problematic.

It is noted, however, that the multi-year funding element of the Partnerships Grants has a positive benefit for longer term program impact.

The Review recommends, therefore, that Partnership Grants be rebranded as 'Multi-Year Funding and be open to all eligible community organisations, with new guidelines to ensure community organisations do not become reliant on funding from Council. This will allow different organisations to have an opportunity to benefit from grant funding over multiple years.

## Strategic Alignment

This review has examined the Community Grant Program's alignment with and performance against current Council Plan objectives and has found a good alignment and outcomes. For example, the grants awarded in 2025 (see Appendix 2) have funded projects that assist in the delivery of the Council Plan's community-facing strategic objectives, as follows:

### Aboriginal Culture and Knowledge

Dedicated Aboriginal and Torres Strait Islander Community Grants advance Darebin's commitments to truth telling, self-determination and cultural safety. Examples include NAIDOC family days, First Nations arts workshops, 3KND radio training, and men's cultural workshops. These initiatives reflect the Council Plan objectives to preserve Aboriginal culture, increase visibility, and support Treaty-aligned community engagement.

### Equity, Diversity and Inclusion

Many 2025 awarded grants directly support Darebin's goal of being an inclusive and equitable city. Examples include Somali Australian Council Victoria improving Somali women's mental health, Proud2Play supporting LGBTIQ+ inclusion through fitness, and Greek Elderly Citizens of Thornbury running inclusive social programs for seniors. These initiatives mirror the Council Plan's priorities around reducing discrimination, strengthening belonging and supporting people most at risk of exclusion.

### Health and Wellbeing

Projects such as Get Active sports activities, youth mental health workshops, food relief programs (e.g., DIVRS, All Saints Preston), and urban food systems initiatives (e.g., DIVRS Urban Food Program) support the following Council priorities: mental health, social connection, physical activity, safe communities and reduced harm from gambling and addiction. The grants enable community led health promotion consistent with the Municipal Public Health and Wellbeing Plan.

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Numerous 2025 grants contribute to Darebin’s climate leadership goals such as CERES’ Olives to Oil program, Village Greening’s climate aware neighbourhood model, community gardens, circular economy initiatives (e.g. Darebin Hard Rubbish Heroes), and Thin Green Line environmental restoration. These projects deliver community level emissions reduction, food security, biodiversity protection and waste minimization - all of which are priorities within Council’s Climate Emergency Plan.

**Vibrant Places and Economy**

Artistic and cultural grants including FUSE Festival projects, Creative medium grants, and local performances through Darebin City Brass and Preston Symphony Orchestra enhance Darebin’s creative identity and local economy. Venue Hire Support Grants enable accessible, affordable use of community spaces, aligning with Council’s goal of creating vibrant, liveable neighbourhoods rich with cultural activity.

**Grant Streams and Funding Allocations**

As noted above the current program consists of 14 grant streams. Given the above finding that the current program has produced outcomes that align well with Council Plan objectives, it is recommended that the current grant streams are appropriate and should be maintained.

While the overall budget for the Community Grants program is determined by Council as part of the annual budget process each year, the amount of funding allocated to particular grant streams is considered and set under delegation prior to the commencement of every grant round, having regard to the overall budget allocated by Council and previous years’ demand and uptake in particular grant streams.

The table below outlines individual maximum grants amounts and funding allocated to the various streams in 2025/26; and the recommended approach for 2026-27.

Grant category	Maximum Grant in 2025/26	Stream Allocation in 2025/26	RECOMMENDED Maximum Grant in 2026/27	RECOMMENDED Stream Allocation in 2026/27 (assuming \$877k total budget)
Small	\$3,000	\$85,547	<b>\$3,000</b>	<b>\$90,000</b>
Venue Hire Support	\$8,000	\$79,000	<b>\$3,000</b>	<b>\$87,000</b>
Older & Active <small>(budget sourced from outside the Community Grants Program)</small>	\$3,000	(\$60,000)	<b>\$3,000</b>	(\$60,000)
Festivals & Community Events	\$5,000	\$51,250	<b>\$5,000</b>	<b>\$50,000</b>
Emergency Food Relief	\$4,000	\$10,250	<b>\$4,000</b>	<b>\$40,000</b>
Equity & Wellbeing	\$15,000	\$52,275	<b>\$10,000</b>	<b>\$50,000</b>
Artist-led Initiatives	\$15,000	\$73,288	<b>\$10,000</b>	<b>\$50,000</b>
Youth	\$5,000	\$51,250	<b>\$10,000</b>	<b>\$50,000</b>
Environment & Sustainability	\$15,000	\$41,512	<b>\$10,000</b>	<b>\$50,000</b>
Aboriginal & Torres Strait Islander	\$5,000	\$43,000	<b>\$10,000</b>	<b>\$50,000</b>
<b>PARTNERSHIP GRANTS</b>			<b>MULTI-YEAR FUNDING</b>	
Equity & Wellbeing	\$50,000	\$256,844	<b>\$50,000</b>	<b>\$200,000</b>
Arts	\$8,000	\$41,000	<b>\$20,000</b>	<b>\$60,000</b>
Youth	\$25,000	\$25,625	<b>\$25,000</b>	<b>\$50,000</b>
Environment & Sustainability	\$40,000	\$66,625	<b>\$25,000</b>	<b>\$50,000</b>
<b>TOTAL</b>		\$877,466		<b>\$877,000</b>

While current practice is to offer partial funding (compared to the requested amount) when applications exceed available funding, feedback suggests that groups often struggle to deliver intended project outcomes when partial funding is granted. Assessment panels should seek to preference better project outcomes over spreading partial grants across a wider group of applicants.

## 4. Recommendations

The review proposes that the following **10 recommendations** are implemented prior to opening the 2026/27 grant round.

### Strategic Recommendations

1. Grant Streams: Maintain current grants streams (i.e., the 14 streams offered in 2025-26).
2. Partnership Grants: Discontinue the practice of providing grants to organisations specified as partners.
3. Multi-year funding: Rebrand the partnerships grants as 'Multi-year Funding', available every 3 years or on a rolling 3-year cycle and open to all eligible community organisations for multi-year programs and projects.

### Operational Recommendations

4. Allocation of funding with the program steams: Reallocate funding across grant streams to better reflect past uptake in grants, ensure alignment with organisational priorities and respond to community and staff feedback.  
*\* Note, the previous page of this report recommends funding allocations for the various streams, assuming a total Council budget allocation for Community Grants in 202627 of \$877,000 (as per 2025-26).*
5. Community capacity building: Build capacity for grant recipients to diversify funding streams beyond a council grant.
6. Community engagement: Provide application forms in languages other than English.
7. Increase community outreach: Provide information sessions and resources for grant seekers at community centres and libraries.
8. Grant panels and assessment: Prioritise the highest scoring applications with 100% funding and reduce the practice of partial funding.
9. Resourcing: Review resourcing requirements on an ongoing basis to ensure the program is appropriately resourced to achieve both governance compliance and maximum community benefit.
10. Governance: Update the Community Grants Policy to reflect Council decisions and operational changes and ensure relevant staff attend or have completed appropriate risk training (Fraud & Corruption, Conflict of Interest) as per recommendation of 2022 Self-Assessment.

## Appendix 1: Partnership Grants 2022-26

## Appendix 2: Awarded Community Grants 2025/26

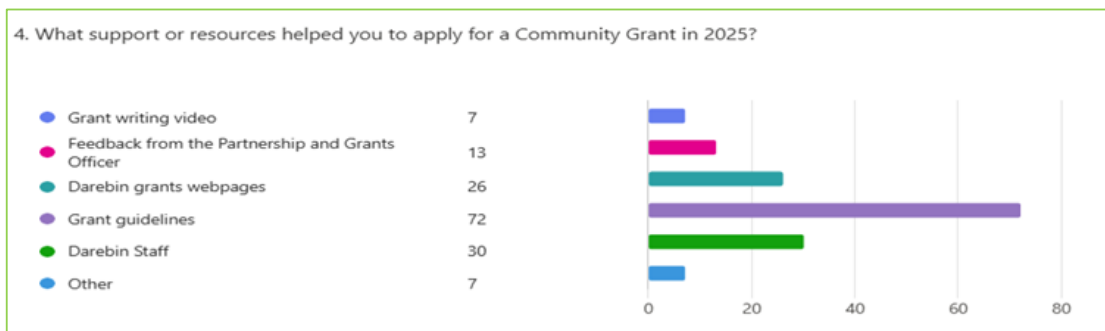
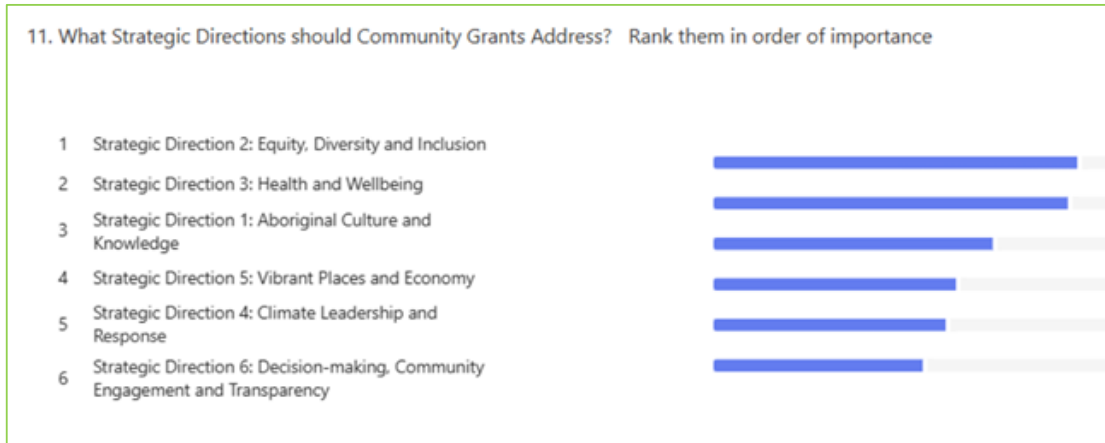
Appendices 1 & 2 have been removed from this summary report.

The appendices appear in the full report that was provided to Councillors following the 3 March Councillor Briefing.

### Appendix 3: Consultation Summary

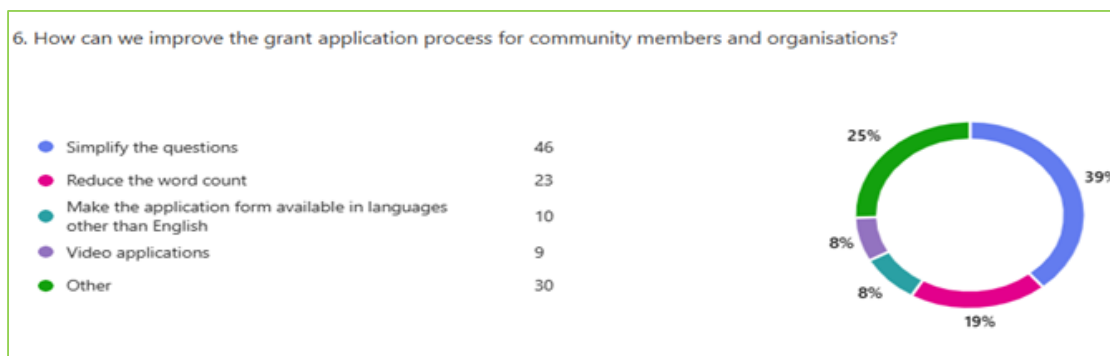
A survey was distributed to community members and Council staff, receiving 113 responses (86 from community grant recipients and 27 from Council officers).

Outcomes included:



The desire for simplicity, consistency and ‘streamlining’ of the grant giving process was a dominant theme throughout the findings. Staff and community respondents suggested that simplifying the application, assessment, and acquittal forms would improve accessibility and save time for applicants and staff, particularly at the application and assessment stages.

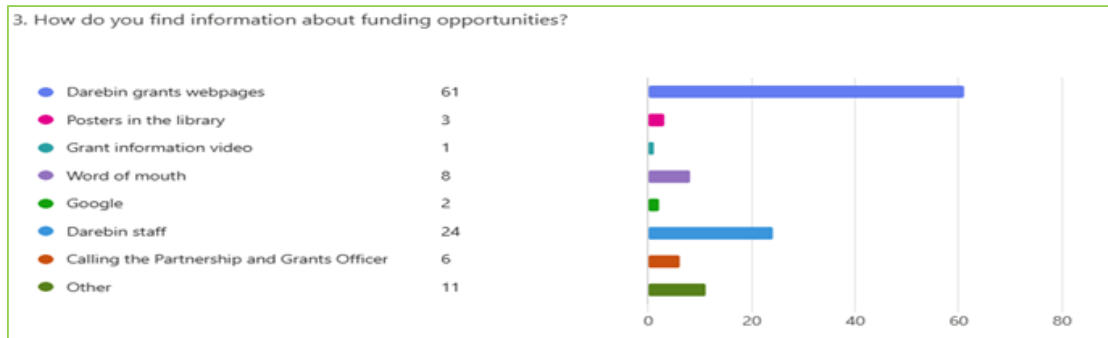
39% of community members who took the survey said that ‘simplifying the questions’ was the best way to improve the application process.



Staff suggested that having less questions and shorter word counts would improve the process for community members and organisations.

Several community members indicated that “clear and timely advice about grants” would make the program more accessible and help them to apply in the future.

Being notified well in advance of grant rounds opening, knowing what grants are available and when, receiving emails, newsletters, flyers and hard copy information about grants would help them to be “as prepared as possible”, including easily accessible, up-to-date and coherent content on the Darebin website.



There was enthusiastic support for the Community Grants program, and a recognition of how important funding from local government is to the development and delivery of community-led services.

When asked how Council can encourage new community members and organisations to apply for a Darebin grant, 31% of community respondents selected community outreach as the most effective and impactful strategy.



This could be targeted to a particular cohort, according to one community respondent:

- *“To further improve the Community Grants Program, we recommend a more targeted approach to ensure equitable access for vulnerable groups - particularly culturally and linguistically diverse (CALD) communities and frail elderly individuals who often face systemic barriers to participation.”*

Or involve greater interaction between officers, grant seekers and grant recipients, according to another:

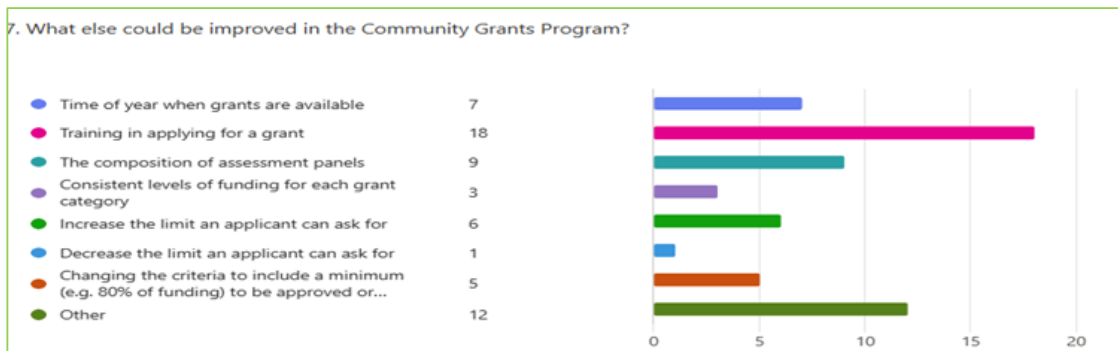
- *“Work with us as an organisation to understand our needs and provide the necessary support for our success, which in turn will be Council’s success.”*

Community engagement was seen as a priority in making the grants program more accessible to a broader range of people across the municipality. Feedback included:

- *“An allocated time with the Council to explain or help complete applications. We get great support from staff online or by phone, but maybe a chat in person would make things a little clearer / smoother.”*

- *“Although this would be difficult to implement, a more proactive outreach program where council officers came out and met face to face with the community in their own precincts would be great.”*

Community members indicated that grant writing workshops and information sessions were of “great assistance” and staff saw this as a pathway towards greater access.



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## 9.7 AUSTRALIAN CRICKET INFRASTRUCTURE FUND GRANT APPLICATION

**Author:** Senior Coordinator Recreation & Leisure  
Recreation Planner

**Reviewed By:** Chief Executive Officer

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### EXECUTIVE SUMMARY

Cricket Australia has opened the 2025-26 Australian Cricket Infrastructure Fund (ACIF) which offers grant funding to Councils and clubs for cricket infrastructure.

Officers expect the grant program to be highly competitive; there is no guarantee Council will be successful. Council can submit multiple applications; however, significant documentation is required with any application and it would be unlikely to receive multiple grants in one category.

Officers considered a range of projects for submission and recommend the CT Barling Reserve Ground 2 Synthetic Cricket Pitch Upgrade project for submission to the 2025-26 ACIF.

Other worthy projects, could be considered by Council at the relevant time for future funding rounds.

<b>Officer Recommendation</b>
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**That** Council:

- (1) Endorses the CT Barling Reserve Ground 2 Synthetic Cricket Pitch Upgrade project for submission to the 2025-26 Australian Cricket Infrastructure Fund program.
  - (2) Agrees that if the application is successful, its co-contribution of \$52,250 (exc. GST) will be included in the 2026-27 capital works program.
  - (3) Authorises the Chief Executive Officer to enter into the funding agreement and execute the required documents on behalf of Council if the funding application is successful.
- 

### BACKGROUND / KEY INFORMATION

The ACIF program provides grants for community cricket facility projects like cricket pitches, training nets and ground upgrades. Funding can be up to 50% of the total project cost and the program is split into two categories:

- Minor: \$500-\$15K for pitches, practice facility refurbishment, minor change facility refurbishment, supporting infrastructure
- Major: \$15K-\$40K for new practice facilities, significant upgrades, sports lighting, change facility upgrade, major refurbishment.

Applications are due for submission by 27 March 2026, with outcomes communicated in mid-2026. Refer **Appendix A** for ACIF Funding Guidelines.

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### Previous Council Resolution

This matter is not the subject of a previous Council resolution.

### ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Pillar 1: Vibrant, Healthy and Connected

### ALIGNMENT TO OUR DAREBIN PLAN 2025-29

Strategic Direction 3: Health and Wellbeing - A City where everyone in the community can access the opportunities, infrastructure and services they need to be physically and mentally safe and healthy.

### DISCUSSION

Officers considered several projects for submission and recommend **CT Barling Reserve Ground 2 Synthetic Cricket Pitch Upgrade** for submission for the 2025-26 ACIF funding round, based on:

- Alignment with assessment criteria and Council's Outdoor Sports Infrastructure Framework (OSIF): CT Barling Reserve Ground 2 is the highest OSIF priority for synthetic cricket pitch renewal and aligns strongly with the ACIF assessment criteria.
- Project readiness: planning and required supporting documentation will be ready prior to grant deadline.
- Financial readiness: estimated project cost is \$52,250, this could be considered as part of Council's draft 2026-27 Capital Works Program. The grant requires a 50% commitment from Council.
- Inclusive participation: tenant clubs Reservoir Cobras and Bundoora Park Cricket Clubs combine for 210 participants including 40 women and girls and offer the Cricket Blast junior starter program.

Although multiple applications are permitted, other projects were assessed as not suitable for this funding round including:

- JE Moore North Synthetic Cricket Pitch Upgrade (Preston YCW Cricket Club): Condition, scope and cost are not confirmed due to an impending investigation of a current pitch issue.
- Bill Lawry Oval Safety Net (Northcote Cricket Club): Ineligible for funding due to an outstanding ACIF grant on hold at the same facility linked to the pavilion upgrade project.
- Pitcher Park Ground Redevelopment (North Alphington Cricket Club): Eligible, however, Council has already submitted a grant application to SRV's Local Sports Infrastructure Fund to help fund this project.

### CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES

#### Financial Management

Should Council be successful, funding would be used to support the selected project.

Given the estimated project cost is \$52,250, officers would apply to the Major Category of ACIF for funding of up to \$26K based on the 50% funding ratio.

### **Community Engagement**

Officers will engage and consult with both cricket clubs on the proposed scope and to seek letters of support. Community engagement (inform) would be undertaken prior to construction. Relevant stakeholders, internal and external, have been engaged in the recommended project.

### **Overarching Governance Principles and Supporting Principles**

- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (g) the ongoing financial viability of the Council is to be ensured;

### **Public Transparency Principles**

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

### **Strategic Planning Principles**

- (c) Strategic planning must take into account the resources needed for effective implementation;
- (d) strategic planning must identify and address the risks to effective implementation;

### **Service Performance Principles**

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- (b) services should be accessible to the members of the municipal community for whom the services are intended;

## **COUNCIL POLICY CONSIDERATIONS**

### **Environmental Sustainability Considerations (including Climate Emergency)**

Relevant environmental risk measures and initiatives will be embedded into the design, construction, and asset management in line with Council's ESD policy.

### **Equity, Inclusion, Wellbeing and Human Rights Considerations:**

Project planning includes an Equity and Gender Impact Assessment, consultation with relevant cricket club/s, and alignment to relevant industry and grant guidelines. This ensures women and girls have equitable access to facilities, leading to greater retention and attracting participants of all genders, ages, and cultural backgrounds.

### **Operational Impacts**

The Capital Delivery Team will manage the project. An allowance for these costs is included in the project budget. The indicative construction period is September to December 2026.

**Legal and Risk Implications**

Should Council apply and be successful, a formal funding agreement will be required to be executed.

**IMPLEMENTATION ACTIONS**

- Pending Council's decision on the recommended project: officers will prepare required information and supporting documentation to meet the 27 March 2026 deadline.

**RELATED DOCUMENTS**

- Outdoor Sports Infrastructure Framework

**APPENDICES**

- ACIF Funding Guidelines 2025-26 (**Appendix A**) [↓](#)

**DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



**CRICKET**  
AUSTRALIA

# AUSTRALIAN CRICKET INFRASTRUCTURE FUND

2025/26 Funding Guidelines



# FUND OVERVIEW

Cricket Australia, in partnership with State and Territory Cricket Associations, is committed to developing high quality facilities that provide a welcoming environment for all players, officials, volunteers and fans.

The Australian Cricket Infrastructure Fund (ACIF) provides funding for community cricket facility projects, with a focus on growing participation, promoting accessibility and inclusivity and delivering upon Australian Cricket’s strategic priorities.

Following the development of the National Community Cricket Infrastructure Strategy (NCCIS), Australian Cricket will utilise the ACIF as the funding program to facilitate the successful delivery of NCCIS objectives and targets. The NCCIS provides a clear framework to guide the planning and development of ACIF projects in strategically important priority areas across Australia.

The ACIF will contribute approximately \$5 million in 2025/26 into community facility projects, representing Cricket’s continued commitment to infrastructure funding.

The ACIF is open to all clubs, associations, schools, councils and cricket facility managers, acknowledging the important role that these partners play in providing facilities for community cricket across Australia.

# FUNDING CATEGORIES

The ACIF provides funding in the following two categories:

Category	Funding Amount	Types of Projects	Maximum Grant Amount
Community Cricket Infrastructure Grants — Minor	\$500 — \$15,000	Pitches, practice facility refurbishment, minor change facility/pavilion refurbishment, supporting infrastructure (e.g. shade/shelter)	Up to 50% of the total project cost
Community Cricket Infrastructure Grants — Major	\$15,001 — \$40,000	New practice facilities*, significant oval upgrades, sports lighting, change facility/ pavilion upgrade, major refurbishments	Up to 50% of the total project cost

**Note 1:** Australian Cricket reserves the right to propose an amended funding amount based on the proposed outcomes of the project and available funding.

**Note 2:** Grants from the ACIF are subject to GST. If your club/organisation is registered for GST, you will be paid the grant amount, plus GST. If your club/organisation is not registered for GST, you will be paid the grant amount only (no GST applies). Please take this into consideration when calculating your funding request.

# FUND OBJECTIVES

The objectives of the ACIF are to:

- Improve the provision and quality of cricket infrastructure across all levels of community cricket in line with Australian Cricket's strategic priorities
- Create inclusive and accessible environments for cricket participants and the broader community
- Collaborate with all levels of government and funding partners to invest in strategic cricket infrastructure priorities.

Applications for more than \$40,000 will be considered on a case-by-case basis under the Strategic Cricket Infrastructure Funding category. In addition to aligning to ACIF funding conditions, projects under this category will generally be multi-faceted, provide a broad regional benefit for cricket and/or be recognised in an existing strategic planning document (e.g. State Cricket Infrastructure Strategy, Local Government Master Plan, Open Space Strategy etc).

Contact the Infrastructure Manager (or equivalent) in your state or territory to discuss any proposals for Strategic Cricket Infrastructure Funding.



## **TIP**

*Prior to submitting any new/upgraded practice facility applications, it is recommended you contact your State/Territory Infrastructure Manager (or equivalent) to discuss your project's scope, overall cost and potential funding amount.*

# FUNDING CONDITIONS

Projects submitted to the ACIF must meet the following conditions:

Align with Cricket Australia's **Community Cricket Facility Guidelines\***

Projects must be able to demonstrate alignment with Australian Cricket and state/territory strategic infrastructure priorities

Applications must relate to permanent facility development or upgrade projects. Equipment, temporary facilities and/or planning projects are not generally eligible for funding

Cricket lighting projects (outdoor and indoor facilities) must align with AS 2560.2 (Australian Standard for cricket lighting).

New/upgraded synthetic pitches (including centre pitches and training net pitches) must include junior cricket pitch markings in line with Cricket Australia's recommended guidelines

Retrospective proposals will not be supported (i.e. projects that have already commenced)\*\*

Correspondence from the local council or land manager must be provided acknowledging their consent for the project

Adoption of Australian Cricket's Child Safety Framework

Funding beneficiary must provide a post-completion acquittal on the funded project/s

*\*Please contact your State or Territory Infrastructure Manager (or equivalent) prior to submitting your application if your project does not/is unable to meet recommended facility guidelines.*

*\*\*The ACIF does not generally support projects that have already commenced construction, however, should circumstances require prior commencement (e.g. the facility has been damaged and requires immediate rectification works) it is recommended applicants contact your State or Territory Infrastructure Manager (or equivalent) to discuss project eligibility.*

Projects submitted by applicants with the following will be **highly regarded and prioritised:**

- Clear demonstration of how the project will support both the attraction and retention 5–12-year-old participants
- Female teams and participation programs (e.g. aspiration to establish new/additional teams)
- Embedded Australian Junior Cricket Pathway:
  - Woolworths Cricket Blast Program
  - Junior cricket stages 1-3
- Reference(s) to specific environmentally friendly initiatives within project scope and/or methodology

If your project does not meet the funding guidelines, please make contact with your relevant State or Territory Infrastructure Manager (or equivalent) to discuss how we may be able to assist you to develop your project or seek other funding opportunities.

# WHAT WILL/WILL NOT BE CONSIDERED FOR FUNDING

The 2025-26 ACIF program is focused on supporting projects that will help attract and grow participation in cricket and delivering upon Australian Cricket’s strategic priorities. Providing a safe, accessible, welcoming and fit for purpose environment is central to the ACIF. The table below provides an overview of the types of projects that will/will not be considered for funding:

<b>Primary Supported Projects</b>	Synthetic pitches (including junior cricket pitch markings) Synthetic practice facilities/nets (including junior cricket pitch markings) Inclusive change rooms and supporting amenity upgrades (players and umpires) Pavilions / clubrooms Playing field surface upgrade/redevelopment works (including drainage and irrigation) Lighting (playing field or practice facilities) Turf pitch/table rejuvenation works Turf practice facilities (nets) rejuvenation works Permanent shade/shelter structures Water harvesting Solar panel installation
<b>Secondary Supported Projects</b>	New/additional turf pitches/table New/additional turf practice facilities (nets) Storage facilities (\$15,000 maximum grant amount) Permanent scoreboard structures* (\$15,000 maximum grant amount) Synthetic pitch covers**
<b>Non-eligible projects</b>	Sporting equipment e.g. temporary nets, stumps, turf pitch covers Field of play fencing Sight screens Temporary facilities e.g. temporary shade, temporary storage Projects that have already commenced construction*** Routine maintenance works and/or maintenance equipment e.g. rollers, mowers Facilities that have been previously funded (unless delivering a new facility component/separate stage of works) Projects where works have been covered by insurance Facilities with none or limited public use Projects unable to demonstrate how they will support the overall growth of community cricket

\*Funding for permanent scoreboard structures will only be considered if the project:

- Can clearly demonstrate community cricket participation growth outcomes
- Has partner funding (e.g. local Council, co-tenant club/sporting code)
- Has the appropriate IT functionality (and power supply) to support Cricket’s scoring requirements (including PlayHQ compatibility)

\*\*Synthetic cricket pitch covers will only be funded if linked to a new/upgraded synthetic cricket pitch project.

\*\*\*The ACIF does not generally support projects that have already commenced construction, however, should circumstances require prior commencement (e.g. the facility has been damaged and requires immediate rectification works) it is recommended applicants contact your State or Territory Infrastructure Manager (or equivalent) to discuss project eligibility.

# ASSESSMENT CRITERIA

The ACIF assessment criteria provides a framework for assessing infrastructure projects. Applicants should ensure all assessment criteria is addressed when submitting an application.

No.	Criteria	Weighting
1	The proposal aligns with both Australian Cricket and State/Territory Strategic Infrastructure Priorities	30%
2	The project specifically supports increased participation in cricket, particularly in priority segments such as 5–12-year-olds, women and girls and culturally and linguistically diverse (CALD) community members	30%
3	The project’s scope and methodology is well defined	20%
4	The proposal demonstrates support by partners, including local government and other land managers, and confirms financial contributions	15%
5	The project delivers a strong return on investment	5%



*Deakin West Oval Synthetic Practise Facility  
 Winner of the 2024-25 Cricket Australia Community Facility Project of the Year: Minor Category  
 Image Courtesy of Cricket ACT*

# HOW TO APPLY

Applications to the ACIF must be submitted to your relevant State or Territory Cricket Association via an online application form. Your State and Territory Association will announce when the ACIF is open for applications.

The level of documentation expected to be provided with your application varies for minor and major funding categories. The minimum documentation in addition to the completed application form is:

- Minor category – cost estimate/quote, photos of the existing facility, consent from the local council/land manager
- Major category – plans/design documentation, cost estimates/quotes, photos of the existing facility, letters of support, confirmation of funding sources, consent from the local council/land manager

Applications that don't provide the minimum required documentation will not be considered for funding. For further information, contact your relevant State or Territory Infrastructure Manager (or equivalent):

State / Territory	Name	Email	Website
Australian Capital Territory	Lauren Coates	Lauren.Coates@cricketact.com.au	<a href="http://www.cricketact.com.au">www.cricketact.com.au</a>
New South Wales	Cara Doyle	Cara.Doyle@cricketnsw.com.au	<a href="http://www.cricketnsw.com.au">www.cricketnsw.com.au</a>
Northern Territory	Tim Shaw	Tim.Shaw@ntcricket.com.au	<a href="http://www.ntcricket.com.au">www.ntcricket.com.au</a>
Queensland	Tom Gibson	Tom.Gibson@qldcricket.com.au	<a href="http://www.qldcricket.com.au">www.qldcricket.com.au</a>
South Australia	Andrew Edwards	AEdwards@saca.com.au	<a href="http://www.saca.com.au">www.saca.com.au</a>
Tasmania	Alison Turner	Alison.Turner@cricket.com.au	<a href="http://www.crickettas.com.au">www.crickettas.com.au</a>
Victoria	Callum Dean	CDean@cricketvictoria.com.au	<a href="http://www.cricketvictoria.com.au">www.cricketvictoria.com.au</a>
Western Australia	Brodie Green	Brodie.Green@wacricknet.com.au	<a href="http://www.wacricknet.com.au">www.wacricknet.com.au</a>

It is a condition of funding that all projects submitted to the ACIF align with Cricket Australia's [Community Cricket Facility Guidelines](#).



Artie Smith Oval

Winner of the 2024-25 Cricket Australia Community Facility Project of the Year: Major Category

Image Courtesy of Shoalhaven City Council



# AUSTRALIAN CRICKET INFRASTRUCTURE FUND

Revised August 2025

**9.8 CLEMENTS RESERVE REMEDIATION PLAN**

**Author:** Manager Natural & Civic Spaces  
Manager Assets & Capital

**Reviewed By:** Chief Executive Officer

**EXECUTIVE SUMMARY**

This report seeks Council's decision on (i) the preferred remediation approach to address lead contamination on Council-owned parcels of land at Clements Reserve in order to comply with the Environment Protection Authority (EPA) Environment Action Notice (EAN), and (ii) to provide direction on whether or not to proceed with acquisition of State-owned parcels of land within Clements Reserve.

Two refined remediation options are presented: (1) Full Removal (off-site disposal) and reinstatement with clean fill; and (2) Partial Removal combined with consolidation and a clay soil cap.

There is little difference between the cost of option 1 and 2, however the risks and ongoing management costs are less with option 1. Officers therefore recommend option A (Full Removal) as the best value overall for community. Following Council's decision to select a remediation option, officers will submit a Remediation Action Plan (RAP) to EPA Victoria which is required by 27 March 2026.

Council has previously decided to acquire three State-owned parcels that are within Clements Reserve (1–11 McMahon Road; rear 22 Clements Grove; 32–34 Clements Grove). Acquisition has not yet occurred as Council prioritised addressing the EAN as the matter of higher importance. Since the original decision to acquire the land, there has been significant changes to Council's financial circumstances but in the immediate longer term. These changes relate to significantly higher inflation over the intervening years, and a range of internal and external financial pressures. While Council continues to benefit from reliable revenue and is diligent in its management of expenses, it is no longer in a position to financially commit to all the initiatives it had previously planned

In this context, officers have assessed whether proceeding with acquisition of the State-owned parts of Clements Reserve is the best value for community given the significant scale of this investment which is budgeted at \$1.57M, with further investment needed if there are any desired improvements. Considering very good local access to open space in the neighbourhood around Clements Reserve, and other community needs across Darebin, officers recommend that Council not proceed with acquisition, in order to preserve its funding capacity to meet higher priority community needs.

**Officer Recommendation**

**That Council:**

- (1) Endorses Option 1: Full Removal (off-site disposal) and reinstatement with clean fill as the preferred remediation pathway for Clements Reserve.
- (2) Notes that the Remediation Action Plan will be submitted to the Environment Protection Authority by 27 March 2026.

- (3) Notes that, subject to Environment Protection Authority acceptance of the Remediation Action Plan and various approvals, remediation works are planned to commence in the 2026-27 financial year, and that there will necessarily be temporary impacts to park assets and the removal of a number of trees, and that a minimum of two trees will be planted for every one removed.
  - (4) Notes that the State Government is responsible for remediating the parcels of land within Clements Reserve that it owns and that Council and the State Government have been working together to ensure an effective and cost-effective approach.
  - (5) Decides not to proceed with the acquisition of the State-owned land parcels at 1–11 McMahon Road, the rear of 22 Clements Grove, and 32–34 Clements Grove, Reservoir, noting:
    - a. There are many community needs across the City and Council has limited financial resources that are under increased pressure in both the immediate and longer term.
    - b. The three State Government owned parcels are small parts of a large, connected network of open spaces which provides very good access to open space in the local area for the local community, and that as the two southern parcels are landlocked these would be unlikely to be developed.
  - (6) Notes the draft Budget 2026-27, currently under development, will reflect Council's decision in relation to acquisition of the State-owned land.
  - (7) In the event that it decides not to pursue acquisition of State-owned land parcels at Clements Reserve, considers other improvements to open space and recreation facilities as part of annual budget processes.
  - (8) Notes the Chief Executive Officer will notify the State Government of Council's decision in regard to acquisition.
- 

## BACKGROUND / KEY INFORMATION

- Site context: Clements Reserve comprises multiple parcels owned by Council and the State Government (Department of Transport and Planning). The southern area operated historically as a rifle and trap shooting range (1926–1950s), resulting in localised lead contamination. Exclusion fencing currently maintains public safety.
- EPA requirements: Identical Environment Action Notices were issued to Council and the State for their respective parcels. The EAN requires a Remediation Action Plan to be submitted by 27 March 2026.
- Detailed site investigation: Contamination is localised in discrete hotspots in the southern reserve across both council and state government owned parcels; groundwater and surface water risks are low; approximately 1,200 m<sup>3</sup> of Category C contaminated soil requires management; unsuitable mulch containing building waste must be removed.
- Acquisition history: State-owned parcels were declared surplus during 2014/15. Council pursued acquisition at that time to protect and expand open space, maintain ecological connectivity along Darebin Creek and ensure long-term land management and public access. Valuations obtained in 2022 have lapsed and updated valuations have been included in the confidential Appendix.



Image 1: State owned land parcels within Clements Reserve. Surrounding Open Space is Council owned.

### Previous Council Resolution

At its meeting held on **19 December 2022**, Council resolved:

*'That Council is to proceed with negotiations to purchase the three parcels – as outlined in the induced confidential report in **Appendix A**'*

At its meeting held on **26 September 2022**, Council resolved:

***That Council:***

- (1) *Endorse the preferred option 2, encapsulation of the contaminated soil at Clements Reserve, and continue to negotiate the sale of the land with VicRoads on the basis that these remediation costs (to ensure the safety of all who use the open space) will be factored in negotiations on the sale of the land.*

At its meeting held on **25 October 2021**, Council resolved:

***That Council:***

- (1) *Note the safety measures established at Clements Reserve.*
- (2) *That officers bring an update report to Council once discussions have been held with the EPA.*

At its meeting held on **7 September 2020**, Council resolved:

***That Council:***

- (1) *Notes the strategic importance of acquiring three parcels of VicRoads-owned land within Clements Reserve, due to its place within an integrated corridor of land along Darebin's creek corridors which are a key hub for habitat, biodiversity and passive recreation.*

- (2) *Notes that acquisition of this land is consistent with the Darebin Creek Management Plan, Darebin Natural Heritage Strategy and Darebin City Council Whole of Water Cycle Management Strategy.*
- (3) *Writes to the Minister for Planning, the Minister for Roads, the Members for Preston and Bundoora, and the Members of the Northern Metropolitan Region to seek their assistance to negotiate a fair price (having regard to Council's valuation of the land as open space) for the land with VicRoads, inclusive of an appropriate open space discount.*
- (4) *Requests the CEO to negotiate acquisition of the land located at 1-11 McMahon Road; Rear 32-34 Clements Grove; and Rear 22 Clements Grove, in Reservoir, at a fair price (having regard to Council's valuation of the land as open space), as soon as practicable and report back to Council on the outcome of these negotiations.*
- (5) *Writes to the Planning Minister requesting his support for maintenance of this land as public open space (PPRZ).*

At its meeting held on **15 October 2018**, Council resolved:

**That Council** writes to the Minister for Planning to advise that:

- (1) *Council does not support the proposal to rezone the Land at 1-11 McMahon Road, Reservoir from Public Park and Recreation Zone.*
- (2) *Council proposes a surrender of the Land to the Department of Environment, Land, Water and Planning (DELWP) or a transfer of the Land to Council up to \$140,000 in accordance with Council's valuation, in order to ensure the retention of the Land as open space. And to request that:*
- (3) *Council has the first right of refusal in any future negotiation.*

At its meeting held on **5 October 2015**, Council resolved:

*That VicRoads be advised that Council has no strategic interest in acquiring surplus VicRoads land at 1–11 McMahon Road, Reservoir and that land be transferred to Darebin Council at no cost.'*

## **ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Pillar 3: Sustainable, Green and Liveable

Pillar 4: Collaborative, Transparent and Responsible

## **ALIGNMENT TO OUR DAREBIN PLAN 2025-29**

Strategic Direction 6: Decision Making, Community Engagement and Transparency - A City that is well-managed, transparent and trusted by its community and partners, with clear and respectful communication that builds confidence in Council's decisions.

## **DISCUSSION**

### **Remediation options:**

There is little difference between the cost of option 1 and 2 – less than \$65,000. However, the risks and ongoing management costs would be less with option 1. Officers therefore recommend option 1 (Full Removal) as the best value overall for community.

Council has worked with the State Government to assess options for remediation on the basis that the works would be done across both State Government and Council land parcels at the same time which is most effective and also most cost-effective. The project costs would be shared 50:50 between the State Government and Council which reflects the approximate split between the land parcels. The two options are:

- Option 1 – Full Removal (Off-site Disposal): removes all contaminated soil and replaces with clean fill; achieves highest risk reduction but has the highest upfront cost and reduces ongoing management cost into the future.
  - Initial quantitated survey estimates Council's share of the cost to complete this work would be \$845,000 – 50% of the total cost.
- Option 2 – Partial Removal + Consolidation + Clay Cap: removes high-concentration soils, consolidates remaining lower-level soils under a clay cap; lower cost than full removal, with moderate long-term monitoring and management cost.
  - Initial quantitated survey estimates Council's share of the cost to complete this work would be \$782,500 – 50% of the total cost.

Both options have the same outcome to various aspects:

- Temporary removal/relocation may be required for BBQs, paths and seating. The existing playspace is proposed to be retained as us.
- Twenty-one (21) trees require removal; a minimum two trees will be planted for everyone removed– totalling 42 trees.
- Reinstatement the reserve to same level of grassed open space prior to areas being isolated, along with overall similar ground levels with no material change to flood impacts.

Costs are subject to changes arising from any changes or approvals by the EPA and a 3<sup>rd</sup> party review. Additional due diligence works are required to be completed prior and during the works (cultural heritage and site testing results), along with input from Melbourne Water due to the proximity of the Darebin Creek.

#### **Acquisition discussion and options:**

The main consideration is whether proceeding with acquisition (budgeted at \$1.57M) of the State-owned parts of Clements Reserve is the best value for community. Considering the opportunity cost, very good local access to open space, and other needs across Darebin, officers recommend that Council not proceed with acquisition, to free up funds to meet higher priority community needs (which would be considered via Council's annual budget process). The main considerations are:

- The funding budgeted can only be used for improvements to open space and recreation facilities as it has been collected from Open Space Levy payments which are made when properties are subdivided (to support a growing population). There are many needs across Darebin for open space and recreation improvements which are not currently funded, including in areas with greater population growth, and with less current access to open space.
- Purchase by Council of the State-owned parcels of land would not make a functional difference to community access to open space in the neighbourhood as they are a small part of a large network of adjacent open spaces which include the Council owned parts of Clements Reserve and several large neighbouring areas. Community access to open spaces would remain very good.
- It is likely that the State Government would leave the two southern parcels as open space, even if Council does not buy them - because they are landlocked.

- The network of open spaces provides resilience for biodiversity and there are opportunities to increase habitat overall in the open spaces, which do not rely on the State-owned parcels.

### Options

#### Proceed with Acquisition

Council could proceed with acquisition of the State Government land parcels within Clements reserve. Council has budgeted \$1.57 Million for this. Updated valuations have been sought, but at the time of writing had not been received. These are expected to be provided confidentially prior to Council's meeting. If Council proceeds with acquisition, the draft budget would be updated with new valuation information and Council would formally consider an updated budget amount in the 2026-27 Budget. Acquisition would not proceed until after remediation is completed, at which time a further update to the valuation would be required.

#### Not Proceed with Acquisition

Council does not need to proceed with Acquisition. If it chooses not to proceed:

- The draft budget would be updated to remove the budget for acquisition of the State-owned land. The funding would be able to be considered for allocation as part of annual budget decisions for other community needs for improvements to open space and recreation facilities.
- The CEO would notify the State Government.
- The State may pursue sale and/or rezoning. The two southern parcels are difficult to sell due to being 'landlocked', the contamination context, and the more central role this plays for community within the parkland. The northern parcel could feasibly be sold for housing if rezoned. While this site would not support much housing, there is generally a need for housing in Melbourne and there is community benefit provided by housing.
- If the State did sell or develop one or all of the parcels, there remains substantial parkland in Clements Reserve and the several connected open spaces in the area. Community would retain very good access to open space and access to all the same open space functions they currently enjoy. Risks associated with habitat could be reasonably managed in the medium term, for example by planting additional trees and vegetation nearby on Council owned land parcels.

## **CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

### **Financial Management**

- \$920,000 project budget is currently allocated in the 2025-26 capital budget for remediation works (to be carried forward to 2026-27).
- Quantitated survey estimates for Options 1 and 2 have been completed and councils' portion (50%) of the cost for both options fall within the budget.
  - Option 1: \$845,000
  - Option 2: \$782,500
- \$1.57 million is included in the adopted four-year capital works program for acquisition based on 2022 valuations. Updated valuations have been sought, but at the time of

writing had not been received. These are expected to be provided confidentially prior to Council's meeting.

### **Community Engagement**

- A communications plan will be implemented once a remediation pathway is confirmed, following the final acceptance of the RAP and 3rd party reviews.
- This plan will be tailored to nearby residents and highly engaged local stakeholders.

### **Other Principles for consideration**

#### **Overarching Governance Principles and Supporting Principles**

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (d) the municipal community is to be engaged in strategic planning and strategic decision making;
- (g) the ongoing financial viability of the Council is to be ensured;
- (i) the transparency of Council decisions, actions and information is to be ensured.

#### **Public Transparency Principles**

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- (b) Council information must be publicly available unless (i) the information is confidential by virtue of this Act or any other Act; or (ii) public availability of the information would be contrary to the public interest;
- (c) Council information must be understandable and accessible to members of the municipal community;
- (d) Public awareness of the availability of Council information must be facilitated

#### **Strategic Planning Principles**

- (e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances;

#### **Service Performance Principles**

- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;

## **COUNCIL POLICY CONSIDERATIONS**

### **Environmental Sustainability Considerations (including Climate Emergency)**

- Remediation of contaminated land enables safe public access, reduces environmental risk and supports habitat restoration along Darebin Creek.
- Design and construction will incorporate best-practice erosion, sediment and runoff controls, and maximise tree replacement and biodiversity gains.

### **Equity, Inclusion, Wellbeing and Human Rights Considerations:**

No specific equity or inclusion impacts have been identified at this decision point. An Equity/Gender Impact Assessment will be completed at detailed design and construction stages to ensure inclusive access and minimise impacts during works.

### Economic Development and Cultural Considerations

No economic development impacts are anticipated. Council is currently assessing if it needs a formal cultural heritage plan. Irrespective of the requirements, Council will consult with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation.

### Operational Impacts

Operational management plans for the reserve are in place and will be updated following remediation. Both options are designed to reopen the reserve with low ongoing management risk.

### Legal and Risk Implications

- Council and the State are subject to EPA Environment Action Notices requiring a RAP by 27 March 2026; timely submission and EPA acceptance are critical path risks.
- If Council does not proceed with acquisition, the State may consider sale and/or rezoning (particularly of the northern parcel), which could diminish open space outcomes. Legal services will be engaged for any land transaction post-remediation.

### IMPLEMENTATION ACTIONS

- Council Decision on Remediation Option & Acquisition Direction – 24 March 2026
- RAP completed, peer-reviewed and submitted to EPA – by 27 March 2026
- EPA consideration / peer review – April–May 2026
- Project plan finalisation – June 2026
- Final due diligence works with 3rd parties – May – November 2026
- Procurement – November – January 2026
- Works commence – late 2026 or early 2027 (subject to EPA acceptance and 3<sup>rd</sup> party approvals)

### RELATED DOCUMENTS

- [Breathing Space – The Darebin Open Space Strategy](#)

### APPENDICES

- Confidential Report - Clements Reserse - 19 DEC 2022 (**Appendix A**) Confidential - enclosed under separate cover

### DISCLOSURE OF INTEREST

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

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**9.9 PROJECT AND INITIATIVE BUDGET ADJUSTMENTS**

**Author:** Project Performance & Reporting Officer  
Capital Delivery Coordinator

**Reviewed By:** Chief Executive Officer

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**EXECUTIVE SUMMARY**

Every year Council delivers capital works projects, operating projects and other initiatives to support community, reform policy, renew and improve a wide range of community assets such as drainage, buildings, roads, footpaths, cycle lanes, parks, and more.

Occasionally, it becomes necessary to revisit initial project budget allocations to ensure projects remain aligned with their intended scope and objectives. In keeping with Council's commitment to transparency and responsible financial stewardship, any recommended adjustments to project budgets are outlined in Table 1 and Table 2 of this document.

To enable Council's consideration of project budget adjustments each month, two 'project accounts' (within the financial system) have been established that have the effect of quarantining returned or unallocated program budget funds – one for Capital Works Program funds and one for unallocated Operating Projects and Special Initiatives funds. A key purpose of quarantining these funds is to enable Council to respond should projects encounter budget challenges or unplanned needs or to consider time critical initiatives that may arise outside of the annual budget cycle.

If Council approves the recommended adjustments, the balance of these quarantined funds would be:

- Unallocated Capital Works Program Account: \$114,730
- Unallocated Operating Projects and Special Initiatives Program Account: \$105,000 (unchanged)

<b>Officer Recommendation</b>
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**That** Council:

- (1) Notes the Project Budget updates and **approves** adjustments for the Capital Works Program as per Table 1 of this report.
  - (2) Notes the Project Budget updates and **approves** adjustments for the Operating Projects as per Table 2 of this report.
- 

**BACKGROUND / KEY INFORMATION**

Council's adopted 2025/2026 budget includes an operating projects program budget of \$2.4M and a Capital Works Program budget of \$38.5 million (comprising 177 individual projects).

This report seeks Council endorsement to reserve identified project savings for the purposes of reallocating them to other projects if necessary, and, where appropriate, to authorise additional expenditure.

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This approach reinforces good project management practice, sound financial management and the organisation's dedication to open governance. It ensures transparency with community.

### Previous Council Resolution

This report has become a standing item at Council's regular meetings. Each report stands-alone and previous resolutions are not relevant to this report.

## ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION

Pillar 4: Collaborative, Transparent and Responsible

## ALIGNMENT TO OUR DAREBIN PLAN 2025-29

Strategic Direction 6: Decision Making, Community Engagement and Transparency - A City that is well-managed, transparent and trusted by its community and partners, with clear and respectful communication that builds confidence in Council's decisions.

## DISCUSSION

The following project budget adjustments are presented for Council consideration and transparency to the community. Amounts are presented as exclusive of GST as per Council's adopted budget and financial reporting.

**Table 1: Project Budgets requiring adjustment - Capital Works Program**

Transfer From (funding source)	Transfer to (receiving project budget account)	Reason for adjustment	Amount (ex GST)
Drainage-Renewal & upgrade at Intersection Glasgow Avenue and Massey Avenue, Reservoir to Edgars Creek (CW-405010)	Unallocated Capital Works Program funds	This reflects the agreed methodology for determining the variation related to excess rock removal, which resulted in a net reduction to the last budget adjustment.	\$41,640 (savings)
BRP-Darebin Resource Recovery Centre - Canopy roof renewal (CW-166992)	Unallocated Capital Works Program funds	The project was successfully delivered under budget.	\$29,510 (savings)
BRP-Darebin North-East Community Hub - Decking Renewal (CW-166990)	Unallocated Capital Works Program funds	The project was successfully delivered under budget.	\$13,441 (savings)
BRP-Darebin Arts Centre (DAC) - Fire Panel renewal (CW-166984)	Unallocated Capital Works Program funds	The project was successfully delivered under budget.	\$20,599 (savings)

<b>Transfer From (funding source)</b>	<b>Transfer to (receiving project budget account)</b>	<b>Reason for adjustment</b>	<b>Amount (ex GST)</b>
BRP-Northcote Family Centre - Fire Panel renewal (CW-167009)	Unallocated Capital Works Program funds	The project was successfully delivered under budget.	\$19,971 (savings)
Unallocated Capital Works Program funds	BRP-John Cain Memorial Park - NCFC Pavilion - Airconditioning Renewal (CW-167004)	The variation allows for the relocation of the air-conditioning condenser to the west end of the Grandstand, improving accessibility and enabling better use of space for storage and operations.	\$10,000 (increased costs)
Unallocated Capital Works Program funds	TYOK - Raleigh Street Kindergarten compliance works (CW-160087)	Additional works are required to rectify sandpit drainage issues to ensure the play area remains safe and functional. Further funding is also needed to install additional fencing panels to improve privacy and safety for children using the space.	\$21,372 (increased costs)
Unallocated Capital Works Program funds	DR Atkinson Playground Renewal (CW-300117)	Additional funding is required to deliver a compliant and durable playground, and the higher quality materials (particularly the recycled plastic edging) significantly improve asset lifespan. Additional contamination testing was also required to support this project.	\$59,000 (increased costs)
Unallocated Capital Works Program funds	BRP-Fairfield Civic Centre - Renewal & upgrade to A/C Units (CW-167000)	The current budget allocated to deliver the full scope of works for the mechanical services upgrade is insufficient to complete the project in accordance with the approved design and documentation. Additional funding is therefore required to deliver the works as specified.	\$24,000 (increased costs)
Unallocated Capital Works Program funds	Drainage Repairs and Upgrades Program (CW-405015)	Emergency drainage works are currently being undertaken in Stafford Street to address observed issues affecting property floor levels. In addition, investigation and rectification activities are progressing in Keon Street in response to recently identified ground subsidence. These works are being carried out proactively to manage potential risks and maintain community safety.	\$25,000 (increased costs)
Unallocated Capital Works Program funds	Sportsground Renovation - Pitcher Park (CW-116138)	The latest project cost estimate indicates that Council's contribution will be \$47,500 more than originally budgeted. This additional amount would be allocated to support project delivery.	\$47,500 (increased costs)

Balance of unallocated Capital Works Program account

The balance after the above transfers is **\$114,730** down from the balance at end January 2026 of \$176,441.

**Table 2: Operating Projects and Special Initiatives budget adjustments**

Transfer From (funding source)	Transfer to (receiving account)	Reason for adjustment	Amount
Nil			

Balance of unallocated Operating Projects and Special Initiatives Program account

The balance of the 2025/2026 Unallocated Operating Projects and Special Initiatives Program fund is **\$105,000**.

**CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES**

**Financial Management**

This report contributes to financial management principles by recording the allocation and movement of project funds that may impact on the budget, current and future.

Given the favourable financial result, there are no material risks associated with this adjustment.

**Community Engagement**

Community engagement was a critical part of developing the 2025/2026 Budget. This report aims to transparently report progress and challenges with implementation of the Budget to ensure accountability with community.

**Other Principles for consideration**

**Overarching Governance Principles and Supporting Principles**

- (i) the transparency of Council decisions, actions and information is to be ensured.
- (g) the ongoing financial viability of the Council is to be ensured;

**Public Transparency Principles**

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

**Strategic Planning Principles**

- (a) an integrated approach to planning, monitoring and performance reporting is to be adopted;
- (c) Strategic planning must take into account the resources needed for effective implementation;
- (d) strategic planning must identify and address the risks to effective implementation;

- (e) strategic planning must provide for ongoing monitoring of progress and regular reviews to identify and address changing circumstances;

**Service Performance Principles**

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;

**COUNCIL POLICY CONSIDERATIONS****Environmental Sustainability Considerations (including Climate Emergency)**

Projects address Council's ESD policy in planning, design and construction phases.

**Equity, Inclusion, Wellbeing and Human Rights Considerations:**

An Equity and Gender Impact Assessment are applied to individual projects during the planning and design development stage.

Some renewal projects given their scope and nature do not require an EIA/GIA. Although compliance with federal and state anti-discrimination legislation, accessibility standards and NCA standards are applicable.

**Economic Development and Cultural Considerations**

Construction projects generally contribute to employment and local economic development opportunities.

**Operational Impacts**

None identified at this point.

**Legal and Risk Implications**

This report enables management of project budget and timeline risk. There are no legal risks associated with this report.

**IMPLEMENTATION ACTIONS**

Implementation of Council's decision will be undertaken by the responsible officers within Council. Project partners and stakeholders will be notified of Council's decision where relevant by the Project Sponsor or Project Manager.

**RELATED DOCUMENTS**

- 2041 Darebin Community Vision
- Our Darebin Plan 2025-2029
- 2025/2026 Council Plan Action Plan
- Annual Budget 2025/2026
- Financial Plan 2025/2026 to 2034/2035
- 2024/2025 Annual Report

**APPENDICES**

Nil.

**DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

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**9.10 GOVERNANCE REPORT - MARCH 2026**

**Author:** Coordinator Governance Services

**Reviewed By:** Chief Executive Officer

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**EXECUTIVE SUMMARY**

- Summary of Councillor attendance at Advisory Committees Meetings, Councillor Briefings, and other informal meetings of Councillors (**Appendix A**)
- Activity Reports by Mayor and Councillors
- Status of Petitions tabled during the current Council Term (November 2024 to February 2026) (**Table A**)
- Memorial to Councillor Greco
- 2025-26 – Q2 Councillor Expenses (**Appendix B**)
- Governance Rules amendment and Community Engagement (**Appendix C**)
- Risk Appetite Statements (**Appendix D**)
- Motions to Municipal Association of Victoria (MAV) State Council meeting (**Appendix E**)

<b>Officer Recommendation</b>
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**That Council:**

- (1) Notes the Governance Report – February 2026.
  - (2) Notes the Summary of attendance at Advisory Committees Meetings, Councillor Briefings, and other informal meetings of Councillors at **Appendix A** to this report.
  - (3) Notes that the activity reports by Mayors and Councillors submitted prior to the meeting and circulated to Councillors, will be incorporated in the minutes of this meeting.
  - (4) Notes that there were no public questions taken on notice at the Council Meeting on 24 February 2026.
  - (5) Notes the status of petitions tabled during the current Council term (November 2024 to February 2026) (**Table A**).
  - (6) Notes that consultation with Cr. Greco's family, on options to honour Cr Greco, is ongoing and a report will be submitted to Council for consideration once these discussions are finalised.
  - (7) Notes the Councillor Expenses for Q2 FY 2025/26 - 1 October to 31 December 2025 (**Appendix B**).
  - (8) Notes that the proposed Model Governance Rules being introduced by Local Government Victoria are still in development.
  - (9) Endorses a process of community engagement to seek community feedback in relation to the proposed amendments to Council's *Governance Rules 2020* (**Appendix C**).
  - (10) Endorses the Risk Appetite statements officers have developed in consultation with Councillors (**Appendix D**).
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- (11) Endorses the motions outlined in **Appendix E** to be submitted to the Municipal Association of Victoria State Council meeting to be held on 29 May 2026.
  - (12) Notes that Cr Arturi, as Council's appointed delegate will attend the MAV State Council meeting.
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## **BACKGROUND / KEY INFORMATION**

In accordance with Council's Governance Rules 2020, the agenda for each Ordinary Meeting is required to list certain governance/administrative matters in addition to other specified items.

These include Reports of Standing Committees i.e. Hearing of Submissions Committee, Summary of Meetings i.e. Briefings, Advisory Committee, responses to Public Questions taken on notice, reports by Mayor and Councillors, Councillor expenses and a range of other governance matters.

In accordance with best practice, good governance principles, transparent and accountable reporting, officers deem it appropriate to consolidate governance/administrative reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency, and governance matters. This also ensure compliance with the requirements of the *Local Government Act 2020* ('the Act'), Council's Governance Rules and related regulations.

## **ALIGNMENT TO 2041 DAREBIN COMMUNITY VISION**

Strategic Direction 1: Vibrant, Respectful and Connected

## **ALIGNMENT TO 2021-25 COUNCIL PLAN**

Strategic Direction 4 Responsible, Transparent and Responsive

## **ALIGNMENT TO COUNCIL PLAN STRATEGIC OBJECTIVES**

4.1 We will ensure balanced and responsible financial decision making that meets the needs of our community now and into the future

## **DISCUSSION**

Matters covered in this report for the month of December 2024 are:

### **Summary of Advisory Committees, Councillor Briefing and other informal meetings of Councillors**

Council's Governance Rules 2020 require any meeting of an Advisory Committee established by Council and attended by at least one Councillor, or a scheduled or planned meeting to discuss the business of Council, including briefing Councillors, and which is attended by at least half of the Councillors and one member of Council staff (excluding Council, Delegated Committee or Community Asset Committee meetings), the Chief Executive Officer must ensure that a summary of the meeting is:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

The Advisory Committees, Councillor Briefings or other Informal Meetings of Councillors are summarised at **Appendix A**.

### **Reports by Mayor and Councillors**

By 4.00pm on the day of each Ordinary Council Meeting, the Mayor and Councillors are required to submit a report detailing their attendance at various functions and activities since the last Council Meeting. These reports will be recorded in the minutes of this meeting.

### **Status of Petitions tabled during the current Council Term (November 2024 to 24 February 2026)**

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council.

During the current Council term, there have been 20 petitions tabled, there are currently two petitions in progress, shown in **Table A** below.

	<b>Date Tabled</b>	<b>Petition</b>	<b>Status</b>
1	24 November 2025	Community Garden	<b>In Progress</b> - Officers are assessing the petition, and a response will be provided to the petitioner via letter.
2	24 February 2026	Ensuring Access, Equity & Quality for Local Kindergarten Families (JS Grey)	<b>In Progress</b> - Officers are assessing the petition, and a response will be provided to the petitioner via letter.
3	24 February 2026	Request for City of Darebin construct a toilet block in Johnson Street, Keon Park	<b>In Progress</b> - Officers are assessing the petition, and a response will be provided to the petitioner via letter.

### **Permanent Memorial to Cr. Greco**

At its meeting on 24 November 2025, Council considered a Notice of Motion regarding a permanent memorial to honour the late Cr. Gaetano Greco. Council resolved to note the various options available to honour Cr Greco, acknowledge the petition tabled at the 25 August 2025 Council Meeting, and nominate the Mayor and Cr Villella to lead consultation with Cr Greco's family, supported by an officer nominated by the Chief Executive Officer.

Council further resolved that the matter be returned to the March 2026 Council Meeting for formal consideration and endorsement of an approach, following consultation with the family.

Consultation with Cr Greco's family remains ongoing. A further report will be submitted to Council for consideration once all consultation with the family has been finalised.

### **Councillor Expenses – Quarter 2 – 1 October 2025 to 31 December 2025**

Councillor Expenses Report for the period from 1 October 2025 to 31 December 2025, are included at **Appendix B** to this report. The Councillor Expenses report will also be made available on Council's website.

### **Governance Rules**

In December 2024, Local Government Victoria (LGV) announced that Model Governance Rules (the Model Rules) would be established to replace the range of Governance Rules across Victoria, with a consultation and review process to be undertaken prior to the Model Rules being implemented by December 2025. This announcement placed on hold Council's plans to undertake a review of its Governance Rules, as is normally required within 12 months of a general election.

To date the Model Rules have not been released by LGV and the timeframe for release is currently unknown.

Pending the completion of the Model Rules, it is proposed the Council's Governance Rules be amended to modify the lodgement times for Submissions, Public Questions and Petitions from 12pm on the day of the Council meeting to 12pm on the business day before the Council meeting (refer **Appendix C** highlighting tracked changes).

The Chairperson of a Council meeting has the power to disallow Submissions, Public Questions and/or Petitions if they deem that they do not comply with Council's Governance Rules. Changing the lodgement time to the day before the meeting allows the Chairperson time to consider the validity of the Submission(s), Public Question(s) and/or Petition(s) and subsequently allows time for the community member to make any amendments that may be required to ensure compliance with the Governance Rules.

No other changes to the Governance Rules are proposed, nor are we seeking feedback on any other aspect of the Governance Rules.

Once Council receives advice regarding the development of the Model Rules from LGV, a report will be provided to Council on the implementation of the Model Rules.

Pursuant to section 60(4) of the Local Government Act 2020, a process of community engagement will be undertaken from 25 March 2026 until 15 April 2026, specifying that the only changes being considered at this time relate to the lodgement times for Submissions, Public Questions and Petitions. A further report will then be presented at the April Council meeting regarding the adoption of the proposed updated Governance Rules.

### **Risk Appetite Statements**

By defining risk appetites at a strategic level, the organisation establishes a clear line of sight from Councillors to frontline staff on the level of risk acceptable in pursuit of its objectives. Appetite statements translate the expectations of elected representatives into practical guidance for the administration, ensuring decision-making at every level is transparent, consistent, and aligned with community priorities.

After consultation with Councillors on their risk appetites for each risk category, officers have developed the Risk Appetite statements for Council endorsement at **Appendix D**.

### **Motions to Municipal Association of Victoria (MAV) State Council meeting**

The State Council is a governing body made up of representatives from each member council. State Council meets twice a year, or more if needed. Members can submit business to be considered by State Council in accordance with the MAV Rules. Representatives vote on matters before State Council.

Councillor Motions for consideration to be submitted to the MAV State Council Meeting being held on Friday, 29 May 2026 are attached at **Appendix E**. Council endorsed motions are to be submitted online to MAV by Monday 30 March 2026.

**CONSIDERATION OF LOCAL GOVERNMENT ACT (2020) PRINCIPLES****Financial Management**

Not Applicable.

**Community Engagement**

Not Applicable.

**Other Principles for consideration****Overarching Governance Principles and Supporting Principles**

(i) the transparency of Council decisions, actions and information is to be ensured.

**Public Transparency Principles**

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;

**Strategic Planning Principles**

Not Applicable.

**Service Performance Principles**

Not Applicable

**COUNCIL POLICY CONSIDERATIONS****Environmental Sustainability Considerations (including Climate Emergency)**

Not applicable.

**Equity, Inclusion, Wellbeing and Human Rights Considerations:**

Not applicable.

**Economic Development and Cultural Considerations**

Not applicable.

**Operational Impacts**

Not applicable.

**Legal and Risk Implications**

Not applicable.

**IMPLEMENTATION ACTIONS**

Endorsed motions for the MAV State Council will be submitted.

A report will be presented to the April 2026 Council meeting with the outcome of Governance Rules community engagement.

**RELATED DOCUMENTS**

- *Local Government Act 2020*
- Governance Rules

**APPENDICES**

- Summary of Councillor Attendance at Advisory Committee Meetings, Councillor Briefings, and other informal meetings of Councillors (**Appendix A**) [↓](#)
- Q2 Councillor Expenses (**Appendix B**) [↓](#)
- Governance Rules Amendment - tracked changes (**Appendix C**) [↓](#)
- Risk Appetite Statements (**Appendix D**) [↓](#)
- MAV State Council May 2026 Motions (**Appendix E**) [↓](#)

**DISCLOSURE OF INTEREST**

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	3 February 2026
	<b>Location:</b>	Council Chamber (Hybrid Meeting)
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Emily Dimitriadis (Mayor) (Chairperson) Cr. Matt Arturi (Deputy Mayor) Cr. Connie Boglis OAM Cr. Ruth Jelley Cr. Julie O'Brien Cr. Kristine Olaris OAM Cr. Alexandra Sangster Cr. Vasilios Tsalkos (online until 5.16pm, then in person) Cr. Angela Villella
	<b>Council Staff:</b>	Anne Howard, CEO Caroline Buisson, General Manager Customer & Corporate Nina Cullen, General Manager Community (Item 4.1) Rachel Ollivier, General Manager Infrastructure, Operations & Finance (Item 4.3, 4.5) Vanessa Petrie, General Manager, City Strategy and Sustainability (Item 4.2, 4.4) Enna Giampiccolo, Executive Manager Governance, Risk & Communications (Item 4.6) Melanie McCarten, Manager Recreation & Libraries (Item 4.1) Hamish Jacobsen, Principal Strategic Planner (Item 4.1) Adam Feiner, Recreation Planner (Item 4.1) Meagan Merritt, Manager City Futures (Item 4.2) Munir Vahanvati, Coordinator City Design (Item 4.2) Jules Thomson-Martin, Principal Urban Designer (Item 4.2) Keith McKellar, Manager Operations & Waste (Item 4.3) Michael Papathanasiou, Manager City Safety & Compliance (Item 4.4) Chloe Davies, Coordinator Operations Management (Item 4.5) Michele Burton, Coordinator Partnerships, Equity & Climate (Item 4.6)

	<b>External Attendees:</b>	Nil
<b>APOLOGIES:</b>		Nil

The Meeting commenced at 4.45pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>4.1</b>	Future Use of John Cain Memorial Park - Update	No disclosures were made.
<b>4.2</b>	Darebin Good Design Guide - Landscape	No disclosures were made.
<b>4.3</b>	Waste Reform Options	No disclosures were made
<b>4.4</b>	Darebin Domestic Animal Management Plan 2026-2029	No disclosures were made
<b>4.5</b>	Hard Rubbish Trial Status Report	No disclosures were made
<b>4.6</b>	Advocacy Priorities (for 24 Feb adoption)	No disclosures were made

The Meeting concluded at 7.34pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Enna Giampiccolo
	<b>Officer Title:</b>	Executive Manager, Governance, Risk & Communications



## SUMMARY OF ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Darebin Interfaith Council
	<b>Date:</b>	09 February 2026
	<b>Location:</b>	Darebin Intercultural Centre, 350 High St, Preston
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Alexandra Sangster Cr Ruth Jelley
	<b>Council Staff:</b>	Ana Galvez Kathie Duncan
	<b>Other:</b>	West Preston Baptist Church, Australian Shia Gathering and Masjid Ahlulbait Mosque, Focolare Movement, Victoria Police, St Mark's Coptic Orthodox Church, Sacred Heart Catholic Parish Preston, Islamic Council of Victoria (2)
<b>APOLOGIES:</b>		Bahai Community of Darebin, Greek Orthodox Archdiocese of Australia, Northern Community Church of Christ, Our Lady of Lebanon Maronite Catholic Church, Sikh Interfaith Council of Victoria, Saint George Cathedral Melbourne, Preston Mosque, Taste of India

The Meeting commenced at 5.30 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>1</b>	Welcome, Acknowledgement of Country & Apologies Opening Prayer	No disclosures were made
<b>2</b>	<ul style="list-style-type: none"> <li>• Past faith-based celebrations attended by Committee members (since last meeting)</li> </ul>	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>3</b>	Committee discussion: <ul style="list-style-type: none"> <li>• Building Inclusive Cities: Addressing Anti-Muslim Racism (Islamophobia) Training Program - Islamic Council of Victoria (ICV)</li> <li>• Darebin Flag Draft Policy – Discussion &amp; Feedback</li> <li>• Project on Climate Change</li> <li>• Refugee Week 2026 – Update</li> <li>• Harmony Week 2026 Places of Worship Tour - Update</li> </ul>	No disclosures were made  No disclosures were made  No disclosures were made  No disclosures were made  No disclosures were made

**SUMMARY OF MEETINGS – PUBLIC RECORD (CONT)**

The Meeting concluded at 7.30 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Officer Ana Galvez
	<b>Officer Title:</b>	Community Development Officer – Interfaith & Multicultural



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	10 February 2026
	<b>Location:</b>	Council Chamber (Hybrid Meeting)
<b>PRESENT:</b>	<b>Councillors:</b>	<p>Cr. Emily Dimitriadis (Mayor) (Chairperson) - in attendance from 6.18pm</p> <p>Cr. Matt Arturi (Deputy Mayor)</p> <p>Cr. Connie Boglis OAM – left the meeting at 7.23pm.</p> <p>Cr. Ruth Jelley</p> <p>Cr. Julie O'Brien</p> <p>Cr. Kristine Olaris OAM</p> <p>Cr. Alexandra Sangster – left the meeting at 7.53pm.</p> <p>Cr. Vasilios Tsalkos</p> <p>Cr. Angela Villella</p>
	<b>Council Staff:</b>	<p>Anne Howard, CEO (Item 4.4)</p> <p>Caroline Buisson, General Manager Customer &amp; Corporate (Item 4.1, 4.5)</p> <p>Nina Cullen, General Manager Community (Item 4.6)</p> <p>Rachel Ollivier, General Manager Infrastructure, Operations &amp; Finance (Item 4.2, 4.3)</p> <p>Vanessa Petrie, General Manager, City Strategy and Sustainability</p> <p>Enna Giampiccolo, Executive Manager Governance, Risk &amp; Communications (Item 4.4)</p> <p>Melanie McCarten, Manager Recreation &amp; Libraries (Item 4.6)</p> <p>Keith McKellar, Manager Operations &amp; Waste (Item 4.3)</p> <p>Lisa Wheelhouse, Manager Customer &amp; Corporate Performance (Item 4.1 &amp; 4.2)</p> <p>Dean Gibbons, Head of Financial Planning and Analysis (Item 4.2)</p> <p>Lee McKenzie, Manager Buildings, Property and Capital (Item 4.2)</p> <p>Christine Walsh, Chief Transformation Officer (Item 4.5)</p> <p>Jordana Blank, Head of Digital Transformation (Item 4.5)</p> <p>Melanie McCarten, Manager Recreation and Libraries (Item 4.6)</p>

		Suranga Dissakarunaratne, Senior Coordinator Recreation & Leisure (Item 4.6) Julie Wyndham, Coordinator Corporate Strategy (Item 4.1)
	<b>External Attendees:</b>	Nil
<b>APOLOGIES:</b>		Nil

The Meeting commenced at 4.46pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
<b>4.1</b>	Our Darebin Implementation Approach – Tier 1 to 4 Priorities	No disclosures were made.
<b>4.2</b>	2025-26 Q2 Performance Report (Financial and Non-Financial) – ending 31 December 2025	No disclosures were made.
<b>4.3</b>	Darebin Resource Recovery Centre Update – CONFIDENTIAL	No disclosures were made
<b>4.4</b>	Response to Municipal Monitors' Report – Presentation Only	No disclosures were made
<b>4.5</b>	ERP Procurement	No disclosures were made
<b>4.6</b>	Northcote Tennis Courts License Agreement	No disclosures were made

The Meeting concluded at 8.35pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Enna Giampiccolo
	<b>Officer Title:</b>	Executive Manager, Governance, Risk & Communications



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	17 February 2026
	<b>Location:</b>	Council Chamber (Hybrid Meeting)
<b>PRESENT:</b>	<b>Councillors:</b>	<p>Cr. Emily Dimitriadis (Mayor) (Chairperson)</p> <p>Cr. Matt Arturi (Deputy Mayor)</p> <p>Cr. Connie Boglis OAM</p> <p>Cr. Ruth Jelley (online 5.31pm) (arrived in person at 6.04pm)</p> <p>Cr. Julie O'Brien</p> <p>Cr. Kristine Olaris OAM</p> <p>Cr. Alexandra Sangster</p> <p>Cr. Vasilios Tsalkos</p> <p>Cr. Angela Villella</p>
	<b>Council Staff:</b>	<p>Anne Howard, CEO (Item 4.2, Item 4.11)</p> <p>Caroline Buisson, General Manager Customer &amp; Corporate (Item 4.3)</p> <p>Nina Cullen, General Manager Community (Item 4.4)</p> <p>Rachel Ollivier, General Manager Infrastructure, Operations &amp; Finance (Item 4.1, Item 4.6, Item 4.7, Item 4.9)</p> <p>Vanessa Petrie, General Manager, City Strategy and Sustainability (Item 4.2, Item 4.5, Item 4.8)</p> <p>Enna Giampiccolo, Executive Manager Governance, Risk &amp; Communications (Item 4.10)</p> <p>Melanie McCarten, Manager Recreation &amp; Libraries (Item 4.4)</p> <p>Lisa Wheelhouse, Manager Customer &amp; Corporate Performance (Item 4.3)</p> <p>Meagan Merritt, Manager City Futures (Item 4.2, Item 4.5)</p> <p>Lee McKenzie, Manager Buildings, Property and Capital (Item 4.4, Item 4.7)</p> <p>Chad Griffiths, Manager City Development (Item 4.8)</p> <p>Michael Pogemiller, Manager Natural and Civic Spaces (Item 4.8, Item 4.9)</p> <p>Suranga Dissakarunaratne, Senior Coordinator Recreation &amp; Leisure (Item 4.4)</p>

		Stevie Meyer, Coordinator Strategic Planning (Item 4.2, Item 4.5) Hamish Jacobsen, Principal Strategic Planner (Item 4.2) Joel Schmetzer, Principal Strategic Planner (Item 4.5) Yogeeta Silva, Head of Property (Item 4.7)
	<b>External Attendees:</b>	Nil
<b>APOLOGIES:</b>		Nil

The Meeting commenced at 5.20pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	Implementation of 30 June 2025 Council resolutions re: Mid-year review	No disclosures were made.
4.2	Preston Market Feasibility Study Engagement Approach	No disclosures were made.
4.3	Customer Experience Strategy - Progress Update	No disclosures were made
4.4	MLCIP Application - BT Connor Reserve	No disclosures were made
4.5	La Trobe University Planning Scheme Amendment Referral	Cr. Jelley disclosed a conflict for this item and left the meeting during the discussion and presentation for this item at 6.42pm.
4.6	Partnership Opportunity	Cr. Jelley returned to the meeting at 6.53pm.  No disclosures were made
4.7	Property EOI Tranche 2 Update	No disclosures were made
4.8	CONFIDENTIAL - Proposed asset deal for Bell-Preston Level Crossing Removal Project	No disclosures were made
4.9	Clements Reserve Remediation Action Plan – ITEM DEFERRED	No disclosures were made

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.10	Advocacy Priorities	No disclosures were made
4.11	Flag Policy	No disclosures were made

The Meeting concluded at 8.37pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Georgie Steele
	<b>Officer Title:</b>	Acting Coordinator Governance services



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Darebin Education Network
	<b>Date:</b>	3 March 2026
	<b>Location:</b>	Your Community Health 125 Blake Street, Reservoir, VIC, 3073
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Ruth Jelley
	<b>Council Staff:</b>	Betty Buhagiar, Team Leader, Children and Youth Programs  Amanda Kerley, Coordinator, Library Programs and Engagement Amanda Kerley,  Jackie Mansourian, Community Development Officer, Community Inclusion, Community Services and Development
	<b>External Attendees:</b>	Nine Principals/Representatives of Darebin primary and secondary schools  One representative from Regional Department of Education North-Eastern Melbourne Area (NEMA), North-Western Victoria Region  Two representatives from DIVRS (Darebin Information Volunteers and Resource Service) One representative from Your Community Health
<b>APOLOGIES:</b>		Six Principals/Representatives of Darebin primary and secondary schools

The Meeting commenced at 2.05 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Minutes of Previous meeting and report on any outstanding actions	No disclosures were made.
2	Darebin Libraries – Resources and opportunities for school and Libraries'	No disclosures were made.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
	collaboration	
3	Schools Standing up to Racism	No disclosures were made.
4	Community Grants 2025 - 2026 : Examples of school successes	No disclosures were made.
5	Darebin Information Volunteer and Resource Service (DIVRS) Key programs that may benefit school communities	No disclosures were made.
6	Darebin Health and Wellbeing Forum	No disclosures were made.
7	Your Community Health (wulempuri barring, East Reservoir site)  Services and programs that benefit school communities	No disclosures were made.

The Meeting concluded at 4.05pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Jackie Mansourian
	<b>Officer Title:</b>	Community Development Officer



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Darebin Nature Trust Advisory Committee
	<b>Date:</b>	5 March 2026
	<b>Location:</b>	Birnum Djirri Room (Conference Room) at Darebin City Council, Preston
<b>PRESENT:</b>	<b>Councillors:</b>	Cr Vasilios Tsalkos
	<b>Council Staff:</b>	Sofia Enrigue - Urban Ecology and Biodiversity Officer Francesca Leonard - Natural Resource Management Officer Adrian Keene - Planning arborist Michael Pogemiller - Manager Natural and Civic Spaces
	<b>External Attendees:</b>	Members (4)
<b>APOLOGIES:</b>		Members (3); Councillors (1)

The Meeting commenced at 6.00 pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1	Open meeting, acknowledgements & apologies	No disclosures were made
2	Matters arising from previous meeting and actions pending	No disclosures were made
3	Endorsement of minutes from previous meeting	No disclosures were made
4	Conflicts of interest	No disclosures were made
5	Presentation – Growling Grass Frog in Darebin	No disclosures were made
6	Updates	No disclosures were made
7	Overview of the street and park tree planting program	No disclosures were made
8	Other business	No disclosures were made

**SUMMARY OF MEETINGS – PUBLIC RECORD (CONTINUED)**

The Meeting concluded at 7.50 pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Officer Name: Sofia Enrigue
	<b>Officer Title:</b>	Officer Title: Urban Ecology and Biodiversity Officer



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	3 March 2026
	<b>Location:</b>	Council Chamber (Hybrid Meeting)
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Emily Dimitriadis (Mayor) (Chairperson) Cr. Connie Boglis OAM Cr. Ruth Jelley Cr. Kristine Olaris OAM Cr. Alexandra Sangster Cr. Vasilios Tsalkos (commenced the meeting online, then in person from 5.20pm) Cr. Angela Villella
	<b>Council Staff:</b>	Anne Howard, CEO (Item 4.7) Caroline Buisson, General Manager Customer & Corporate Nina Cullen, General Manager Community (Item 4.6) Rachel Ollivier, General Manager Infrastructure, Operations & Finance (Item 4.5) Vanessa Petrie, General Manager, City Strategy and Sustainability (Item 4.1, 4.2, 4.3, 4.4) Enna Giampiccolo, Executive Manager Governance, Risk & Communications Steve Sagona, Strategic Projects Lead (Item 4.1, 4.2, 4.3, 4.4) Michele Burton, Manager Equity and Climate (Item 4.1, 4.2) Srini Krishnan, Chief Financial Officer (Item 4.5) Dean Gibbons, Head of Financial Planning and Analysis (Item 4.5) Ilz Aslan, Coordinator, Equity, Inclusion & Wellbeing (Items 4.1 & 4.2) Shabaz Fattah, Multicultural and Diversity Project Officer (Item 4.3) Cecile Tache, Team Leader Equity and Diversity (Item 4.3) Jennifer Worthington, Partnership and Grants Officer (Item 4.2)

		Dean Gibbons, Head of Financial Planning and Analysis (Item 4.5) Jeanne Poustie, Manager Supported & Connected Living (Item 4.6) Nathan Korotkov, Senior Team Leader Service Projects (Item 4.6) Ania Sieracka, Senior Adviser Communications and Engagement (Item 4.7)
	<b>External Attendees:</b>	Nil.
<b>APOLOGIES:</b>		Cr. Matt Arturi (Deputy Mayor) Cr Julie O'Brien

The Meeting commenced at 4.30pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	<b>Community Advisory Committee Model</b>	No disclosures were made
4.2	<b>Review of Darebin's Community Grants Model</b>	No disclosures were made
4.3	<b>Draft Cultural Diversity and Inclusion Plan</b>	No disclosures were made
4.4	<b>Draft LGBTIQ+ Action Plan</b>	No disclosures were made
4.5	<b>Budget Update</b>	No disclosures were made
4.6	<b>Aged Care Service Delivery</b>	No disclosures were made
4.7	<b>Flag Policy Discussion</b>	No disclosures were made

The Meeting concluded at 8.36pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Enna Giampiccolo
	<b>Officer Title:</b>	Executive Manager, Governance, Risk & Communication



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	10 March 2026
	<b>Location:</b>	Council Chamber (Hybrid Meeting)
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Emily Dimitriadis (Mayor) (Chairperson) Cr. Matt Arturi (Deputy Mayor) Cr. Ruth Jelley Cr. Kristine Olaris OAM Cr. Alexandra Sangster Cr. Vasilios Tsalkos
	<b>Council Staff:</b>	Anne Howard, CEO Caroline Buisson, General Manager Customer & Corporate Nina Cullen, General Manager Community (Item 4.3) Rachel Ollivier, General Manager Infrastructure, Operations & Finance (Item 4.7, 4.8) Vanessa Petrie, General Manager, City Strategy and Sustainability (Item 4.4, 4.5, 4.6) Enna Giampiccolo, Executive Manager Governance & Communications (Item 4.1, 4.2) Jared Lingard, Coordinator Audit and Risk (Item 4.1) Jody Brodribb, Coordinator Governance Services (Item 4.2) Jo Smale, Manager Community Services & Development (Item 4.3) Lee McKenzie, Manager Buildings, Property & Capital (Item 4.3, 4.7 & 4.8) Emma Pase, Strategic Project Officer (Item 4.3) Allan Middlemast, Coordinator Sustainable Transport (Item 4.4) Lorna Pettifer, Coordinator Climate & Environment (Item 4.4) Meagan Merritt, Manager City Futures (Item 4.5, 4.6) Kevin de Leeuw, Team Leader Transport Strategy & Programs (Item 4.5) Lakshmanan Madhu, Senior Strategic Planner (Item 4.6) Stevie Meyer, Coordinator Strategic Planning (Item 4.6) Michael Pogemiller, Manager Natural and Civic Spaces (Item 4.7, 4.8)

		Millie Wells, Coordinator Natural Environment and Partnerships (Item 4.7)
	<b>External Attendees:</b>	Nil
<b>APOLOGIES:</b>		Cr Connie Boglis OAM Cr Julie O'Brien

The Meeting commenced at 4.34pm

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
4.1	<b>Risk Appetite Statements</b>	No disclosures were made
4.2	<b>Governance Rules – Amendments to Submissions, PQT and Petitions</b>	No disclosures were made
4.3	<b>Leasing of early childhood education and care premises</b>	No disclosures were made
4.4	<b>CONFIDENTIAL – Contaminated Land Management Framework Project</b>	No disclosures were made
4.5	<b>Merri Trail</b>	No disclosures were made
4.6	<b>Housing Strategy Implementation Approach</b>	No disclosures were made
4.7	<b>Vegetation Management</b>	No disclosures were made
4.8	<b>Clements Reserve Remediation Action Plan &amp; Acquisition of Land</b>	No disclosures were made

The Meeting concluded at 7.41pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Enna Giampiccolo
	<b>Officer Title:</b>	Executive Manager, Governance, Risk & Communication



## SUMMARY OF COUNCILLOR ATTENDANCE AT ADVISORY COMMITTEES, COUNCILLOR BRIEFINGS AND OTHER INFORMAL MEETINGS OF COUNCILLORS

<b>MEETING DETAILS:</b>	<b>Title:</b>	Councillor Briefing Session
	<b>Date:</b>	17 March 2026
	<b>Location:</b>	Council Chamber (Hybrid Meeting)
<b>PRESENT:</b>	<b>Councillors:</b>	Cr. Emily Dimitriadis (Mayor) (Chairperson) Cr. Matt Arturi (Deputy Mayor) Cr. Ruth Jelley Cr. Kristine Olaris OAM Cr. Alexandra Sangster Cr. Vasilios Tsalkos Cr. Connie Boglis OAM Cr. Angela Villella
	<b>Council Staff:</b>	Anne Howard, CEO Caroline Buisson, General Manager Customer & Corporate Nina Cullen, General Manager Community (Item 4.2, 4.3) Rachel Ollivier, General Manager Infrastructure, Operations & Finance (Item 4.1, 4.4) Vanessa Petrie, General Manager, City Strategy & Sustainability Enna Giampiccolo, Executive Manager Governance & Communications Keith McKellar, Manager Operations & Waste (Item 4.1) Chloe Davies, Coordinator Operations Management (Item 4.1) Melanie McCarten, Manager Recreation & Libraries (Item 4.2) Lee McKenzie, Manager Buildings, Property & Capital (Item 4.2 & 4.4) Jo Smale, Manager Community Services & Development (Item 4.3) Seb Cunningham, Coordinator Community Planning & Initiatives (Item 4.3) Srini Krishnan, Chief Financial Officer (Item 4.4) Lisa Wheelhouse, Manager Customer & Corporate Performance (Item 4.4)
	<b>External Attendees:</b>	Nil

<b>APOLOGIES:</b>		Cr. Julie O'Brien
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The Meeting commenced at 5.09pm

<b>MATTERS CONSIDERED</b>		<b>DISCLOSURES AND COMMENTS</b>
<b>4.1</b>	<b>Waste Reform Consultation Approach</b>	No disclosures were made
<b>4.2</b>	<b>Investment in Community Sporting Facilities</b>	No disclosures were made
<b>4.3</b>	<b>Kindergarten Expansion Program – Unmet Demand in Preston West</b>	No disclosures were made
<b>4.4</b>	<b>Budget Workshop Report Back – Presentation Only</b>	Cr Arturi declared an interest in relation to an operating project and left the briefing for the conversation regarding the matter.

The Meeting concluded at 8.25pm

<b>RECORD COMPLETED BY:</b>	<b>Officer Name:</b>	Enna Giampiccolo
	<b>Officer Title:</b>	Executive Manager, Governance & Communications

Q2 Councillor Expenses - 1 October 2025 - 31 December 2025 (If applicable GST is excluded)

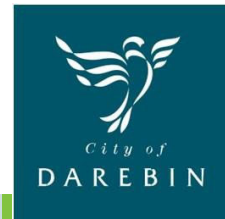
	Cr Arturi (Deputy Mayor 20/11/25)	Cr Boglis	Cr Dimitriadis (Mayor from 20/11/25) (Deputy Mayor from 25/11/24)	Cr Jelley	Cr O'Brien	Cr Olaris (Mayor from 25/11/24)	Cr Sangster	Cr Tsalkos	Cr Villella	Total
										\$
Councillor Allowances	15,094	11,306	28,414	11,306	11,306	25,410	11,306	11,306	11,306	136,752
Mobile & Laptop (Usage & Data Plan)	192	192	192	192	192	192	192	192	192	1,728
Travel (Cabcharge/misc travel expenses)		335	24			554				912
Family care										-
Conferences (Inc. all related costs/travel/meals/accom)		636								636
Training & Development	8,425		8,425					8,425		25,275
Functions/events			25							25
Subscription / Memberships										-
Stationary / printing / equipment	92		347		46		46			533
Mayoral Vehicle			2,502			1,252				3,755
Mandatory Councillor Professional Development	309	309	309	309	309	309	309	309	309	2,780
Councillor Conduct Matters										-
<b>Total net expenses</b>	<b>24,112</b>	<b>12,777</b>	<b>40,239</b>	<b>11,806</b>	<b>11,853</b>	<b>27,717</b>	<b>11,853</b>	<b>20,231</b>		<b>160,589</b>

Notes:

Telephone and internet charges are recorded in the month they are incurred. All other expenses are reported on a cash basis in the month that they are paid.

[Further explanation of expense categories is available in the City of Darebin Councillor Support and Expenses Policy 2025.](#)

Amounts rounded to nearest \$



the place  
to live

# GOVERNANCE RULES 2020

July 2020

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



These Governance Rules 2020 are made in accordance with Section 60 of the *Local Government Act 2020* and adopted by resolution of Darebin City Council on 20 July 2020.

Version	Date Adopted by Council	Amendment
1.0	20 July 2020	
1.1	22 August 2022	Incorporate the Minister for Local Government Good Practice Guideline MGP3-3: Virtual Meetings Various refinements to enhance clarity and consistency
1.2	23 October 2023	Election Period Policy updated
1.3	24 June 2024	Election Period Policy updated, including updated Caretaker Period dates

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## AUTHORISATION

- 1) The Darebin City Council at its Meeting on 20 July 2020 has established these Governance Rules in accordance with section 60 of the *Local Government Act 2020*.

## Date of Commencement

- 2) These Governance Rules commence on 20 July 2020.

## COMMITMENT

Good governance and integrity underpin local government democracy, accountability and conduct. Adherence to these principles enables our community to hold the Council to account for its performance and reflects the obligations of the *Local Government Act 2020* (the Act).

The principles of good governance are to be applied throughout all decision making, corporate governance and democratic governance by adherence to these Governance Rules. The principles of good governance incorporate the overarching governance and supporting principles outlined in section 9 of the Act<sup>1</sup>.

Council decision making will also be conducted with transparency. The process by which decisions will be made is transparent and clearly articulated in these Governance Rules for the scrutiny of our community and accountability of Councillors and Council officers.

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### <sup>1</sup> 9 Overarching governance principles and supporting principles

(1) A Council must in the performance of its role give effect to the overarching governance principles.

(2) The following are the overarching governance principles—

- (a) Council decisions are to be made and actions taken in accordance with the relevant law;
- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- (d) the municipal community is to be engaged in strategic planning and strategic decision making;
- (e) innovation and continuous improvement is to be pursued;
- (f) collaboration with other Councils and Governments and statutory bodies is to be sought;
- (g) the ongoing financial viability of the Council is to be ensured;
- (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- (i) the transparency of Council decisions, actions and information is to be ensured.

(3) In giving effect to the overarching governance principles, a Council must take into account the following supporting principles—

- (a) the community engagement principles;
- (b) the public transparency principles;
- (c) the strategic planning principles;
- (d) the financial management principles;
- (e) the service performance principles.

## CHAPTER 1 – INTRODUCTION

### 1. Purpose

- 1.1 The purpose of the Governance Rules are to regulate:
  - 1.1.1 Proceedings at meetings of Council, Delegated Committees and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of these Governance Rules are to apply
  - 1.1.2 How meeting records will be kept and how to access them
  - 1.1.3 Procedures for the election of the Mayor and Deputy Mayor
  - 1.1.4 Conduct of Councillors, Council and Staff during the election period in the lead up to local government elections
  - 1.1.5 Disclosure of conflict of interest
  
- 1.2 These Rules determine the way in which *Council* (including persons acting with the delegated authority of *Council*), must make a decision:
  - 1.2.1 in the best interest of the Darebin community
  - 1.2.2 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - 1.2.3 on the merits, free from favoritism or self-interest and without regard to irrelevant or unauthorised considerations.

## CHAPTER 2 – BACKGROUND AND CONTEXT

### 2.1 Background

- 2.1.1 In accordance with section 60 of the *Act*, Darebin Council must adopt and keep in force Governance Rules.
- 2.1.2 These Governance Rules provide to promote and encourage:
  - 2.1.3 Peace, order and good government to the Darebin municipality
  - 2.1.4 Administration of Council's powers and functions
  - 2.1.5 Local community participation in the system of local government by providing mechanisms within the meeting arrangements for Council to ascertain the local community's view and expectations

### 2.2 Affected Persons Rights and Interests

- 2.2.1 Before making a decision that affects a person's rights, *Council* will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey those views regarding the effect on their rights and consider those views.
- 2.2.2 This includes but is not limited to the rights outlined in the *Charter of Human Rights and Responsibilities Act 2006* and *Towards Equality, Equal Opportunity Act 2010, Gender Equality Act 2020*, Darebin City Council's Equity, Inclusion and Human Rights Framework 2019-2029.
  - 2.2.2.1 The opportunity provided for a person whose rights have been affected to contribute their views will be documented in any relevant report put before the Council.
  - 2.2.2.2 A Council officer making a decision under delegation that affects the rights of a person will record in writing the opportunity provided to the person to have their views considered.<sup>1</sup>

### 2.3 Context

- 2.3.1 These Rules are to be read in the context of and in conjunction with:
  - 2.3.1.1 the overarching governance principles specified in section 9(2) of the *Act*; and
  - 2.3.1.2 the following documents:
    - (a) Community Engagement Policy;
    - (b) Public Transparency Policy;
    - (c) Councillor Code of Conduct;
    - (d) Employee Code of Conduct; and
    - (e) Other relevant policies.

Note: Any Guidance, Overview Notes and Footnotes within these rules are intended to be explanatory and do not form part of these Governance Rules. They will be monitored and updated as required to reflect changes to legislation or to assist interpretation and understanding.

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<sup>1</sup> Section 60(2) *Local Government Act 2020*.  
Governance Rules

## 2.4 Definitions

(1) In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

**Act** means the *Local Government Act 2020* (Vic).

**Absolute Majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.

**Abstain** has the same meaning as a Councillor in attendance at the Meeting who does not vote is to be taken to have voted against the motion or amendment.

**Advisory committee** means a committee established by the Council, that provides advice to Council.

**Attend, attending and in attendance** include attend, attending or in attendance by electronic means.

**Authorised Officer** has the same meaning as in section 224 of the Local Government Act 1989 (Vic) or any other relevant Act.

**Chairperson** means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson.

**Chamber** means any room where the Council holds a Council Meeting.

**Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.

**Committee** means a Committee established by Council, including a Delegated Committee.

**Common Seal** means the common seal of Council.

**Council** means the Darebin City Council being all the Councillors collectively.

**Council Meeting** means a Meeting of the Council convened in accordance with these Governance Rules and includes a scheduled Meeting and unscheduled Meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' format that mixes in-person and electronic attendance.

**Council staff** means a person who is appointed (other than an independent contractor under a contract for services or a volunteer) to enable the functions of the Council to be carried out.

**Delegate** means a member of Council staff whose powers, functions and duties have been delegated by an instrument of delegation from the Chief Executive Officer.

**Delegated Committee** means a delegated committee established by Council under section 63 of the Act, or a joint delegated committee established by 2 or more Councils under 64.

**Delegated Committee Meeting** means a Meeting of a Delegated Committee convened in accordance with these Governance Rules and includes a scheduled or unscheduled meeting (whether held as face-to-face attendance in a set location or via electronic means (virtual) or in a 'hybrid' format that mixes in-person and electronic attendance.

**Deputy Mayor** means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor.

**Disorder** means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- i. interjecting when another person is speaking, except, in the case of a Councillor, to raise a Point of Order;
- ii. making comments that are defamatory, malicious, abusive or offensive;
- iii. refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with these Governance Rules; and
- iv. engaging in any other conduct which prevents the orderly conduct of the Meeting.

**Electronic Means** includes email or facsimile transmission or similar electronic means of communication including utilising in house, hosted or cloud-based file and document sharing software or systems and includes the virtual attendance at Council or Delegated Meetings.

**General Manager** means a senior officer of Darebin City Council holding the position of General Manager or another position (however designated) reporting directly to the Chief Executive Officer.

**Majority of the Votes** means a majority of Councillors present at the time of a vote voting in favour of a matter.

**Mayor** means the Councillor elected to the Office of Mayor or any person appointed by Council to be acting as Mayor.

**Meeting** means a Council Meeting or Delegated Committee Meeting

**Unscheduled Meeting** means a meeting of the Council convened for a particular purpose or matter that cannot safely or conveniently be deferred until the next Meeting.

## CHAPTER 3 – MEETING PROCEDURES

### Title

This Chapter will be known as the “Meeting Procedures”.

### Purpose of this Chapter

In accordance with s 60 of the *Act* the purpose of this Chapter is to:

- (a) provide for the procedures governing the conduct of *Council meetings*;
- (b) provide for the conduct of meetings of Delegated Committees<sup>2</sup>;
- (c) provide for the form and availability of meeting records;
- (d) provide for the election of the Mayor and the Deputy Mayor;
- (e) provide for the appointment of an Acting Mayor.

### Application of the Meeting Rules

- (1) These Rules apply at all times throughout the Municipality.
- (2) Where applicable these Rules must be read in conjunction with the Councillor Code of Conduct.
- (3) These Rules will apply to all Scheduled and Unscheduled Council meetings and any Delegated Committees established by Council under the *Act*.

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<sup>2</sup> Council currently has two Delegated Committees: Planning Committee and Hearing of Submissions Committee  
Governance Rules

## 1. COUNCIL MEETINGS, UNSCHEDULED COUNCIL MEETINGS AND DELEGATED COMMITTEES OF COUNCIL

### 1.1. Notice of Meetings and Agenda Distribution

**Overview:**

*Ordinary Meetings are held regularly to conduct the ongoing business of the Council.*

*Special Council Meetings are unscheduled meetings of the Council and are held when called to deal with the specific business detailed in the notice or resolution requesting the Chief Executive Officer to call them*

*Delegated Committee Meetings are meetings of :*

- *a Delegated Committee established by Council pursuant to, and in accordance with, section 63 of the Act; or*
- *a joint delegated committee established by 2 or more Councils under section 64 of the Act.*

*Wherever possible, an agenda for each type of Meeting must be provided to Councillors in advance so that they can prepare adequately for the Meeting.*

*In the case of Delegated Committees that are not comprised solely of Councillors, the Chairperson must provide reasonable notice to the public of meetings of the Delegated Committee. Council must ensure that public notice of any meeting is also published on Council's website).*

#### 1.1.1. Calling and Scheduling of Ordinary Council Meetings and Special Council Meetings

- (1) The dates, times and locations of *Council Meetings* will be fixed by Council from time to time.
- (2) Notwithstanding sub clause (1) the date, time and location of a *Council Meeting* may be altered by Council resolution, or the *Chief Executive Officer*, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.
- (3) A schedule of *Council Meetings* must be prepared and published in publications that are distributed throughout the municipality (including Council publications) and on Council's website at least once each year or with such greater frequency as the *Chief Executive Officer* determines.

### 1.1.2. Calling and Scheduling of Special Council Meetings

- (1) A notice to call a *Special Council Meeting* must be delivered to the *Chief Executive Officer* in enough time to enable the provisions of this section to be observed.
- (2) Any resolution of Council to call a *Special Council Meeting* must specify the date and time of the *Special Council Meeting* and the business to be transacted. The date and time of the *Special Council Meeting* must not be prior to 6pm on the day following the *Council Meeting* at which the resolution was made.
- (3) Council must at least seven (7) days before the holding of a *Special Council Meeting* give public notice.
- (4) If urgent or extraordinary circumstances prevent the Council from giving the prescribed notice, Council must give such public notice as is practicable and specify in the minutes of the Meeting the urgent or extraordinary circumstances which prevented Council from complying with the seven (7) day notice.

### 1.1.3. Process to Call a Special Council Meeting

- (1) The *Mayor* or at least 3 Councillors may by written notice call a *Special Council Meeting*.
- (2) The notice must specify the date and time of the *Special Council Meeting* and the business to be transacted.
- (3) The Council may by resolution call a *Special Council Meeting*.
- (4) The resolution must specify the date and time of the *Special Council Meeting* and the business to be transacted.
- (5) The *Chief Executive Officer* must call the delegated meeting as specified in the notice or resolution.
- (6) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice or resolution is to be transacted.
- (7) The *Chief Executive Officer* may call a *Special Council Meeting* within 14 days of the result of a Council election being declared.

### 1.1.4. Agenda Distribution for Ordinary Meetings and Special Meetings

- (1) At least six (6) days prior to a scheduled meeting, an Agenda incorporating the business to be dealt with must be:
  - (a) discussed between the *Chief Executive Officer* and *Mayor* prior to distribution;
  - (b) delivered to each Councillor by electronic means; and
  - (c) published on Council's website.
- (2) If it not possible to comply with sub-clause (1) for any reason, the *Chief Executive Officer* must ensure delivery and publication of the Agenda as soon as reasonably possible.

### 1.1.5. Adjourned, Cancelled or Postponed Meetings

- (1) The *Chief Executive Officer* may cancel or postpone any Meeting by giving such notice to Councillors via electronic means and the public via publication on Council's website as soon as is reasonably practicable, where they are satisfied that the cancellation or postponement is warranted because:
  - (a) of an emergency;
  - (b) a quorum will not be achieved due to apologies received ahead of the Meeting;
  - (c) there is insufficient material in the Agenda to justify a Meeting being held;
  - (d) holding the Meeting would give rise to a risk to health and / or safety; or
  - (e) of any other circumstances have arisen which make the holding of the Meeting undesirable.
- (2) If a Meeting is adjourned, cancelled or postponed to another day for any reason, clauses 1.1.4(1), (2) and (3) apply to the extent that is reasonably practicable.

## 1.2. Quorums

### **Overview:**

*No business can be transacted at any Meeting unless a majority of the Councillors are present (Quorum).*

*If there is no Quorum at the commencement of a Meeting or if a Quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time.*

### 1.2.1. Quorum to be present

- (1) No business may be conducted at any *Council Meeting* unless a Quorum is present.
- (2) Quorum means presence by a majority of Councillors.

### 1.2.2. Failure to Raise a Quorum

- (1) If a Quorum is not present within 30 minutes of the time appointed for the commencement of a Meeting, the *Chief Executive Officer* or, in their absence, another Officer, will adjourn the Meeting to a later time on the same day, or to another date and time not more than 14 days from the original date of the Meeting.
- (2) Unless the Meeting is adjourned to a later time on the same day, the *Chief Executive Officer* or, in their absence, another Officer, must give notice to all Councillors of the adjourned Meeting in accordance with clause 1.1.5 of these Rules.

- (3) The requirement in sub-clause (2) does not apply in respect of any Councillor who has been granted leave obtained from the Council pursuant to section 35(1)(e) of the *Act* and who has not requested the *Chief Executive Officer*, in writing, to continue to give notice of Meetings to be held during the period of leave of absence.

#### **1.2.3. Inability to Maintain a Quorum**

- (1) If a quorum is lost after a Meeting has commenced, the *Chief Executive Officer* or, in their absence, another Senior Officer, must immediately adjourn the Meeting for a period not exceeding 30 minutes, at which time, if a quorum is:
  - (a) present, the Meeting resumes; or
  - (b) not present and, after using their best endeavors to regain a quorum, and they cannot do so, they must announce that the Meeting has closed.
- (2) If a Meeting closes under sub-clause (1)b), the undisposed business must be listed at:
  - (a) the next *Ordinary Council Meeting*; or
  - (b) a subsequent *Special Council Meeting* convened for this purpose; or
  - (c) a subsequent Meeting where the undisposed business is included in the business to be transacted for that Meeting.
- (3) All business transacted prior to the closure of a Meeting due to loss of a quorum is valid and capable of being acted upon.

#### **1.2.4. Inability to Achieve or Maintain a Quorum Due to Conflicts of Interest of Councillors**

- (1) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the *Chief Executive Officer* to include that item of business on an Agenda for a future Meeting. This does not require a resolution of Council.
- (2) If a Quorum cannot be achieved or maintained due to the declaration of conflicts of interest by the majority of Councillors, the *Chief Executive Officer* or, in their absence, another Officer, may adjourn the Meeting for a length of time sufficient to enable exemption for the affected Councillors to be obtained from the Minister.

### 1.3. Time Limits for Meetings

#### 1.3.1. Time Limits for Meetings

- (1) A Meeting must not continue for more than three (3) hours from the time that the Meeting started unless a Procedural Motion for a Continuance is carried (with a mover and seconder, and no debate).
- (2) A Continuance of a Meeting will be in a block period of 30 minutes.
- (3) After the initial 30-minute Continuance, the Meeting must not continue unless a Procedural Motion for a further Continuance is carried.
- (4) A Meeting may only be continued for a maximum of two (2) 30-minute Continuances.
- (5) In the absence of a Continuance or in the event there is further business to be transacted at the completion of two Continuances, the Meeting must stand adjourned and be re-convened in accordance with this Meeting Rules.
- (6) If sub-clause (5) applies, clause 1.1.5 operates with respect to the provision of notice of the adjourned Meeting.
- (7) Notwithstanding sub-clause (5), the Chairperson may seek the agreement of Councillors not to adjourn the Meeting to a subsequent day, if the Chairperson reasonably believes the remaining business will take less than 15 minutes to transact.
- (8) In the absence of a Continuance under this clause:
  - (a) Council may, during the time allowed for the Meeting, resolve that the Meeting be adjourned; or
  - (b) at the conclusion of the time allowed for the Meeting, the Meeting must stand adjourned and any undisposed business must be disposed of in accordance with clause 1.2.3(2).

#### 1.4. Chairperson may Temporarily Adjourn a Meeting

The Chairperson may adjourn a Meeting for up to 10-minutes, at any point in proceedings. This does not require a Council resolution.

#### 1.5. Business Transacted Valid

All business transacted at the Meeting before any adjournment will remain valid and be capable of being acted upon.

## 2. Business of Meetings

### **Overview:**

*The business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and available to the public on Council's website.*

*The Chief Executive Officer oversees preparation of the Agenda and determines with the Mayor the content and order of business to facilitate open, efficient and effective processes of government. Council can, admit an item of urgent business after the distribution of the Agenda.*

### **Relevant Provisions of the Local Government Act – Conflict of Interest**

*Part 6 Division 2 of the Act defines when a Councillor will have a conflict of interest. Any Councillor who has a conflict of interest must comply with the requirements of the Part of the Act and with the Governance Rules of the Council relating to procedures for the disclosure of a conflict of interest.*

*Among these requirements is the requirement to disclose the existence of a conflict of interest and the type of interest and nature of the interest. This must be done immediately before the consideration or discussion of the item in which the Councillor has a conflict of interest, unless the type and nature of the conflict of interest have been disclosed to the Chief Executive Officer in writing before the Meeting. If the type and nature of the interest have been disclosed to the Chief Executive Officer in writing before the Meeting, only the existence of the conflict of interest and the type of interest must be disclosed in the Meeting.*

*Whilst a Councillor must disclose the conflict of interest at the commencement of the Meeting when conflicts of interest are called for, the existence of the conflict of interest and the class and nature of the interest must again be disclosed immediately before any consideration or discussion of the relevant Agenda item occurs.*

### **2.1. Order of Business**

- (1) The *Chief Executive Officer* is responsible for preparation and delivery of the Agenda, including the determination of the order of business.
- (2) Once the Agenda has been circulated, no further changes will be made to the Agenda, unless the *Chief Executive Officer* determines to issue a supplementary report.
- (3) The Agenda for each Ordinary Meeting (only) must contain the following items:
  1. Opening of Meeting
  2. Acknowledgement of Traditional Owners
  3. Apologies
  4. Disclosures of Conflicts of Interest
  5. Confirmation of the Minutes of *Council Meetings*
  6. Council's Occupational Health & Safety Responsibilities

7. Public Question Time
  8. Petitions
  9. Consideration of Reports
  10. Notices of Motion
  11. Urgent Business
  12. Records of Assemblies of Councillors
  13. Reports by *Mayor* and Councillors
  14. Consideration of Reports Considered Confidential
  15. Close of Meeting
- (4) The items to be listed on the Agenda of any Meeting of a Delegated Committee will be determined by the *Chief Executive Officer*.

## 2.2. Change to the Order of Business

- (1) A change to the order of business may only be made by through a Procedural Motion. (with a mover and seconder, and no debate)
- (2) Changes to the order of business through a Procedural Motion may be made more than once during a Meeting.

## 2.3. Business at Meetings

- (1) No business can be dealt with at an Ordinary Meeting or Special Meetings unless:
  - (a) it is contained on the Agenda; or
  - (b) it is admitted as urgent business in accordance with 8.1.

## 2.4. Conflict of Interest

Councillors, members and officers must provide a full disclosure of any conflict of interest in accordance with Chapter 5 of these Rules under Part 6 Division 2 of the *Act*.

## 2.5. Presence of Councillors

Councillors must be either physically or electronically in attendance for the *Council Meeting* in order to participate in the meeting and vote. Councillors must comply with the provisions of these Rules in respect to Physical and Remote Attendance (refer Clause 11.1 of these Rules).

**Note:**

*To the extent that there may be any conflict or inconsistency between these Rules and the Act, the Act will prevail.*

### 3. Role of the Chairperson

**Overview:**

*In accordance with the Act, the role of the Mayor is to Chair Council Meetings. If the Mayor is absent, the Deputy Mayor (if any) must take the Chair and if both are absent, Council must elect one of the Councillors as temporary Chairperson.*

*The way in which Council and Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of Committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed and statutory requirements are adhered to.*

*The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions. Specific duties and discretions of the Chairperson are outlined throughout this Meeting Rules.*

#### 3.1. Mayor to Take Chair

- (1) The *Mayor* must take the chair at all *Ordinary Council Meetings* and other Meetings conducted by or on behalf of *Council* at which they are present unless:
  - a) they are precluded from doing so because of a conflict of interest;
  - b) they step down from the chair for a short period with the consent of the Meeting; or
  - c) in the case of a Delegated Committee Meeting, Council or the Delegated Committee has appointed someone else as a Chairperson for that Delegated Committee.
- (2) If the *Mayor* is unable to take the chair or steps down in accordance with sub-clause (1), the *Deputy Mayor* must take the chair.
- (3) If the *Deputy Mayor* is not present or is unable to take the chair, an acting or temporary Chairperson will be appointed.

#### 3.2. Appointment of an Acting or Temporary Chairperson

- (1) The election of an acting or temporary Chairperson will be made by through a procedural motion. (requiring a mover and seconder, and with no debate)
- (2) While considering a motion to appoint of an acting or temporary Chairperson, the Meeting will be chaired by:
  - a) the *Mayor*; or where the *Mayor* is not present
  - b) the *Deputy Mayor*; or where the *Deputy Mayor* is not present
  - c) a Councillor elected by the Council
  - d) *Chief Executive Officer*.

### 3.3. The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in these Rules, the Chairperson has the following duties.

- (1) The Chairperson must not accept any motion or amendment which is determined by the Chairperson to be:
  - (a) defamatory, malicious, abusive or objectionable in language or substance;
  - (b) vague or unclear in intention;
  - (c) outside the powers of Council;
  - (d) irrelevant to the item being considered;
  - (e) purporting to be an amendment but is not;
  - (f) the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that were considered by Council in the preceding six (6) months, unless the majority of the whole Council consents to it being accepted and debated;
  - (g) it includes a misleading or false statement; or
  - (h) unclear in its intent or may be subject to misinterpretation, the Chairperson must lay the motion on the table until the next *Council Meeting* when advice will be provided by the *Chief Executive Officer* as to the meaning or the motion as worded.
- (2) The Chairperson must allow the *Chief Executive Officer* the opportunity to correct factual errors or incorrect assertions that arise during the Meeting.
- (3) The Chairperson must ensure that silence is preserved in the public galley during a Meeting.
- (4) The Chairperson must call to order any person if their behaviour is disruptive or unruly or interferes with the conduct of the business of Council.
- (5) The Chairperson must call to order any member of the public who approaches the Council table during the Meeting, unless invited by the Chairperson to do so.
- (6) The Chairperson must decide on all points of order in accordance with clause 10.3.

### 3.4. Chairperson's Ruling

Where the Meeting Rules do not provide for a procedure for a Meeting, the Chairperson will determine the procedure to be followed.

## 4. Motions

### **Overview:**

*This section describes the procedure for introducing a motion or amendment, the rules of debate, foreshadowing a motion or amendment and the duty of the Chairperson in relation to accepting motions and amendments.*

*A Councillor may move any motion related to an item included in the Agenda. In the interests of transparency and informed decision making, motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the motion being considered by Council.*

*As a resolution must be able to be acted upon, a motion must clearly state what is intended and what its impact will be. This provides clarity for the implementation of Council decisions.*

### **4.1. Moving a Motion**

The procedure for moving any motion is as follows.

- (a) A Councillor who wishes to move a motion must raise their hand (not stand).
- (b) The Chairperson will call on the Councillor they determine raised their hand first.
- (c) The mover must state the motion without speaking to it.
- (d) The motion must be seconded by a Councillor other than the mover by raising their hand (not standing).
- (e) The Chairperson is unable to move or second a motion.
- (f) If the Chairperson wishes to move or second a motion, then:
  - i. The *Deputy Mayor* must take the chair or, if there is no *Deputy Mayor* or the *Deputy Mayor* is absent or is the current Chairperson, the Meeting must elect a temporary Chairperson; and
  - ii. Whereupon the Chairperson must vacate the chair and not return to it until the motion has been resolved upon.
- (g) If a motion is not seconded, the motion lapses for want of a seconder. There will be no discussion or debate on a motion that has not been seconded.
- (h) If there is a seconder, the Chairperson must call on the mover to speak to the motion prior to any amendment. This signals the beginning of the debate.
- (i) Prior to the commencement of debate on a motion or an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on a motion
- (j) After the mover has spoken to the motion, the seconder (unless they reserve their right to speak later in the debate) may also speak to the motion prior to any amendment.

- (k) Except for the mover of a motion who has a right of reply in accordance with clause 4.5 check of the Meeting Rules, all other Councillors can only speak once to the motion.
- (l) The Chairperson may only speak to a motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the motion.
- (m) After the seconder has spoken to the motion (or after the mover has spoken to the motion if the seconder does not speak to the motion), the Chairperson must call on any Councillor who wishes to speak against the motion, then on any Councillor who wishes to speak for the motion, alternating with all Councillors wishing to speak.
- (n) After waiting until all Councillors wishing to speak to the motion have spoken, the Chairperson will put the matter to the vote or, if no Councillor indicates opposition or a desire to speak to the motion, the Chairperson will put the matter to the vote immediately.
- (o) Before putting a motion to the vote, the Chairperson may require the *Chief Executive Officer* or their delegate to read out the text of the motion.

#### **4.2. Debate Must be Relevant**

- (1) Debate must always be relevant to the motion or amendment before the Meeting and, if not, the Chairperson must request the speaker to confine debate to the motion or amendment.
- (2) If, after being requested two times by the Chairperson to confine debate to the motion or amendment before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the motion or amendment. The speaker must immediately comply with any such direction.

#### **4.3. Miscellaneous Rules of Debate**

- (1) A Councillor must not, in any debate, make any defamatory, indecent, abusive, offensive or disorderly statement or comment about any Councillor, Officer or other person.
- (2) If a statement or comment described in sub-clause (1) is made, the Chairperson may, without a point of order being raised, direct the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- (3) Failure to comply with Chairpersons direction in relation to clause (1) may result in a warning pursuant to clause 11.4 of these Rules.
- (4) In cases where there is competition for the right to speak at a Meeting, including moving or seconding a motion or amendment, the Chairperson must decide the order in which Councillors may speak.

- (5) If a debate is adjourned by Procedural Motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- (6) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- (7) A mover and seconder of a motion or amendment are not permitted to withdraw their moving and seconding of the motion or amendment after debate has commenced.

#### 4.4. Right to Ask Questions

- (1) Prior to the commencement of debate on a motion (including a procedural motion) or an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on a motion.
- (2) A Councillor must not ask any question that is in any way defamatory, indecent, abusive, offensive or disorderly about any Councillor, Officer or other person.
- (3) The Chairperson has the right to limit questions and direct that debate be commenced.
- (4) A Councillor asking a question under sub-clause (1) is not deemed to be speaking to the motion before the Meeting.

#### 4.5. Right of Reply

- (1) The mover of a motion that has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate immediately before the vote is taken.
- (2) No new matters may be raised in the right of reply.
- (3) If no Councillor has spoken against a motion, there will be no right of reply.
- (4) The mover of a motion loses their right of reply if an amendment to the motion is carried.
- (5) The mover of an amendment to a motion does not have a right of reply.
- (6) After the right of reply has been exercised, the motion must immediately be put to the vote without any further questions, discussion or debate.

#### 4.6. Time Limits for Debate

A Councillor must not speak on any one motion for a time longer than that stated below:

the mover of a motion:	3 minutes
any other speaker:	2 minutes
the mover of a motion exercising a right of reply:	2 minutes

#### 4.7. Moving an Amendment

- (1) A motion that has been moved and seconded may be amended by leaving out, inserting or adding words that are relevant to the subject of the motion.
- (2) An amendment must not be directly Opposite to the motion.

**Note:**

*If a proposed amendment is ruled by the Chairperson to be directly opposite or substantially contrary to the motion, it should be treated as an alternative motion to be considered only in the event that the motion before the Council is lost.*

- (3) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original motion and the Chairperson.
- (4) If a Councillor proposes an amendment and the original mover and seconder of the motion both indicate their agreement with the amendment, the amended motion becomes the substantive motion without debate or vote.
- (5) A motion to confirm a previous resolution of Council cannot be amended.
- (6) The procedure for moving any amendment is as follows.
  - i. Councillor who wishes to move an amendment must raise their hand (not stand).
  - ii. The Chairperson will call on the Councillor they determine raised their hand first.
  - iii. The mover must state the amendment without speaking to it.
  - iv. The amendment must be seconded by a Councillor other than the mover by raising their hand (not standing).
  - v. The Chairperson is unable to move or second an amendment.
  - vi. If the Chairperson wishes to move or second an amendment, then:
  - vii. the *Deputy Mayor* must take the chair or, if there is no *Deputy Mayor* or the *Deputy Mayor* is absent or is the current Chairperson the Meeting must elect a temporary Chairperson; and
  - viii. whereupon the Chairperson must vacate the chair and not return to it until the amendment has been resolved upon.
  - ix. If an amendment is not seconded, the amendment lapses for want of a seconder. There will be no discussion or debate on an amendment that has not been seconded.
  - x. If there is a seconder, the Chairperson must call on the mover to speak to the amendment. This signals the beginning of the debate.
  - xi. Prior to the commencement of debate on an amendment a Councillor may, when no other Councillor is speaking, ask any question of Officers concerning or arising out of the motion for the purposes of clarification. A Councillor may not ask a question of Officers once debate has commenced on an amendment

- xii. After the mover has spoken to the amendment, the seconder (unless they reserve their right to speak later in the debate) may also speak to the amendment.
- xiii. After the seconder has spoken to an amendment (or after the mover has spoken to the amendment if the seconder does not speak to the amendment), the Chairperson must call on any Councillor who wishes to speak against the amendment, then on any Councillor who wishes to speak for the amendment, alternating with all Councillors wishing to speak.
- xiv. After waiting until all Councillors wishing to speak to the amendment have spoken, the Chairperson will put the amendment to the vote or, if no Councillor indicates opposition or a desire to speak to the amendment, the Chairperson will put the amendment to the vote immediately.
- xv. Before putting an amendment to the vote, the Chairperson may require the *Chief Executive Officer* or delegate to read out the text of the amendment.

**4.8. Miscellaneous Rules for an Amendment**

- (1) A Councillor may speak on any amendment once, whether or not they have spoken to the motion, but debate must be confined to the terms of the amendment.
- (2) Any number of amendments may be proposed to a motion, but only one amendment may be accepted by the Chairperson at any one time.
- (3) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on.
- (4) The mover of an amendment does not have any right of reply.
- (5) Any one Councillor cannot, without the leave of the Chairperson, move more than two amendments in succession.
- (6) If an amendment is carried, the motion as amended then becomes the substantive motion before the Meeting.
- (7) Neither the mover of the original motion, nor the mover of the amendment, has a right of reply to that amended motion.

**4.9. Time Limits for Debate for an Amendment**

A Councillor must not speak on an amendment for a time longer than stated below, unless granted an extension by the Chairperson:

the mover of an amendment:	3 minutes
any other speaker:	2 minutes

#### 4.10. Foreshadowing Motions

- (1) At any time during debate, a Councillor may foreshadow a motion so as to inform Council of their intention to move a motion at a later stage in the meeting, however, this does not extend any specific right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event of a particular motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) Notwithstanding sub-Rule 4.10 (2), the Councillor foreshadowing a motion must not do more than preface the motion with a brief statement.
- (4) The *Chief Executive Officer* or person taking the Minutes of the Meeting is not required to record a foreshadowed motion in the Minutes until the foreshadowed motion is formally moved.
- (5) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Meeting.
- (6) A Councillor foreshadowing a motion under this clause is not deemed to be speaking to the motion or amendment before the Meeting.

#### 4.11. Motions Moved in a Block

The Chairperson may direct that like motions be moved in a block (en bloc) if the motions note actions already taken by Council and / or will not commit Council to take any further action, incurring any expenditure or making any changes to policy.

#### 4.12. Motions and amendments in writing

- (1) The Chairperson may require that any motions and amendments be submitted in writing.
- (2) The Chairperson may adjourn a Meeting while a motion or an amendment is being written or may request Council to defer the matter until the motion or amendment has been written, allowing the Meeting to proceed uninterrupted.
- (3) Any motions and amendments must clearly state the intention and effect of the proposed resolution.

**Note:**

*This is generally interpreted to mean that a resolution must be capable of standing alone, that is, a person reading the decision of Council in the minutes will be able to understand what Council is seeking to achieve without reference to other sources.*

## 5. Voting

### **Overview:**

*At the conclusion of debate on a matter before the Meeting, the Chairperson must put the motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be by show of hands. The vote is determined by a majority of the Councillors present at the meeting at the time the vote is taken voting in favour of the motion or amendment.*

*If a vote is tied, the Chairperson has a casting vote.*

### **5.1. How a Motion or an Amendment is Determined**

- (1) To determine a motion or amendment before a Meeting, the Chairperson must first call for those voting in favour of the motion or amendment, then those voting against the motion or amendment. Except for procedural matters the Chairperson will call the names of all those voting in favour of the motion or amendment, then those voting against the motion or amendment and these will be recorded in the minutes of the meeting.
- (2) Voting on any matter is by a show of hands.
- (3) Voting must take place in silence.
- (4) The Chairperson may direct that a vote be recounted to satisfy themselves of the result.
- (5) When a vote is tied, the Chairperson has a second, casting vote and may use this vote as they see fit.
- (6) Pursuant to the *Act*, for the purpose of determining the result of a vote, a Councillor in attendance at the meeting who does not vote is to be taken to have voted against the motion or amendment.
- (7) Once a vote on a motion or amendment has been taken, no further discussion relating to the motion or amendment is permitted.

### **5.2. Separation of Motions**

- (1) Where a motion contains two or more parts, a Councillor may request at any time before a vote is taken that the Chairperson put each part of the motion to the vote separately.
- (2) The Chairperson may grant or refuse such a request at their discretion. This does not require a Council resolution.
- (3) The Chairperson may decide to put any motion to the vote in separate parts of their own volition.
- (4) A part of a motion that is put to the vote separately will not otherwise be considered a separate motion for the purpose of this clause.

## 6. Notices of Motion

### **Overview:**

*A Notice of Motion is a request (in the form of a Council motion) prepared by a Councillor which intends to require the Council to discuss a particular matter and/or make a decision for action to be taken.*

*Notices of Motion can only be considered at an Ordinary Meeting.*

*A Notice of Motion is a useful way for Councillor to raise an issue which doesn't require advice or a lot of consideration on an Agenda. For example, it might involve asking Council to recognise a significant achievement of a local community member which is already generally known.*

*This section outlines the rules and processes that govern the submission of Notices of Motion.*

### **6.1. Notice of Motion Arrangements**

- (1) A Councillor may submit a Notice of Motion for consideration at an Ordinary Meeting.
- (2) A Notice of Motion must be lodged in accordance with this clause 6.1.
- (3) The Councillor proposing a Notice of Motion must circulate the draft Notice of Motion (including a brief rationale) to all Councillors for information before lodging it with the *Chief Executive Officer*.
- (4) Evidence that a draft Notice of Motion has been circulated to all Councillors prior to being lodged with the *Chief Executive Officer* must be provided to the *Chief Executive Officer* at the time of lodging the Notice of Motion.
- (5) The full text of any Notice of Motion (including the written rationale) accepted by the *Chief Executive Officer* must be included in the Agenda for the next Ordinary Meeting.
- (6) The *Chief Executive Officer* must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (7) Each Notice of Motion must be considered in the order in which it is entered in the Notice of Motion register.

### **Note:**

*A draft Notice of Motion circulated to all councillors should be deemed to be confidential information in accordance with section 3 of the Act until it is determined by the Chief Executive Officer to be valid in accordance with Clause 6.2 and subsequently distributed in the agenda.*

## 6.2. Valid Notices of Motion

A Notice of Motion must:

- (a) be submitted in writing and be accompanied with a brief written rationale prepared by the Councillor outlining any relevant background for the proposed motion;
- (b) be signed (including by electronic means) and dated by the Councillor;
- (c) relate to the objectives, role and functions of Council as outlined in the *Act* and align with the Council Plan;
- (d) do no more than call for a Council report if the Notice of Motion:
  - i. affects the levels of Council service;
  - ii. is inconsistent with the strategic objectives of the Council as outlined in the Council Plan;
  - iii. commits Council to expenditure greater than \$5,000 that is not included in the Budget;
  - iv. proposes to establish, amend or extend an adopted Council policy or position;
  - v. commits Council to any contractual arrangement;
  - vi. concerns any litigation in respect of which Council is a party; or
  - vii. impacts on perceived procedural fairness to a person or entity which is the subject of a pending decision by Council;
- (e) not be the same as, or similar in intent to, a Notice of Motion that has been listed on the Agenda of an Ordinary Meeting within the 6 (six) months preceding the due date for lodgment as set out in sub-clause f); and
- (f) be lodged with the *Chief Executive Officer* no later than 12 noon at least fourteen full days prior to the Ordinary Meeting at which it is intended to be considered to allow enough time to include it on the Agenda.

## 6.3. Rejection of Notice of Motion

- (1) The *Chief Executive Officer* must reject any Notice of Motion (including the written rationale) if they are of the opinion that:
  - (a) it is the same as, or similar in intent to, a Notice of Motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
  - (b) it is defamatory;
  - (c) it is objectionable in language or nature;
  - (d) it is inconsistent with Councillor Code of Conduct;
  - (e) it is vague or unclear in intention;
  - (f) it is outside the powers of Council;
  - (g) evidence of circulation to other Councillors has not been provided to the *Chief Executive Officer*, as required by sub-clause 6.1 4);
  - (h) it relates to a matter that can be addressed through the operational service request process. Or

- (i) does not comply with clause 6.2; or
  - (j) it includes a misleading or false statement.
- (2) If rejecting a Notice of Motion (including the written rationale), the *Chief Executive Officer* must:
- (a) inform the Councillor who lodged it of the rejection and the reasons for it;
  - (b) provide the Councillor who lodged it 24 hours to amend and lodge a revised Notice of Motion; and
  - (c) if the Notice of Motion cannot be amended to the satisfaction of the *Chief Executive Officer*, notify the Councillor who lodged it of the rejection in writing and the reasons for the rejection.

#### **6.4. Debating a Notice of Motion**

- (1) The Councillor who is the author of the Notice of Motion must move the Notice of Motion if the Councillor is present at the Ordinary Meeting at which it is to be considered.
- (2) If the author of the Notice of Motion is not present at the Ordinary Meeting at which it is to be considered, any Councillor present at the Meeting, except for the Chairperson, may move the Notice of Motion.
- (3) If a Notice of Motion is not moved and seconded at the Ordinary Meeting at which it is to be considered, it lapses.
- (4) Except where the Notice of Motion is to confirm a previous resolution of Council, the Notice of Motion may be amended.
- (5) If a Councillor who has lodged or is moving a Notice of Motion wishes to amend it, they may only do so by seeking leave of the Chairperson to amend it prior to it being seconded.
- (6) Once a Notice of Motion has been moved and seconded, neither the mover nor the seconder may amend it.
- (7) A mover and seconder of a Notice of Motion are not permitted to withdraw their moving and seconding of the Notice of Motion after debate has commenced.
- (8) Notwithstanding sub-clause 6), another Councillor may move an amendment to a Notice of Motion, which may be accepted by the mover and seconder, and must be dealt with in accordance with Section 6 of this Meeting Rules.
- (9) Any amendment made to the Notice of Motion must not be directly Opposite to the Notice of Motion.
- (10) No member of the public may make a submission on a Notice of Motion when it is presented at an Ordinary Meeting.

## 7. Notice of Rescission or Amendment

### **Overview:**

*A notice of rescission or amendment is a form of Notice of Motion. Accordingly, all provisions in the Meeting Rules regulating Notices of Motion equally apply to notices of rescission and amendment.*

*This section describes the circumstances and procedures under which a Council decision can be rescinded or amended.*

### **7.1. Procedure for a Notice of Rescission or Amendment**

- (1) Motions to rescind or amend a previous resolution of Council can be made by:
  - (a) a Councillor submitting a Notice of Motion in accordance with section 6 of the Meeting Rules, which is signed by three or more Councillors; or
  - (b) a recommendation contained in an Officer's report included in the Agenda.
- (2) A Councillor may propose a motion to rescind or amend a previous resolution of Council, provided that:
  - (a) the previous resolution has not been acted on, and
  - (b) a written notice, signed by three or more Councillors is delivered to the *Chief Executive Officer* or their delegate setting out:
    - i. the relevant previous resolution to be rescinded or amended; and
    - ii. the Meeting and date when the relevant previous resolution was carried.
- (3) The *Chief Executive Officer*, or other Officer with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made.
- (4) A resolution of Council will be deemed to have been acted on if:
  - (a) its content or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Meeting on Council's website; or
  - (b) a statutory process has been commenced so as to vest enforceable rights in, or obligations on, Council or any other person.
- (5) The *Chief Executive Officer* or other Officer must defer implementing a resolution which:
  - (a) has not been acted on; and
  - (b) is the subject of a Notice of Motion to rescind or amend it which has been delivered to the *Chief Executive Officer* in accordance with Section 6 of the Meeting Rules, unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing Council at legal, financial or other risk.

- (6) The lodgment and acceptance by the *Chief Executive Officer* of a Notice of Motion to rescind or amend a previous resolution of Council does not prevent the *Chief Executive Officer* or other Officer from giving notice to any person that the Notice of Motion to rescind or amend has been lodged.
- (7) If a Notice of Motion to rescind or amend a previous resolution of Council is lost or lapses, a similar motion must not be put before Council for at least 6 (six) months from the date it was lost.
- (8) If a Notice of Motion to rescind or amend a previous resolution of Council is not moved and/or seconded at the Meeting for which it is listed, it lapses.
- (9) A Notice of Motion to rescind or amend a previous resolution of Council listed on an Agenda must be moved by the Councillor who submitted the Notice of Motion.
- (10) Notwithstanding sub-Rule 7.1 (9) the *Chair* may allow another Councillor to move the Notice of Motion if the Councillor who submitted the Notice of Motion is not in *attendance*. If the original submitter of the Notice of Motion is not in attendance, the Notice of Motion must not be amended.

**7.2. Rejecting a Notice of Motion to Rescind or Amend**

If rejecting a Notice of Motion to rescind or amend a previous resolution of Council, the *Chief Executive Officer* must inform the Councillor who lodged it of the rejection and the reasons for it.

## 8. Urgent Business

### 8.1. Urgent Business

- (1) Business can only be admitted as urgent business at an Ordinary *Council Meeting* or *Special Council Meeting*.
- (2) Business can only be admitted as urgent business through a Procedural Motion with the exception of matters of urgency as determined by the *Chief Executive Officer* pursuant to Clause 8.1 (3)(g).
- (3) A Procedural Motion to admit an item of urgent business can only be approved by *Council* if the proposed motion of urgent business:
  - (a) relates to or arises out of a matter which has arisen since the distribution of the Agenda deadline to submit Notices of Motion; and
  - (b) cannot safely or conveniently be deferred until the next Ordinary Meeting; and
  - (c) cannot be addressed through an operational service request process; and
  - (d) does not, if passed, commit the Council to any direct expenditure; and
  - (e) will not, if passed, alter the Council Plan or Budget; and
  - (f) will not, if passed, directly and significantly affect the exercise of a person's rights;
  - (g) involves a matter that has been determined by the *Chief Executive Officer* as being required to be dealt with as Urgent Business and which the *Chief Executive Officer* admits to the agenda; or
  - (h) has not been rejected as a Notice of Motion in accordance with Clause 6.3.
- (4) A proposed item of urgent business must:
  - (a) be submitted in writing to the *Chief Executive Officer* no later than 12 noon on the day of the Ordinary Meeting at which it is to be considered,
  - (b) be circulated to all Councillors for information before or at the same time as lodging it with the *Chief Executive Officer*;
  - (c) be signed (including by electronic means) and dated by the Councillor;
  - (d) not be derogatory, defamatory, indecent, abusive or objectionable in language or substance;
  - (e) not be aimed at embarrassing a Councillor or an Officer;
  - (f) relate to the objectives, role and functions of Council as outlined in the *Act* and align with the Council Plan; and
  - (g) do no more than call for a Council report if the matter:
    - i. affects the levels of Council service;
    - ii. commits Council to any contractual arrangement; or
    - iii. concerns any litigation in respect of which Council is a party.
- (5) Any amendment to a motion of Urgent Business must be compliant with Clause 8.1 (4)(e).

- (6) Evidence that the proposed urgent business item has been circulated to all Councillors must be provided to the *Chief Executive Officer* at the time of lodging the proposed urgent business item.
- (7) The *Chief Executive Officer* will advise the *Mayor* of any matter they determine is appropriate for Council to consider admitting as urgent business.
- (8) No member of the public may make a submission on an item of urgent business when it is presented at an Ordinary Meeting.

## 9. Procedural Motions

### **Overview:**

*Procedural Motions allow for the process of the Meeting to be changed, within certain parameters. Suspension of standing orders is a type of Procedural Motion.*

*Standing orders are the rules made to govern the procedure at Meetings contained in the Meeting Rules.*

*The standing orders cover a range of matters including the order of business, rules of debate, Procedural Motions and election procedures. Standing orders can be suspended to facilitate the business of a Meeting but should not be used purely to dispense with the processes and protocol of the government of Council.*

### **9.1. Process for Procedural Motions**

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) All procedural motions require a mover and seconder.
- (3) The Chairperson may reject a procedural motion if they believe the motion before the Meeting at the time that it is moved has not been adequately or sufficiently debated.
- (4) Notwithstanding any other provision in these Rules, procedural motions must be dealt with in accordance with the provisions of the Schedule of Procedural Motions in clause 9.2.
- (5) A procedural motion may be moved and seconded by any Councillor except the Chairperson.
- (6) Unless otherwise prescribed, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- (7) A procedural motion must not be amended.

9.2. Schedule of Procedural Motions

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
1. Changes to the order of business	That the order of business be amended as follows:	Any matter, except the - Acknowledgement of Traditional Owners, - Apologies, Disclosures of Conflicts of Interest and Confirmation of the Minutes	Not applicable	No	Change to the order of business	No change to the order of business
2. Deferral of an item of business	That consideration of [ <i>Item No, Name of Item</i> ] be deferred to [ <i>date, time</i> ]	Any matter, except the Acknowledgement of Traditional Owners, Apologies, Disclosures of Conflicts of Interest and Confirmation of the Minutes	When debate has commenced on the item of business	Yes but limited to the reasons for deferral. No right of reply	Consideration of the matter will be deferred as set out in the motion	The item of business is considered
3. Adjournment of debate to later time or date	That the debate on this matter be adjourned to [ <i>date, time</i> ]	Any matter	When another Councillor is speaking	Yes but limited to the time and date. No right of reply	Debate on motion and amendments postponed to the stated date and time	Debate continues unaffected
4. Adjournment of Meeting to later time or date	That the Meeting be adjourned to [ <i>date, time</i> ]	Any Meeting	When another Councillor is speaking	Yes but limited to the time and date. No right of reply	Meeting adjourns immediately until the stated date and time	The Meeting continues unaffected

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
5. The closure	That the motion be now put	Any matter	When the Chairperson believes the motion on which it has been proposed has not been adequately or sufficiently debated.	No	Motion or amendment in respect of which the closure is carried is put to the vote immediately without further debate	Debate continues unaffected
6. Continuance of Meeting	That the Meeting continue for a further 30 minutes	Any Meeting	When the Meeting has already been extended to the maximum time allowed	No	The Meeting will continue for the additional time resolved	Where all business is not disposed of, the Meeting will stand adjourned at the time of the scheduled closure
7. Extending speaking time	That the time available for the speaker be extended by a further _____ minutes	Any matter	Not applicable	No	Extend the time available for the speaker	No change to the time available for speaker
8. Urgent business	That the matter of _____ be admitted as urgent business	Any matter, subject to clause 8	If the provisions of clause 8 are not met	Yes but limited to the provisions of clause 8. No right of reply	The item is admitted to Agenda for discussion as urgent business	No change to the Agenda
9. Election of temporary Chairperson	That <i>[name]</i> be elected as temporary Chairperson	Not applicable	When the Chair is occupied	No	Temporary Chairperson is appointed and takes the Chair	The Meeting is unable to proceed due to the inability to appoint a Chairperson

MOTION	FORM (WORDING OF THE MOTION)	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
10. Extending Public Question Time	That Public Question Time be extended by 30 minutes	Not applicable	Public Question Time may only be extended once per meeting	No	Public Question Time is extended by 30 minutes	Public Question Time must cease at the end of the initial 30-minute period
11. To close the Meeting pursuant to section 66(1) of the Act	That the meeting be closed pursuant to section [state relevant section] to consider [state matter]	Any matter	Not applicable	No	Meeting closed to the public	Meeting continues
12. To lay a motion on the table	That the motion be laid on the table until the next <i>Council Meeting</i>	Any motion that is unclear in its intent or subject to misinterpretation	Not applicable	No  The Chairperson must lay the motion down in accordance with clause 3.3(h) if they consider the motion to be unclear in its intent or subject to misinterpretation	Motion carried to the next <i>Council Meeting</i>	Meeting continues

## 10. Points of Order

### **Overview:**

*A point of order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid points of order and the process for raising and ruling on a point of order are described in this section.*

### **10.1. Valid Points of Order**

- (1) A point of order may be raised in relation to anything which:
  - (a) is contrary to the Meeting Rules;
  - (b) is irrelevant to the matter under consideration;
  - (c) is outside the powers of Council;
  - (d) constitutes improper behaviour;
  - (e) is offensive;
  - (f) constitutes a tedious repetition of something already said; or
  - (g) ~~disorder~~; or
  - (h) is a misleading or false statement
- (2) Councillors must refrain from raising purposely disruptive and without proper basis points of order.
- (3) Rising to express a difference of opinion or contradict a speaker is not grounds for raising a point of order.

### **10.2. Procedure for a Point of Order**

- (1) A Councillor raising a point of order must:
  - (a) clearly state the point of order in accordance with the provisions of sub-clause 10.1(1), and briefly describe the nature of why the point of order is being called; and
  - (b) state any section, clause, paragraph or provision relevant to the point of order before resuming their seat.
- (2) If the Councillor raising the point of order does not follow the process in sub-clause (1), the point of order will not be considered.
- (3) The *chairperson* has discretion to refuse a point of order (without discussion) where two (2) points of order against the same Councillor has already been raised while they remain within their current allocated speaking time.
- (4) Notwithstanding sub-Rule 10,2 (3) where the *Chairperson* reasonably believes a Councillor is breaching any sub-Rules under Rule 10.1 the *chairperson* must ask the Councillor to either refrain from such behaviour or retrack their comments. The Councillor must not unreasonably refuse to do so.
- (5) A Councillor raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the Meeting.

**10.3. Chairperson to Decide**

- (1) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.
- (2) The Chairperson's ruling on a point of order is final.

**10.4. Chairperson May Adjourn to Consider**

- (1) The Chairperson may adjourn the Meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before the Meeting are suspended until the point of order is decided.

**10.5. Dissent from Chairperson's Ruling**

- (1) A Councillor may move a motion of dissent in the Chairperson's ruling on a point of order, without speaking to it, by moving:

"That the Chairperson's ruling [setting out that ruling or part of that ruling] be dissented from."

- (2) A motion of dissent must be seconded, otherwise it will lapse.
- (3) If a motion of dissent is moved and seconded:
  - (a) the Chairperson must leave the chair and the *Deputy Mayor* must chair the Meeting as the temporary Chairperson; or
  - (b) if there is no *Deputy Mayor*, the Chairperson must leave the chair after the Meeting has elected a temporary Chairperson, and the motion must immediately be put to the vote.
- (4) There will be no debate on a motion of dissent.
- (5) The temporary Chairperson must invite the mover of the motion of dissent to state the reasons for her or his dissent.
- (6) The temporary Chairperson must then invite the Chairperson to respond.
- (7) The mover of the motion of dissent and the Chairperson must not speak on the motion for a time longer than one (1) minute each.
- (8) No other speakers can address a motion of dissent.
- (9) The temporary Chairperson must put the motion to the vote in the following form: "That the Chairperson's ruling be dissented from."
- (10) If the vote is in the negative, the Chairperson resumes the Chair and the Meeting proceeds.
- (11) If the vote is in the affirmative, the Chairperson resumes the Chair and must reverse or vary (as the case may be) their previous ruling and proceed.
- (12) The defeat of the Chairperson's ruling is in no way a vote of no-confidence in the Chairperson and should not be so regarded by the Meeting.

## 11. Meeting Conduct

### Overview:

*This section provides clear guidance on the expectations of behaviour by Councillors, Officers and members of the public. This supports an environment that is conducive to effective decision-making and good governance.*

### Physical and Remote Attendance

#### 11.1 Mode of Attendance

- 11.1.1 Each notice of meeting must indicate whether the relevant *Council Meeting* is to be conducted:
- (a) wholly in person;
  - (b) wholly by electronic means; or
  - (c) partially in person and partially by electronic means.
- 11.1.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council Meetings* are to be conducted:
- (a) wholly in person;
  - (b) wholly by electronic means; or
  - (c) partially in person and partially by electronic means.
- 11.1.3 If a *Council Meeting* is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.
- 11.1.4 Any request made under sub-Rule 11.1.3 must:
- (a) be in writing;
  - (b) be given to the *Chief Executive Officer* no later than 24 hours prior to the commencement of the relevant *Council Meeting*; and
  - (c) specify the reasons why the Councillor is unable or does not wish to attend the *Council Meeting* in person.
- 11.1.5 The *Chief Executive Officer* must ensure that any request received in accordance with sub-Rule 11.1.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant *Council Meeting*.
- 11.1.6 *Chief Executive Officer* must not unreasonably refuse any request.
- 11.1.7 A Councillor who is *attending* a *Council Meeting* by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the *Council Meeting*.
- 11.1.8 Without detracting from anything said in sub-Rule 11.1.7 a Councillor who is *attending* a meeting by electronic means must be able to:
- (a) hear the proceedings;
  - (b) see all Councillors and members of Council staff who are also *attending* the *Council Meeting*, at least while a Councillor or member of Council staff is speaking;
  - (c) must ensure they are in a confidential environment away from all other persons when dealing with any confidential agenda items;

- (d) if sub-Rule 11.1.8 (c) cannot be met, the Councillor must leave the meeting and not participate in the confidential item;
- (e) test their IT equipment is working at least 15 minutes prior to the commencement of the scheduled meeting time;
- (f) be seen by all Councillors, members of Council staff and members of the public who are physically present at the *Council Meeting*; and
- (g) be heard when they speak.

11.1.9 If the conditions of sub-Rule 11.1.8 cannot be met by one or more Councillors *attending a Council Meeting*, whether because of technical difficulties or otherwise:

- (a) the *Council Meeting* will nonetheless proceed as long as a quorum is present; and
- (b) the relevant Councillor (or Councillors) will be treated as being absent from the *Council Meeting* or that part of the *Council Meeting*

unless the *Council Meeting* has been adjourned in accordance with *these Rules*.

11.1.10 Nothing in this Rule 11.1 prevents a Councillor from joining (or re-joining) a *Council Meeting* at the time that they achieve compliance with sub-Rule 11.1.8 even if the *Council Meeting* has already commenced or has continued in their absence.

## 11.2 Meetings Conducted Remotely

If a *Council Meeting* is conducted wholly or partially by electronic means:

- (a) councillors connecting by electronic means must be in *attendance* 5 minutes prior to the scheduled commencement time of the meeting.
- (b) the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

## 11.3 Display of Placards and Posters

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Meeting is being or is about to be held that give rise to a risk to the health and safety of persons in the Council Chamber or building where the Meeting is being held.
- (2) A person must not:
  - (a) display any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, in the Council Chamber; or
  - (b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held.
- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be contrary to sub-clause 1) or 2) or is objectionable, disrespectful or otherwise inappropriate.

## 11.4 Addressing the Meeting

- (1) A Councillor or any other person who addresses a Meeting must do so in a courteous and respectful manner and must take direction from the Chairperson whenever called on to do so.

- (2) Any person addressing the Chairperson must refer to her or him as:  
*Mayor*(surname), or Chairperson.
- (3) All Councillors, other than the *Mayor*, must be addressed as Cr.(surname).
- (4) All Officers must be addressed as Mr or Ms(surname) as appropriate, or by their official title.
- (5) Except for the Chairperson, any Councillor who addresses a Meeting must stand and direct all remarks through the Chairperson.
- (6) It will not be necessary for Councillors to rise when speaking to the Chairperson in a Meeting that is closed to the public (Confidential Business) in accordance with the *Act*.
- (7) Despite sub-clause 5), the Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson at a Meeting for reasons of sickness, infirmity, disability or otherwise at her or his discretion.
- (8) Any member of the public attending a Meeting must not interject or take part in the debate.
- (9) Any member of the public physically attending a Meeting must not utter any offensive, indecent, insulting or objectionable item or words, including words that are racist, sexist or homophobic, or interject or gesticulate offensively in the Council Chamber.
- (10) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the Meeting) at all times during a Meeting.
- (11) If any member of the public engages in conduct that is improper or disorderly, the Chairperson may direct that person to cease their conduct and the person must comply with that direction.

#### **11.5 Chairperson May Remove a Member of the Public**

- (1) The Chairperson may order and cause the removal of any person, other than a Councillor, who disrupts any Meeting or fails to comply with a direction of the Chairperson.
- (2) In causing a person's removal under sub-clause (1), or the removal of an object or material under clause 11.1, the Chairperson may ask the *Chief Executive Officer*, an Authorised Officer or a member of Victoria Police to remove the person or the object or material.
- (3) A person must not refuse or neglect to leave a Meeting, or to remove an object or material, when ordered by the Chairperson.

#### **11.6 Disorderly Conduct by Councillors**

- (1) The conduct of Councillors at Meetings is governed by the *Act*, these Rules and the Councillor Code of Conduct.

- (2) Where a Councillor engages in improper or disorderly conduct or acts in a way that otherwise disrupts a Meeting, or impedes its orderly conduct, *Council* may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has first warned the Councillor to cease that behaviour.
- (3) Where Council suspends a Councillor under sub-clause
- (4) (2), the Councillor will take no active part in the portion of the Meeting from which they have been suspended.
- (5) The Chairperson, or Council by resolution, may order and cause the removal of a Councillor who has been suspended under sub-clause (2) from the Meeting for the duration of the suspension.
- (6) In causing the removal of a Councillor under sub-clause (4), the Chairperson may ask the *Chief Executive Officer*, an Authorised Officer or a member of Victoria Police to remove the Councillor.
- (7) A Councillor must not refuse or neglect to leave a meeting when ordered to do so under sub-clause (4).

#### **11.7 Chairperson May Adjourn Disorderly Meeting**

- (1) The Chairperson may adjourn the Meeting for either a short time, or to resume another day, if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.
- (2) If the Chairperson adjourns the Meeting to another day, clause 1.1.5 applies with respect to the provision of notice of the adjourned Meeting.

## 12. Minutes

### 12.1. Keeping Minutes

The *Chief Executive Officer* shall ensure that Minutes are kept of each Meeting.

### 12.2. Confirmation of Minutes

- (1) When confirming the Minutes of a Meeting, opposition can only be expressed on the basis that the record contained in the Minutes is incomplete or inaccurate.
- (2) The Chairperson must not allow discussion or motions on any issue other than an alleged omission from, or inaccuracy of, the Minutes.
- (3) If no Councillor indicates opposition, the Chairperson must, after seeking a mover and seconder, declare the Minutes to be confirmed.
- (4) If any Councillor indicates opposition, they must specify the item or items in the Minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
- (5) A copy of the Minutes shall be sent electronically to every Councillor and placed on the Council website no later than seven (7) days after the Meeting to which they relate.
- (6) The minutes of an Ordinary or *Special Council Meeting* or of a meeting of any Delegated Committee comprised entirely of Councillors will be defined as 'unconfirmed minutes' until they are formally confirmed at the next Ordinary Meeting.
- (7) Once the Minutes are confirmed, they must be signed by the Chairperson of the Meeting at which they were confirmed.

### 13. Webcasting and Recording of Proceedings

#### 13.1. Webcasting and Recording of Proceedings

- (1) The *Chief Executive Officer* (or their delegate or nominee) may, for the purposes of minute taking, transparency and accessibility of Meetings to the public, record on suitable audio recording equipment all proceedings of a Meeting.
- (2) The *Chief Executive Officer* (or such other person authorised by the *Chief Executive Officer* for that purpose) will conduct a live webcast of the proceedings of a Meeting.
- (3) A recording of a Meeting that is webcast will be made available to the public on Council's website for viewing or listening for a period of four years from the date of the Meeting.
- (4) With the exception of officers responsible for webcasting and recording of the proceedings, any person, including councillors, physically or virtually present at *Council Meetings*, *Special Council Meetings* or Committee meetings, must not operate film, photographic, tape or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson. In deciding whether to give such consent, the Chairperson is to ask whether any person present at the Meeting objects.
- (5) Consent given under sub-clause 4) may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.
- (6) This clause does not apply to any part of a Meeting that is closed to the public in accordance with section 66(1) of the Act.

## 14. Submissions

### **Overview:**

*There are several powers conferred on Council which require a public submissions process— these include the adoption of key Council documents (such as the Council Plan and Budget), proposals to sell Council land, the closure of roads and the making of Local Laws or Rules. This public submission process will be defined in Councils Community Engagement Policy and requires Council to give public notice of the proposal and to consider (and hear if requested) submissions received before making a final decision on the particular matter. The hearing of these submissions are generally dealt with by Councils Hearings Committee (a Delegated Committee of Council pursuant to the Act).*

*In addition to these statutory public submissions processes, and the process established in relation to planning matters (i.e. where Applicants and Objectors to Planning Matters are afforded the opportunity to make submission before Councils Planning Committee (a Delegated Committee of Council pursuant to the Act). Council has also established a submission process at Ordinary Meetings that enables community members to provide input on certain matters listed on the Agenda, prior to their consideration by Council.*

### **14.1. Community Submissions**

- (1) Members of the public may only address an Ordinary Meeting in accordance with the provisions of the Meeting Rules.
- (2) Members of the public will be given the opportunity to make a submission in relation to matters listed on the Agenda for an Ordinary Meeting except for Notices of Motion, Petitions and urgent business.
- (3) Submissions may be presented immediately prior to the Agenda item being considered and prior to any motions relating to the item being accepted.
- (4) Notwithstanding sub-Rule 14.1 (3) Submissions on an agenda item may, at the discretion of the Chairperson, be made once Public Question Time is completed, and in accordance with 14.5 of these Rules.
- (5) Where a separate *Hearing of Submissions* meeting is called to hear public submission on big topics, no public submissions will be taken on that particular item at the relevant *Ordinary Council meeting*.
- (6) Submissions are not able to be made during:
  - (a) any period when a Meeting is closed to the public in accordance with section 66(1) of the Act; or
  - (b) a local government election or caretaker period as defined in Council's Election Period Policy.

### **14.2. Submissions to Delegated Committees**

Submissions to any Delegated Committee will be governed by the processes outlined in the Delegated Committee's Charter or as determined by the Delegated Committee.

#### 14.3. Registering to Make a Submission

- (1) Members of the public wishing to make a submission must register their intention to do so before 12 noon on the business day ~~of~~ before the *Ordinary Council Meeting* or *Hearing of Submissions Meeting* and be in attendance on the day of the Meeting to make their submission. Where the day before a Council meeting is a public holiday, requests to make a submission must be lodged by 9am on the day of the meeting.
- (2) Submissions can be lodged using one of the following methods:
  - online at [www.darebin.vic.gov.au/questionsandsubmissions](http://www.darebin.vic.gov.au/questionsandsubmissions);
  - by email to [Q&S@darebin.vic.gov.au](mailto:Q&S@darebin.vic.gov.au);
  - in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
  - by mail to PO Box 91, Preston 3072.

#### 14.4. Validity of Submissions

- (1) A submission will be disallowed by the Chairperson if they determine that it:
  - (a) relates to a matter outside the duties, functions or powers of Council;
  - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - (c) may lead to a breach of Council's statutory obligations;
  - (d) does not relate to a matter listed on the Agenda;
  - (e) relates to a Notice of Motion, Petition or item of urgent business;
  - (f) is aimed at embarrassing a Councillor or an Officer; or
  - (g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66(1) of the *Act*.
- (2) No submissions directed at an individual Councillor or Officer will be allowed.

#### 14.5. Making a Submission

- (1) Persons wishing to make a submission must be in attendance during the Meeting, either in person or by representative.
- (2) If the person wishing to make a submission or their representative is not in attendance when the Agenda item is to be considered, their submission will not be read out.
- (3) Submissions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- (4) Submissions must be as brief as possible (not longer than two (2) minutes).
- (5) The Chairperson may, at their absolute discretion, extend the time for an individual's submission beyond two (2) minutes.
- (6) The person making the submission must clearly state their name and their suburb.
- (7) The name of the submitter must be recorded in the Minutes, as an official record.
- (8) The content of submissions and any subsequent discussion will not be recorded in the Minutes.

## 15. Public Questions

### **Overview:**

*As outlined in the purpose of the Meeting Rules, Council Meetings are held for Council to make its decisions. Members of the public who wish to address Council must do so under the provisions of Sections 15 and 16 of these Rules.*

*This section sets out the procedures to be followed to submit a question, the circumstances under which a question may be disallowed.*

### **15.1. Public Question Time**

- (1) Subject to sub-clause (2), and any resolution of Council to the contrary, there must be Public Question Time at every Ordinary Meeting to enable members of the public to submit questions to Council.
- (2) Public Question Time will not be held during:
  - (a) any period when a Meeting is closed to the public in accordance with section 66 of the Act; or
  - (b) a local government election or caretaker period as defined in the Councils Election Period Policy
- (3) Public Question Time will not exceed 30 minutes in duration unless extended by resolution of Council through a procedural motion, in which case, it may only be extended for one (1) period of up to 30 minutes.

### **15.2. Lodging a Question**

- (1) Members of the public wishing to ask a question must register their question using the Public Question Time form before 12 noon on the business day ~~of before~~ the meeting. Where the day before a Council meeting is a public holiday, questions must be submitted by 9am on the day of the meeting.
- (2) Questions can be lodged using one of the following methods:
  - online at darebin.vic.gov.au/questions and submissions;
  - by email to Q&S@darebin.vic.gov.au;
  - in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
  - by mail to PO Box 91, Preston 3072.
- (3) Questions that have not been lodged ~~by 12 noon on the day of the Council Meeting~~ in accordance with the timeframes set out in 15.2(1) will not be accepted, and no questions will be taken from people in *attendance* on the night of the *Council Meeting*.
- (4) A maximum of three (3) questions is permitted per person (with no sub parts).
- (5) If more than three (3) questions are received from one person, only the first three questions will be considered.

- (6) A further question arising out of anything said in response to a question will be allowed.

A question may not be split into sub-parts.

- (7) Like questions will be grouped together and the *Chairperson* will ask the person from whom the first like question was received to come forward and read their question. A single response will be given by the Chairperson.
- (8) In the event the person whom submitted the first like question is not in *attendance*, the Chairperson will read out the like questions in accordance with sub-clause 15.4 (1), name the persons who submitted like questions and provide a response.

### 15.3. Questions Not Permitted

- (1) A question may be disallowed by the Chairperson if the Chairperson determines that it:
  - (a) relates to a matter outside the duties, functions or powers of Council;
  - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - (c) may lead to a breach of Council's statutory obligations;
  - (d) relates to a Notice of Motion, Petition or item of urgent business;
  - (e) deals with a subject matter already answered;
  - (f) is aimed at embarrassing a Councillor or an Officer; or
  - (g) deals with a matter that should be, or has been, considered as a confidential matter or relates to any matter in respect of which Council may close the Meeting to the public under section 66 of the Act.
- (2) No questions directed at an individual Councillor or Officer will be allowed.

### 15.4. Asking a Question

- (1) If a person submitting a question is not in *attendance* during Public Question Time, their question(s) may be read out and a response provided at the Meeting.
- (2) When invited by the Chairperson, the person asking their question(s) may do so, without taking longer than two (2) minutes in total.
- (3) The *Chairperson* will not permit any introductory or background statements to be made in relation to their question..
- (4) Questions must be directed through the Chairperson and must not be directed to individual Councillors or Officers.
- (5) The person asking the question must clearly state their name and their suburb.
- (6) The Chairperson may elect to answer the question themselves or request the *Chief Executive Officer* or any other Officer to respond to a question.
- (7) The name of the person(s), if like questions are grouped together, the question (excluding introductory or background comments) and the response must be recorded in the Minutes, as an official record of the questions submitted to the Meeting.

## 16. Petitions

### Overview:

*Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council. This section sets out the procedures to be followed to submit a petition.*

### 16.1. Lodging a Petition

- (1) Members of the public wishing to lodge a petition via a Councillor must do so before 12 noon on the business day ~~of~~ before the Council meeting. Where the day before a Council meeting is a public holiday, petitions must be submitted by 9am on the day of the meeting.
- (2) The Councillor proposing to table the petition must circulate a copy of the petition to all Councillors and the *Chief Executive Officer* for information no later than 12pm ~~4pm~~ on the day of the Council meeting.
- (3) Where a petition is submitted in hardcopy, the Councillor receiving the petition must provide either a scanned copy or photo/s clearly showing the nature of the petition in accordance with 16.1 (2).

### 16.2. Valid Petitions

- (1) Every Petition submitted to Council must:
  - (a) be in legible and in a permanent form of writing, typing or printing;
  - (b) not be derogatory, defamatory, indecent, abusive or objectionable in language or substance;
  - (c) not aimed at embarrassing a Councillor or an Officer;
  - (d) not relate to matters outside the powers of Council;
  - (e) clearly state the request or describe the action that Council is asked to undertake on each page of the Petition and include the name, address and signature of petitioners; and
  - (f) include the names, full addresses (either postal or electronic) and original signatures of at least 10 people.
- (2) Where a petition is deemed to be invalid, the *Chairperson* at their discretion may grant or refuse such a request for the petition to be tabled. This does not require a Council resolution.
- (3) Where a Petition has been signed by fewer than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate Officer for action as an operational item. These will not be tabled at Ordinary Meetings.
- (4) A petition generated via an online or electronic process that does not contain the signatures of the persons who are represented as having supported it will be accepted only if it complies with all other provisions of sub-clause (1).
- (5) A person must not inscribe upon a Petition a name or signature purporting to be the name or signature of another person.
- (6) Any signature appearing on a page which does not bear the text of the whole of the Petition or request will not be considered by Council.

- (7) Every page of a Petition must be a single-or double-sided page of paper and not be attached to any piece of paper other than another page of the Petition.

### 16.3. Tabling Petitions

- (1) A petition may only be presented to an Ordinary Meeting by a Councillor.
- (2) Any Councillor presenting a Petition is responsible for ensuring that:
  - (a) they are familiar with the contents and purpose of the Petition; and
  - (b) the Petition meets the requirements of clauses 16.1 and 16.2.
- (3) Any Councillor, except the Chairperson, may present a Petition to an Ordinary Meeting and must confine themselves to a statement of the:
  - (a) persons from whom it comes;
  - (b) number of signatories to it;
  - (c) material matters expressed in it; and
  - (d) text of the Petition.
- (4) A Petition tabled by a Councillor at an Ordinary Meeting may be dealt with as follows:

A motion may be proposed to accept and note the Petition and resolve to:

  - i. deal with it in conjunction with an item on the Agenda; or
  - ii. refer it to the *Chief Executive Officer* for consideration and response; or.
  - iii. call for a report on the subject matter of the Petition.
- (5) If a Petition relates to an operational or service matter, Council must only resolve to refer it to the *Chief Executive Officer* for consideration.
- (6) Where the *Chief Executive Officer* deems a petition to be valid in accordance with Rules 16.1 and 16.2, the originator of a petition may make a submission for a period of 2 minutes once the petition has been formally tabled. No other member of the public is permitted to speak to a Petition when presented at an Ordinary Meeting or ask a question pertaining to the Petition during Public Question Time.

## 17. Election Procedures

**Overview:**

*The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.*

*The purpose of this section is to regulate proceedings for the election of the Mayor and the Deputy Mayor (if any).*

### 17.1. Procedures for Election of the Mayor

- (1) The election of the *Mayor* must be facilitated by the *Chief Executive Officer* in accordance with the provisions of the *Act*.
- (2) The *Mayor* must be elected by an absolute majority of the Councillors.

**Method of Voting**

The election of the *Mayor* must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

**Determining the election of the Mayor**

- (3) The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- (4) Any nominations for the office of *Mayor* must be:
  - (a) seconded by another Councillor.
- (5) Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

**Single Nomination**

- (6) If there is only one nomination, the candidate nominated is deemed to be duly elected.

**Multiple Nominations**

- (7) If there is more than one nomination, the Councillors *in attendance* at the meeting must vote for one of the candidates.
- (8) If one candidate receives an absolute majority of Councillors, that candidate is declared to have been duly elected.
- (9) If an absolute majority of the Councillors cannot be obtained at the meeting:
  - (a) the Council may resolve to conduct a new election at a later specified time and date.
  - (b) sub-Rule 17.1 (9)(a) will continue to apply until an absolute majority of Councillors is achieved.
- (10) Notwithstanding sub-Rule 17.1 (9)(b) in the event an absolute majority of Councillors cannot be achieved after conducting three new election processes, the election of the *Mayor* will be determined by lot.

- (11) If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
  - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes, except that, if two or more candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
  - (c) as many identical pieces of paper as there are candidates who receive an equal number of votes must be placed in a receptacle;
  - (d) the word 'Defeated' shall be written on one of the pieces of paper;
  - (e) the candidate who draws the paper with the word 'Defeated' written on it must be declared the defeated candidate (in which event a further vote will be held for the remaining candidates and the above process repeated if necessary, unless there is only one candidate remaining, in which case that candidate will be declared duly elected); and
  - (f) the *Chief Executive Officer* will declare the result of the election and the successful candidate.

#### **17.2. Ceremonial *Mayoral* Speech**

- (1) Upon being elected, the *Mayor* may make a ceremonial speech.
- (2) The purpose of the ceremonial speech is to outline priorities for the year ahead based on the adopted Council Plan.
- (3) The ceremonial speech must not exceed five (5) minutes.

#### **17.3. *Mayor* to Take Chair**

After the election of the *Mayor*, the *Mayor* must take the chair in accordance with section 18 of the *Act*.

#### **17.4. Role and Procedures for Election of *Deputy Mayor***

- (1) At the Meeting at which the *Mayor* is to be elected, Council may resolve to establish the position of *Deputy Mayor* and elect a Councillor to the position of *Deputy Mayor*.
- (2) The term of a *Deputy Mayor* is to be identical to the term of the *Mayor* as resolved by Council.
- (3) If Council has not resolved to establish the position of *Deputy Mayor*, any provisions in the Meeting Rules relating to the *Deputy Mayor* have no effect.
- (4) The procedure used for the election of *Mayor* will be used to elect the *Deputy Mayor*, except that:
  - (a) the *Mayor* will conduct the election of *Deputy Mayor*; and
  - (b) any references to the office of the *Mayor* shall be taken as a reference to the *Deputy Mayor*.

**Relevant Provisions of the Local Government Act 2020**

The Act has specific provisions governing the election of the Mayor and the term of office for the Mayor:

**Section 25 - Election of Mayor**

- (1) At a Council Meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.
- (3) The election of the Mayor must—
  - (a) be chaired by the Chief Executive Officer; and
  - (b) subject to this section, be conducted in accordance with the Governance Rules.
- (4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
- (5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- (6) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- (7) In this section, **absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.

**Section 26 - When is a Mayor to be elected?**

- (1) A Mayor is to be elected no later than one month after the date of a general election.
- (2) The Mayor of the Greater Geelong City Council must be elected for a 2 year term.
- (3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.
- (4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.
- (5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.

(6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*

(7) *The election of a Mayor after the period specified in this section does not invalidate the election.*

(8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

**27 - Election of Deputy Mayor**

(1) *Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*

(2) *Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*

## CHAPTER 4 – DELEGATED COMMITTEES

### **Overview Notes:**

*Council may establish Delegated Committees and Advisory Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Delegated Committees, their meeting procedures need to be formal.*

- (1) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (2) For the purpose of sub-rule (1):
  - (a) a *Council Meeting* is to be read as a reference to a Delegated Committee Meeting;
  - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee;  
and
  - (c) a reference to the *Mayor* is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules and, including the Meeting Rules, does not apply to that Committee

## CHAPTER 5 – CONFLICTS OF INTEREST

### Overview Notes:

The Act in sections 127 and 128 defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.<sup>3</sup>

The Act also provides Council must include in its Governance Rules procedures for disclosures of Conflicts of interest, including at meetings conducted under the auspices of Council that are not Council Meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

### 5.1 Obligations with regard to conflict of interest:

Councillors, members of Delegated Committees and Council staff and contractors are required to:

- (1) avoid - if possible, situations which may give rise to conflicts of interest;
- (2) identify - any conflicts of interest; and
- (3) disclose or declare - all conflicts of interest.

#### <sup>3</sup> 127 General conflict of interest

(1) Subject to section 129, a relevant person has a

**general conflict of interest** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

(2) For the purposes of subsection (1)—

**private interests** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

**public duty** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

#### 128 Material conflict of interest

(1) Subject to section 129, a relevant person has a

**material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

(2) The benefit may arise or the loss incurred—

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

(3) For the purposes of this section, any of the following is an **affected person**—

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

## 5.2 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

## 5.3 Procedure at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council Meeting* or Delegated Committee or Community Asset Committee at which they:

- (1) are in *attendance* must disclose the conflict of interest by fully explaining the nature of the conflict of interest to those present at the *Council Meeting* at the point in the meeting where Chairperson requests 'Declarations of Conflicts of Interest to be Made' and immediately before the matter is considered;

or

- (2) intends to be in *attendance* must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council Meeting* commences a written notice:
  - (a) advising of the conflict of interest;
  - (b) fully explaining the nature of the conflict of interest; and
  - (c) detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:
    - i. name of the other person;
    - ii. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - iii. nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council Meeting* immediately after giving the explanation or making the announcement (as the case may be) and not be in *attendance* at the meeting until after the matter has been disposed of.

## 5.4 Procedure at other meetings held under the auspices of the Council

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which they are in *attendance* must:

- (1) disclose that conflict of interest by fully explaining the nature of the conflict of interest to those in *attendance* at the meeting immediately before the matter is considered;
- (2) absent themselves from any discussion of the matter; and
- (3) as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those in *attendance* at the meeting.
- (4) the *Chief Executive Officer* or delegate will maintain a register of such conflict of interest disclosures.

#### 5.5 Council staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 5.6 and the Employee Code of Conduct.

#### 5.6 Procedures for disclosures of conflicts of interest by Council Staff

##### Disclosure by Members of Council Staff Preparing Reports for Meetings

- (1) A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration at a:
  - (2) *Council Meeting*;
  - (3) *Delegated Committee* meeting;
  - (4) *Community Asset Committee* meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest, fully explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest

- (5) The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 5.6 (1) records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

- (6) If the member of Council staff referred to in sub-Rule 5.6(1) is the *Chief Executive Officer*:
  - (a) the written notice referred to in sub-Rule 5.6 (4) must be given to the *Mayor*; and
  - (b) the obligation imposed by sub-Rule 5.6 (5) may be discharged by any other member of Council staff responsible for the preparation of the Report.

#### **5.7 Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

- (1) A member of Council staff who has a conflict of interest in a matter where they are the delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* fully explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest
- (2) If the member of Council staff referred to in sub-Rule 5.7 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

#### **5.8 Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

- (1) A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act and they are the delegate must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* fully explaining the nature of the conflict of interest and comply with any process or procedure required by the *Chief Executive Officer* to appropriately manage the conflict of interest
- (2) If the member of Council staff referred to in sub-Rule 5.8 is the *Chief Executive Officer*, the written notice must be given to the *Mayor*.

#### **5.9 Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of five years.

#### **5.10 Contractors and Consultants**

- (1) All Contractors and consultants engaged by Council to provide advice to the decision-making process will be required to disclose conflicts of interest.
- (2) A Contractor or consultant who discloses a conflict of interest will not be engaged to provide advice on that matter unless;
  - (a) the conflict is so remote or insignificant it could not be considered to influence the advice being provided; or

- (b) there are no other contractors or consultants reasonably available and qualified to provide the technical advice required; and
- (c) the conflict of interest is documented in all advice provided by that contractor or consultant.

## CHAPTER 6 – DELEGATIONS

### **Overview Notes:**

*Council can make decisions (act) in two ways*

- *by resolution at a Council Meeting or*
- *by delegation (others acting on its behalf).*

*The Act provides for Council to delegate to the Chief Executive Officer. Delegation of Council powers to the Chief Executive Officer and other members of Council staff is a long-established practice to enable day to day operational decisions to be made efficiently.*

*Delegation of Council powers is primarily enabled and regulated by the Act, however powers, duties and functions may be delegated from a range of other Acts, Regulations and local laws.*

*Additionally, the Act and other legislation confers some powers duties and functions directly to the Chief Executive Officer. These may also be delegated by the Chief Executive Officer to various positions in the organisation's structure.*

*Delegations are to a position in the organisational structure rather than to a person.*

- (1) A delegate must exercise their duties and perform the duties and functions set out in the Instrument of delegation subject to any specified limitations and in accordance with any guidelines or policies of Council.
- (2) A delegate making a decision that will affect any person's rights, will identify whose rights may be affected and provide an opportunity for that person (or persons) to convey their views regarding the effect on their rights, and consider those views.
- (3) Delegates must keep appropriate records of decisions and actions taken under delegation.
- (4) The *Chief Executive Officer* may designate certain decisions made under delegation as matters to be reported to Council.
- (5) Council's public register of delegations will be available on its website.

## CHAPTER 7 - JOINT COUNCIL MEETINGS

### **Overview Notes:**

*Regional collaboration provides benefits to the Darebin community through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it's possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for in section 62 of the Act<sup>4</sup>.*

- (1) Council may resolve to participate in a *Joint Council Meeting*.
- (2) If Council has resolved to participate in a *Joint Council Meeting*, the *Chief Executive Officer* (or delegate) will agree on governance rules with the participating Councils.
- (3) Where the participating Councils agree that Darebin will chair a *Joint Council Meeting*, the *Mayor of Darebin* will Chair the *Joint Council Meeting*.

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#### <sup>4</sup> 62 Joint meetings of Councils

- (1) Two or more Councils may determine to hold a joint meeting.
- (2) A joint meeting is a *Council Meeting* of each Council for the purposes of this Act and the provisions of this Act, except section 61(3), (4) and (5)(d), apply accordingly.
- (3) A joint meeting is to be constituted by the Councillors of the Councils holding the joint meeting consisting of—
  - (a) the total number of Councillors determined by the Councils holding the joint meeting; and
  - (b) at least 3 Councillors from each of the Councils holding the joint meeting.
- (4) A quorum at a joint meeting is constituted by the number of Councillors that is equal to at least a majority of the Councillors from each of the Councils holding the joint meeting.
- (5) Subject to subsections (2) and (6), the procedures for conducting a joint meeting are to be determined by the Councils holding the joint meeting.
- (6) A joint meeting must comply with any requirements prescribed by the regulations.

**CHAPTER 8 – WHAT INFORMS DECISION MAKING**

**Overview Notes:**

*Advisory Committees play a key role in connecting community views and experts with the decision-making processes of Council.*

*These committees:*

- *provide advice to Council and to Council officers exercising delegation to make decisions or implement policy;*
- *are usually comprised of community members and Councillors, and may sometimes include representatives of community organisations; and*
- *are essential forums to provide input to the development of Council policy and decision making in their areas of focus.*

*Reporting of the activities of these committees to Council is a transparency mechanism.*

*Council also has Councillor representatives on numerous external committees and organisations to ensure Council’s voice is heard in key priority areas. These committees and organisations also inform Council, via its representatives, in regard to sector and/or expert views.*

*This section also provides for the appointment of Councillors as members of committees established by the Council, and as Council representatives or delegates on external committees and organisations.*

*Council will seek the views of community members whose rights or obligations may be affected before making a decision. Community engagement on each issue will be undertaken in accordance with the Community Engagement principles of the Act and Council’s Community Engagement Policy.*

*In certain circumstances Council will establish a formal opportunity for members of the community to address a committee established to hear from the community in regard to a specific issue.*

*Councils Audit and Risk Committee is an advisory committee established in accordance with section 53 and 54 of the Act to assist Council in fulfilling its responsibilities relating to external financial and performance reporting, risk and financial management, corporate governance, internal controls systems and providing advice to drive continuous improvement. It does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.*

**8.1 Advisory Committees**

**8.1.1 Role and Term of Advisory Committees**

- (1) In the first year of each Council term, Council will establish its Advisory Committees for the next four years.
- (2) Advisory Committees established by Council will be consulted for input on related policy, strategy or major operational proposals.
- (3) Advisory Committees established by Council, other than the Audit and Risk Committee established by the Council will be chaired by a Councillor, or where appropriate by a community member appointed in accordance with Rule 8.1.2.

- (4) Each Advisory Committee will be established in accordance with Model Terms of Reference for Advisory Committees endorsed by Council that at a minimum will prescribe:
  - (a) membership terms that provide for renewal of membership and continuity of contribution, with provision for initial appointments to support rotation of memberships.
  - (b) inclusive and transparent recruitment processes for community member membership and participation.
  - (c) requirements for disclosures of conflicts of interest.
  - (d) a description of the roles of members including attendance and participation requirements, role of the committee, councillor or appropriate community member chair, reporting requirements and confidentiality.
  - (e) frequency and detailed reporting obligations back to the Council.
- (5) Any person appointed to an Advisory Committee that nominates for election to Council, State Parliament or Federal Parliament must take leave of absence from their Committee position from the time of declaring they have nominated (or intend to nominate). If elected, they will be deemed to have resigned from the Committee.
- (6) In order to maintain transparency of Advisory Committee operations, the following information is to be published on Council's website in respect of each Advisory Committee:
  - (a) the Terms of Reference
  - (b) the names of all members
  - (c) reports of Committee activities (as reported biannually to Council)
- (7) All Advisory Committees established by Council, except the Audit and Risk Committee, will sunset on 30 June following each General Council election, unless they have been re-established in the new Council term.

#### **8.1.2 Appointment of Councillors to Advisory Committees and External Committees and Organisations**

At the next Ordinary *Council Meeting* after the Meeting at which the *Mayor* is elected, or at a *Council Meeting* held as soon as practicable after that Meeting, Council must:

- (1) appoint Councillors as members of, or representatives on, committees established by Council;
- (2) appoint Councillors as delegates to external committees and organisations; and

### **8.2 Council Reports**

- (1) The *Chief Executive Officer* will determine the form of reports to Council prepared for inclusion in the agenda for a Council or Delegated Committee meeting.
- (2) Reports presented to Council for consideration and decision will address where relevant the following report template headings:
  - Executive Summary
  - Background / Key Information
  - Previous Council resolutions
  - Communications and Engagement
  - Analysis

- Alignment to Council Plan / Council Policy
- Environmental & Sustainability Considerations
- Cultural Considerations
- Economic Development Considerations
- Financial and Resource Implications
- Legal and Risk Implications
- Operational Impacts
- Discussion
- Options for Consideration
- Implementation Strategy
- Related Documents
- Attachments

## CHAPTER 9 – OTHER MEETINGS OF COUNCILLORS / CONFIDENTIAL INFORMATION

### (1) Advisory Committees and other Informal Meetings of Councillors

For any meeting of an Advisory Committee established by Council attended by at least one Councillor or a scheduled or planned meeting to discuss the business of *Council* or to brief Councillors, and which is attended by at least half of the Councillors and one member of Council staff; and which is not a *Council Meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting the *Chief Executive Officer* must ensure that a summary of the meeting is:-

- (a) Tabled at the next convenient *Council Meeting*; and
- (b) Recorded in the minutes of that *Council Meeting*.

The summary of the meeting will include

- (a) The time, date and location of the meeting.
- (b) The councillors in attendance.
- (c) The topics discussed.
- (d) The positions of council officers in attendance
- (e) The organisation that any attendees external to council are representing; and
- (f) Any conflicts of interest declared, including the reason

### (2) Confidential Information

If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

**CHAPTER 10 – COMMUNITY ASSET COMMITTEES**

**Overview Notes:**

*The Act provides for Council to establish a community asset committee for the management of a community asset such as a hall.*

*Council may appoint members of the community to the committee and delegate to it powers, duties or functions.*

*The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.*

- (1) These Rules will apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee, that the meeting procedure chapter of these Rules do not apply.
- (3) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable *Council Meeting*.
- (4) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation, any Terms of Reference adopted by Council, and the *Act* (in particular, sections 65 and 47<sup>5</sup>)

<sup>5</sup> **65 Community Asset Committee**

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

**Note** - See section 47 for delegation to members of a Community Asset Committee by the Chief Executive Officer.

**47 Delegations by Chief Executive Officer**

(1) The *Chief Executive Officer* may by instrument of delegation delegate any power, duty or function of the Council that has been delegated to the *Chief Executive Officer* by the Council to—

- (a) a member of Council staff; or
- (b) the members of a Community Asset Committee.

**Note** - This means Council may not delegate directly to a Community Asset Committee.

**CHAPTER 11 – ELECTION PERIODS**

**Overview Notes:**

*The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.*

*The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.*

**11.1 Election Periods Generally**

- (1) Council in accordance with section 69 of the Act<sup>6</sup> will have in place an Election Period Policy that:
  - (a) governs decision making during a local government election period, including what may be considered at a *Council Meeting* or *Delegated Committee Meeting*.
  - (b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections.
  - (c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns.
  - (d) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period.
  - (e) sets out the requirements for a Councillor who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.
- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

<sup>6</sup> **69 Governance Rules to include election period policy**

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—
  - (a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an *Acting Chief Executive Officer*; or
  - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
  - (c) the Council considers could be reasonably deferred until the next Council is in place; or
  - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by- election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

## 11.2 Election Period Policy

### 1. Introduction

Section 60 of the *Act* requires Council to develop, adopt and keep in force Governance Rules which include an election period policy in accordance with section 69 of the *Act*.

### 2. Context

Under Section 69(2) of the *Act*, an election period policy must prohibit any Council decision during the election period for a general election that:

- (a) relates to the appointment or remuneration of the *Chief Executive Officer* but not to the appointment or remuneration of an Acting *Chief Executive Officer*; or
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an election period.

A Council decision made in contravention of subsection (a) or (b) above is invalid. Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of it contravening Section 69(2) is entitled to compensation from the Council for that loss or damage.<sup>7</sup>

Under Section 69(3) of the *Act* the election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Section 304 of the *Act* states:

- (1) a Councillor or member of Council staff must not use Council resources in a way that—
  - (a) is intended to; or
  - (b) is likely to—affect the result of an election under this *Act*; and
- (2) a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council.
- (3) This does not include material that only contains information about the election process or is otherwise required in accordance with, or under, any *Act* or regulation.
- (4) Section 123 of the *Act* prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role, to gain an advantage, or disadvantage another (Misuse of Position).

<sup>7</sup> Section 69(5)

### 3. Objectives

To support and ensure the conduct of good governance for Council and the organisation during Election Periods through the transparency and accountability of Councillors, Council officers, and candidates during an election period.

### 4. Application

#### Candidates for Elections

Councillors must comply with this policy, regardless of whether they intend to nominate or have already nominated as candidates for election.

Council Officers who are candidates for election must comply with this policy and in addition:

- (a) take leave from their duties for the duration of the election period in accordance with section 256(8) of the *Act* (if not enough paid leave is accrued, unpaid leave will be available).
- (b) return any council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information which is not available to the public for the duration of the election period.
- (c) immediately resign upon election in accordance with s 256(8) of the *Act*.

Council committee members, including Advisory Committee members who are candidates for election are expected to comply with this policy and in addition:

- (d) submit apologies for any committee meetings or other activities held during the election period.
- (e) return any council equipment, documents or information which is not available to the public for the duration of the election period.
- (f) immediately resign from the committee upon election.

Other candidates for election are expected to comply with the obligations of this policy where they apply.

### 5. Policy Details

#### 5.1 Election Caretaker Period

During the 'Election Period' for a General Election the Council will be deemed to be in 'Caretaker Mode'.

The *Act* defines the 'Election Period' as the period that starts at the time nominations close on nomination day at and ends at 6pm on election day (39 days).

The 2024 Election Period will commence at 12pm on Tuesday 17 September 2024 and end at 6pm on Saturday 26 October 2024.

During this extended election period Councillors:

- Will continue to fulfil their duties.

- 
- Will continue to engage, and communicate with, the community in their Councillor role.
- Must comply with the *Act* and Councillor Code of Conduct.
- Must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

## 5.2 Inappropriate Decisions

Pursuant to section 69(2) of the *Act*, Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election.

In addition to the decisions outlined in section 69(2), other examples of inappropriate decisions may include:

- Allocating community grants or other direct funding to community organisations
- Major planning scheme amendments
- Changes to strategic objectives and strategies identified in the Council Plan
- Adopting policy
- Setting advocacy positions.

Council will however, allow an exception to this principle where:

A decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement.

The only items to be considered at an Ordinary Council or Delegated Committee Meeting held during the election period, will be of an administrative nature. For the avoidance of doubt any report considered at an Ordinary Council or Delegated Committee Meeting held during the election period will be subject of certification (i.e. a Caretaker Statement) by the *Chief Executive Officer* in accordance with 5.3 below.

At a Meeting designated to consider Planning and Related Matters, only permit applications that may otherwise be subject of an application to VCAT on the grounds Council has failed to determine within the prescribed time will be considered.

## 5.3 Extraordinary Circumstances

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular Major Policy Decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 177 of the *Act*.

It shall be the ultimate responsibility of the *Chief Executive Officer* to determine if a matter is a major policy decision. Where possible, the *Chief Executive Officer* will ensure that matters are scheduled for Council to ensure that major policy decisions are resolved prior to the commencement of the Election Period or scheduled for determination by the incoming Council.

### Considerations for Officers with Delegated Authority

Before making decisions under delegated authority during the election period, officers should consider the following:

- Whether the decision is 'significant'
- The urgency of the issue (that is, can it wait until after the election?)
- The possibility of financial repercussions if it is deferred
- Whether the decision is likely to be controversial
- The best interests of Council.

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the Head of Governance & Risk in the first instance.

#### 5.4 Caretaker Statement

During the election period, the *Chief Executive Officer* will ensure that a Caretaker Statement is included in every report submitted to the Council or to a delegated committee of Council for a decision.

The Caretaker Statement will specify one or more of the following:

- The recommended decision is not an Inappropriate Decision, under section 69(2) of the *Local Government 2020*, or within the meaning of the Election Period Policy.
- The recommended decision is an Inappropriate Decision within the meaning of the Election Period Policy, but the following negative consequences of a failure to make a decision on this matter outweigh the consequences of binding an incoming Council. [*Insert description of negative consequences of failure to make decision*].
- The recommended decision is a Major Policy Decision, pursuant to section 69(2) of the *Local Government 2020*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].

During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

#### 5.5 Candidacy

A Councillor must not use Council resources for candidacy, or any purpose that may be perceived as being used for candidacy (individual or political party). This applies to a Councillor standing in local, state, or federal government elections, and for any other elected positions, for example, positions on boards. Such use would constitute misuse of position by the Councillor.

#### 5.6 State and Federal Government Elections

Councillors will ensure there is a demonstrable distinction between their obligations to Council and their personal interests as a candidate, or member of a political party, in an election period prior to a state or federal election.

In accordance with the adopted Councillor Guidelines for State and Federal Elections 2018 a Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a state or federal election, is a 'Prospective Candidate' and will provide written advice to the *Chief Executive Officer*, as soon as practicable, who will then advise all Councillors.

Councillors must comply with the provisions of the adopted Councillor Guidelines for State and Federal Elections 2018

### 5.7 Council Publications

Public resources, including Council Publications, must not be used in a way that would influence the way people vote in elections.

#### *Electoral matter*

The Council will ensure that it complies with section 304(2) of the *Act* which requires that a Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

The following definitions from the *Act* are noted:

Section 3(1) '**electoral material**' means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting; '**publish**' means publish by any means including by publication on the Internet;

Section 3(4) '**electoral matter**' means matter, which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

Section 3(5) without limiting the generality of the definition of 'electoral matter', matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -

- (a) the election; or
- (b) a candidate in the election, or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

The *Chief Executive Officer* (or delegate) must certify that any Council publication does not include 'electoral matter' before it can be issued.

For the purpose of this Policy, 'publications' include hard copy and electronic advertisements, social media posts, promotional media releases, fliers, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails.

Any publications to be issued during the election period are to be forwarded to the relevant General Manager for approval, and then sent to the Governance Services Unit for vetting for electoral matter.

Once vetted, the publication will then be submitted to the *Chief Executive Officer* (or delegate) for certification. **Appendix 1** contains the certification memorandum required for a publication during the election period.

Council publications available in Council facilities will be reviewed before the election period to identify and temporarily remove anything that might reasonably influence the election.

The *Chief Executive Officer*, or delegate, will be the primary spokesperson for Council communications during an election period.

Media and social media responses and statements will only be issued during an election period in the name of the *Chief Executive Officer*. These will be subject to certification by the *Chief Executive Officer*.

Council officers will not make any public statement that could be construed as influencing the election.

#### **Annual Report**

It is a requirement of the *Act* (s 100) that the *Mayor* must report on the implementation of the Council Plan by presenting the annual report at a *Council Meeting* open to the public.

In the year of a general election the *Council Meeting* must be held on a day not later than the day before election day.

As this is a statutory requirement, it does not require certification by the *Chief Executive Officer*.

#### **5.8 Council Resources**

It is a requirement of the *Act* (s 304(1)) that a Councillor or member of Council staff must not use Council resources in a way that—

- (a) is intended to; or
- (b) is likely to—

affect the result of an election under this *Act*.

This means that the Council will also ensure other Council resources are not used inappropriately in ways that may influence voting in an election. This includes financial, human and material resources. Any staff member who considers that a particular use of Council resources may influence voting in the election must advise their General Manager or the *Chief Executive Officer* and obtain approval before authorising, using or allocating the resource.

In applying these principles, the Council understands that the following will be the normal practice during the election period:

- Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the Caretaker Period, and will not be used for the personal advantage of any Councillor or candidate in connection with any election. This does not apply to the provision of space for the Returning Officer.
- No new publications or pamphlets, including Darebin Community News will be published by Council during the election period.

- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operations of the Council and such speeches will not be circulated or available for publication.
- Council logos, letterheads, business cards, photos or other City of Darebin Council branding/identity are not permitted to be used for, or linked in any way, to a candidate's election campaign.
- Candidates will not be provided access to databases, contact lists, property counts, email addresses or any other information that would assist in mailing or other distribution of election material.
- It is recommended that staff who are either following or friends with Councillors / candidates via their social media pages unfriend the Councillor / candidate during this period.
- There will be no Ward or Councillor 'Meet and Greet' meetings held.
- The Executive Officer to the *Mayor* and Councillors or any other Council staff member will not be asked to undertake any tasks connected directly or indirectly with electioneering.
- Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Where Councillors have Council funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

#### ***Council Facilities and Meeting Rooms***

Council Facilities / Halls for Hire can be hired by Federal and State political members and officers, and local candidates (including Councillors) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during the election period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event / hired use, apart from directional signage, can be displayed in the common public areas of the facility being hired. This will be advised at the time of booking.

#### ***Use of the Title 'Councillor'***

Councillors may use the title Councillor in their election material, as they continue to hold office during the election / caretaker period.

While a Councillor can refer to themselves as Councillor in all communication issued by the Councillor (verbal or written), it must be made clear that it is the communication of a candidate and not a position of Council.

#### ***Photographs and Images***

Photographs and images paid for by Council or taken by Council officers are not to be used in electoral material for any candidate. This includes images of Councillors, Council events, and Council owned or maintained infrastructure.

Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in electoral material.

#### 5.9 Election Signage on Council and Electioneering Practices

In order to ensure Council resources including buildings, assets and land are not used to support any electioneering activity, Council has adopted an [‘Electoral Advertising Signage and Electioneering Policy’](#). This policy provides clear direction on:

- (a) The placement of electoral advertising signs on any Council asset, land, municipal building or road; and
- (b) The requirements for candidates or their supporters electioneering in public places.

Signs illegally placed on Council assets or land are in breach of *Environment Protection Act 2017* and thus subject to infringement.

A copy of the policy will be provided to all candidates and is available on Councils website.

#### 5.10 Public Consultation and Council Events

Public consultation is an integral part of Council’s policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore:

- No formal public consultation, like previously specified in section 223 of the 1989 Act, will be conducted during this period.
- Consultation for the purpose of planning permit applications and operational issues such as canvassing residents’ views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- Consultation on larger projects and initiatives, strategies or plans will not occur during the election period.
- Civic Events will cease during this time.
- No election material or active campaigning is to be conducted at Council sponsored festivals.

Councillors may attend external events as a representative of Council however must not to use the opportunity to promote their election campaign.

### 5.11 Equitable Access to Council Information

The Council recognises that all election candidates have a right to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the election period.

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council policies and services. All such requests are to be issued through the offices of the responsible General Manager who will maintain a register of requests made and advice provided. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived connected with a candidate's election campaign.

A copy of the document / advice will then be passed to the Head of Governance & Risk as issued during the Election Period. The document / advice will be emailed or provided in a hardcopy format to all sitting Councillors and candidates to access. Candidates will be advised of this process in writing.

An Information Request Register will be maintained by the Governance Services Unit during the Election Period. This Register will be a public document that records all requests for information by Councillors and candidates, and the responses given to those requests. Only information that can be reasonably accessed will be released.

All requests for information are to be directed to the Head of Governance & Risk.

### 5.12 Publicity

It is recognised that Council publicity is intended to promote normal services or operations of the Council. Council publicity will not be used in any way that might be construed as intended to influence the outcome of the Council election.

- During the election period, no Council employee may make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the *Chief Executive Officer*.
- During the election period the CEO will only comment on operational matters or confirm previous resolutions of Council.
- During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a Council service or operation, it must be approved by the *Chief Executive Officer*. In any event, Council publicity during the election period will be restricted to promoting the normal services or operations of the Council.
- Any requests for media advice or assistance from Councillors during the election period will be channeled through the *Chief Executive Officer* or the Manager Governance & Communications. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or regarding publicity that involves specific Councillors.

- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on Council's website regarding sitting Councillors will be limited to statements of facts about their roles and responsibilities as a Councillor. For example, contact details, roles and responsibilities as assigned by Council resolution.

#### ***Council Websites and Social Media***

Councillors may use the title Councillor in their election material, as they continue to hold office during the election / caretaker period.

The only new material published on Council's websites or social media sites during an election period will be:

- The Agenda and Minutes for any Council or Delegated Committee meetings
- The Annual Report
- Key service disruption information

Service information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.

#### **5.13 Assistance to Candidates**

A copy of this Policy must:

- be given to each Councillor as soon as practicable after it is adopted,
- be available for inspection by the public at the Council office, and
- be published on Council's website.

The *Chief Executive Officer* will ensure that all Councillors, and staff are informed of the requirements of this policy.

The Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to Candidates as part of the conduct of the Council Election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All election-related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the *Chief Executive Officer*.

#### **5.14 Conduct of Council Meetings**

Public Question Time and Submissions will be suspended at all *Council Meetings* during the election period.

During the election period, Councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter, where possible.

During the election period Notices of Motions will be suspended at all *Council Meetings*.

Urgent Business will only be admitted in accordance with Councils Governance Rules.

**6 Miscellaneous**

During the Pre-election period or the Election period, the *Chief Executive Officer* may, at their absolute discretion, introduce additional provisions to this policy they believe are necessary to support the achievement of its stated policy objectives.

Any changes made by the *Chief Executive Officer* will be reflected in an update to this policy and published on *Councils* website and sent to all Councillors and candidates.

**7 Monitoring, Evaluation and Review**

The requirements of this policy will be monitored throughout the caretaker period to ensure compliance.

**8 Associated Documents**

- Governance Rules 2020
- Electoral Advertising Signage and Electioneering Policy
- *Local Government Act 2020*
- Summary of Election Period Restrictions – **Appendix 1**
- Certification Memo – **Appendix 2**
- Definitions – **Appendix 3**

## Appendix 1 - Summary of Election Period Restrictions

		<b>Election Period</b> 39 days before election
4	Council staff standing as a candidate	Must take leave and return all Council equipment and information
4	Committee member standing as a candidate	Must lodge apologies for meetings and return all Council equipment and information
5(7)	Council resources used in conjunction with an election campaign	Not permitted
5(7)	Reimbursement of out-of-pocket expenses to Councillors	Cannot include expenses that could be perceived as electoral expenses
5(7)	Use of Council logo, letterheads, photo's, phone numbers, or any form of Council branding/identity in campaign material	Not permitted
5(7)	Officer assistance in preparing campaign material	Not permitted
5(7)	Officer provision of databases and contact lists	Not permitted
5(10)	Maintenance of an Information Request Register	Required
5(9)	Routine community consultation	Permitted
5(9)	Significant community consultation	Not permitted
5(6)	Printing, publishing or distributing a handbill, pamphlet or notice containing electoral matter	Not permitted
5(6)-	Printing, publishing or distributing a handbill, pamphlet or notice <u>not</u> containing electoral matter	Permitted following certification by the Chief Executive
5(7)	Publication of the Darebin News or similar publication	Not permitted
5(11)	Councillor details on Council's website	Restricted to names, contact details and committee or other appointments
5(11)	Employee of Council or subsidiary organisation making a public statement that could be construed as influencing the election	Not permitted, apart from clarifications made by the Chief Executive
5(11)	Publicity campaigns for Council services or functions	Should be avoided where possible, and otherwise approved by the Chief Executive.
5(11)	Councillor requests for media assistance	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors
5(2)	Council making Major Policy Decisions	Not permitted, except in accordance with the Act
5(2)	Council making Significant Decisions (defined in Act as inappropriate decisions)	To be avoided, except where it is urgent and cannot be deferred
5(13)	Public Question Time / Submissions at <i>Council Meetings</i>	Suspended

		<b>Election Period</b> 39 days before election
5(13)	Discussion of matters and raising of Urgent Business	Comments by Councillors not to include Electoral Matter. Urgent Business permitted
5(9) 5(11)	Councillor attendance at meetings, events and functions	Permitted
5(9)	Speeches by Councillors at Council events	Limited to a short welcome, with no reference to the election.
5(9)	Annual <i>Mayoral</i> fundraising event (or similar)	Not permitted
5(9)	Attendance by Councillors at external events as representatives of Council	Permitted, but Councillors not to use the opportunity to promote their election campaign.
5(12)	Enquiries to Council from candidates	Shall be referred to the Returning Officer
6	Introduction of additional provisions by the Chief Executive	Permitted

Appendix 2 – Request for Certification of Publication During the Election Period

# 2024 Council Elections



## REQUEST FOR CERTIFICATION OF PUBLICATION DURING THE ELECTION PERIOD

1. Author to Complete	
Document Description (attach document):	
Intended Distribution Channel:	
<p>I declare that the material contained in the attached document has been checked by me and to the best of my knowledge, it does not contain any electoral matter.</p>	
Name & Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>
2. General Manager to Complete	
<p>I have reviewed the material contained in the attached document and can advise that to the best of my knowledge, it does not contain any electoral matter.</p>	
Name & Title	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>
<i>Once signed, return to Head of Governance &amp; Risk for vetting.</i>	
3. Chief Executive Officer to complete	
<p>In accordance with Chapter 11 of the Governance Rules adopted by Council on 24 June 2024, I certify that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of the City of Darebin.</p>	
	<input type="text" value="CEO Name ..... Chief Executive Officer"/>
Signature	<input type="text"/>
Date	<input type="text"/>

### Appendix 3 – Definitions

Where terms used in this Policy are defined in the *Local Government Act 2020* (Act), their use in this Policy is consistent with the definitions in the Act.

Words	Meaning/Definition
<b>Act</b>	means the <i>Local Government Act 2020</i> (Vic).
<b>Candidate</b>	means a person who is nominated to stand for a Council, Federal or State election.
<b>Chief Executive Officer</b>	means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.
<b>Councillor</b>	means a person who holds the office of member of a Council.
<b>Council Meeting</b>	means a Council meeting that complies with the Act.
<b>Council Resources</b>	includes offices, support staff, hospitality services, equipment, stationery, or any form or Council branding/identity such as logo's, photo's, letterheads, etc.
<b>Delegate</b>	means a General Manager or Head of Governance & Risk as appointed.
<b>Election Day</b>	means the day of an election as determined under the Act.
<b>Election period</b>	has the same meaning as 'election period' in section 3(1) of the Act and means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.
<b>Electoral advertisement, handbill, pamphlet or notice</b>	means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as: (a) Newsletters and other circulars (including those sent by email); (b) Media releases; (c) Leaflets, pamphlets, handbills, flyers, magazines and brochures; (d) Any new email, web based publications or social media posts; and (e) Mailouts to multiple addresses.
<b>Electoral Material</b>	means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement that is only announcing the holding of a meeting.
<b>Electoral Matter</b>	means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election. Electoral matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on: (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election
<b>Inappropriate decisions</b>	Includes any of the following: (a) decisions that would affect voting in an election; or (b) decisions that could reasonably be made after the election.

Words	Meaning/Definition
<b>Information Request Register</b>	This Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.
<b>Member of Council Staff</b>	means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable: (a) the functions of the Council to be carried out; and (b) the Chief Executive Officer to carry out their functions.  The Chief Executive Officer is also a member of Council Staff.
<b>Public consultation</b>	A process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.
<b>Publish</b>	means publish by any means including by publication on the internet.
<b>Major Policy Decision</b>	Is defined by the Act to mean a decision: (a) Relating to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO; (b) To terminate the appointment of a CEO;  To enter into a contract the total value of which exceeds 1% of Council's total revenue from rates and charges in the preceding financial year.
<b>Significant decision</b>	In the context of this policy, significant decisions include: (a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and (b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.

## Risk Appetite Statements

Risk Category	Risk Appetite Statements
<b>Assets, Infrastructure and Technology</b>	Council is flexible in seeking innovation and improvement of infrastructure and technology to improve service efficiency and resilience. While protection of assets, infrastructure and technology is not prioritised over achieving our strategic objectives, we will maintain governance and controls for critical systems or assets.
<b>Environment and Sustainable</b>	Council is cautious about new projects, initiatives or activities that could have detrimental impacts on the natural environment, including loss of biodiversity, contamination, or reductions in sustainability and climate resilience.
<b>Financial, Economic and Procurement</b>	Council is flexible in its financial management, as it strives for sustainability and accountability in the use of public funds. We will only explore innovative practices, funding or revenue opportunities where risks are clearly understood, managed and aligned with strategic outcomes.
<b>Governance, Legal and Compliance</b>	Council is cautious about risks that could lead to breaches of legislation, unethical conduct, or compromised integrity. We maintain strong controls in this area and will only pursue innovation or savings where compliance is assured.
<b>Health, Safety and Wellbeing</b>	Council is cautious about any actions that could lead to risks for the health, safety, or wellbeing of councillors, staff, contractors, volunteers, or the public.  We care about people, and don't want to see their health, safety or wellbeing compromised.
<b>People and Organisational Capability</b>	Council values adaptability and expects ethical conduct and consistent staff support practices.

	<p>Council supports staff development and flexible workplace initiatives but is cautious about large scale impacts on staff.</p>
<b>Service Planning and Delivery</b>	<p>Council will cautiously accept new service delivery approaches where they support improved outcomes for the community.</p> <p>While striving to deliver continuity of service, we encourage service innovation aligned with community needs.</p>
<b>Stakeholder Engagement and Reputation</b>	<p>We are flexible about protecting Council's reputation and brand and are prepared to be criticised for speaking out on matters that are important to us.</p> <p>Stakeholder engagement will be tailored to support Council's objectives.</p>

**MAV State Council May 2026 Motions****Strengthening Local Government Capacity for Community Health and Wellbeing  
(Cr Boglis)****Motion:**

That the Municipal Association of Victoria calls on the Victorian Government to work in partnership with councils across Victoria to provide sustainable funding and infrastructure support, enabling councils to deliver locally based mental health, wellbeing, and early intervention services tailored to the diverse needs and demographics of their communities.

**Rationale:**

Councils are legislatively responsible under the *Public Health and Wellbeing Act 2008* to seek to protect, improve and promote public health and wellbeing of people in their municipality, including planning, developing and implementing public health policies and programs for their residents.

Current funding programs are limited and short-term, reducing councils' capacity to respond to rising community needs. Sustainable support from the Victorian Governments would allow councils to: Deliver early intervention locally tailored mental health and wellbeing initiatives in a co located hub like space, Strengthen early intervention and prevention programs, Meet legislative obligations under public health, gender equality, and climate frameworks; and ensure equitable access to services for residents experiencing social isolation, loneliness and social prescriptions within municipalities long before mental health barriers arise .

Partnership between all levels of government is essential to ensure communities can access timely, effective, and locally relevant health and wellbeing services.

## **Strengthening Councillor Independence and Protections from Occupational Violence (Cr Boglis OAM)**

### **Motion**

That the Municipal Association of Victoria:

1. Affirms that councillors are individually elected under the *Local Government Act 2020 (Vic)* and must exercise independent judgment free from undue influence, coercion, or direction by political parties or other actors.
2. Recognises that councillors face occupational violence, including bullying, harassment, intimidation and online abuse, and that gaps exist within frameworks and independent bodies. Notes that councillors are not covered as employees under the *Occupational Health and Safety Act 2004 (Vic)*, limiting access to existing protections.
3. Calls on the Victorian Government to:
  - a) Review the interaction between political party processes and councillors' statutory duties to prevent undue influence.
  - b) Ensure councillors' statutory responsibilities cannot be overridden by external directives.
  - c) Clarify or extend occupational health and safety protections, including access to mechanisms addressing bullying, harassment and online abuse.
  - d) Consider reforms to strengthen accountability for coercion, intimidation and harassment directed at councillors.
4. Encourages political parties and sector bodies to adopt practices that support councillor autonomy, transparent decision-making, and psychologically safe working environments.
5. Supports MAV's ongoing work on councillor health, safety and wellbeing, including responses to occupational violence and online harm.

### **Rationale**

This motion builds on MAV's October 2025 resolutions on occupational violence by addressing the intersection of councillor safety and independence. While existing work focuses on harassment and online abuse, this motion highlights risks arising from external political pressures impacting councillors' statutory roles.

Sector research, including from MAV and VLGA, indicates increasing pressures on councillors, including online hostility and complex political dynamics. Oversight bodies play an important role but have limited scope to address internal or systemic pressures affecting independence.

This motion seeks to address these gaps by strengthening protections, clarifying obligations, and supporting councillors to perform their roles safely and independently.

**10. ITEMS TO BE TABLED**

Nil

## 11. NOTICES OF MOTION

### 11.1 KEON PARK STATION - REQUEST TO STATE GOVERNMENT TO PROVIDE A PUBLIC TOILET

**Councillor:** Angela VILLELLA

**NoM No.:** 33/24-28

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Take notice that at the Council Meeting to be held on 24 March 2026, it is my intention to move:

***That Council:***

- (1) Notes that the Council's June 2022 endorsed Design Guidelines for the multi-million dollar Keon Park level Crossing Project which included a, top asks, including a public toilet facility, which the state government did not approve*
  - (2) Notes the state government is responsible for the train station and the facilities*
  - (3) Notes the community's call for a public toilet is widespread and evidenced by the petition signed by over 100 residents, including shop owners, and tabled at the ordinary council meeting in February*
  - (4) Requests that the Chief Executive Officer write to our local state member Mr Nathan Lambert, the Minister for Transport, Gabrielle Williams, and our federal member Ged Kearney requesting immediate provision of a public toilet at Keon Park Station. The letter is to request a reply the end of May 2026 and will be made public.*
- 

**Rationale:**

The public is asking why the new Keon Park Station, a multi-million publicly owned facility designed to accommodate growth in patronage does not have a toilet. It is an essential utility that the public expect and deserve. The train station comes under state jurisdiction and therefore it is the state.

**Notice Received:** 4 March 2026

**Notice Given to Councillors** 4 March 2026

**Date of Meeting:** 24 March 2026

**Attachments**

Nil.

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**11.2 RESPONDING TO SAFETY ISSUES AT EDWARDES LAKE CYCLING TRACK****Councillor:** Angela VILLELLA**NoM No.:** 34/24-28

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Take notice that at the Council Meeting to be held on 24 March 2026, it is my intention to move:

**That Council:**

- (1) *Notes that the Edwardes Lake Athletics Facility (incorporating the Athletics Pavilion and Athletics Track) features the only 400m Track and Field in the Darebin municipality and is one of only ten 'district' classified sport venues within Darebin. It is also one of the only synthetic athletics facilities in Metropolitan Melbourne that is open to the public providing the broader community the opportunity to use the facility all year round free of charge 24 hours a day.*
  - (2) *Notes that this facility helps serve the Council's strategic direction 3 'Health and Wellbeing' as per the 2025-2029 Council Plan.*
  - (3) *Notes that the track has been damaged due to unsuitable use of the track by the public e.g. e-bikes. The repair work is a cost incurred by council. The athletics club is requesting investment to mitigate such vandalism*
  - (4) *Notes that council has been informed of recent aggressive and antisocial behaviour at the track towards the public and club members. The incidents have been reported to the police.*
  - (5) *As the track is used by residents across northern metropolitan areas, that Council writes to the local state member, Nathan Lambert and federal member Ged Kearney to request they financially contribute towards a fence which is an important measure to protect the public and the track from further vandalism and antisocial behaviour. The letters are to request a response by the end of April.*
  - (6) *Requests officers, to consult with the athletics club to explore additional safety measures such as CCTV.*
  - (7) *Notes that progress on the installation of CCTV work will be reported quarterly via the public Quarterly financial and non-financial reports to council.*
- 

**Rationale:**

The athletics club has been dealing with vandalism and anti-social behaviour at the track for a long time. The club has repeatedly asked for better signage, CCTV and appropriate fencing. The situation has gotten worse to the point where the police have had to be contacted, and the club members are staying away.

**Notice Received:** 4 March 2026**Notice Given to Councillors** 4 March 2026**Date of Meeting:** 24 March 2026**Attachments**

Nil.

**11.3 ESTABLISHING A STANDALONE HEALTH AND WELLBEING PLAN****Councillor: Connie BOGLIS OAM****NoM No.: 35/24-28**

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Take notice that at the Council Meeting to be held on 24 March 2026, it is my intention to move:

**That Council:**

- (1) *Notes that:*
    - (a) *Council is required under the Public Health and Wellbeing Act 2008 (Vic) to undertake municipal public health and wellbeing planning.*
    - (b) *Council currently integrates health and wellbeing within its Darebin Council Action Plan.*
    - (c) *Emerging data at state and national levels indicates rising concerns regarding loneliness, social isolation, mental health and the need for early intervention approaches.*
  - (2) *Recognises that:*
    - (a) *Health and wellbeing underpin all Council functions and strategic priorities.*
    - (b) *Prevention and early intervention require clear planning, measurable outcomes and transparent resourcing.*
    - (c) *Structural consistency across Council's strategic framework strengthens accountability and governance clarity.*
  - (3) *Seeks a report from Officers in May 2026 that costs the work, options and timing involved to:*
    - (a) *Develop and adopt a standalone Municipal Health and Wellbeing Plan, aligned with but distinct from the Council Plan.*
    - (b) *Include in that plan a clear prevention and early intervention framework addressing social connection, mental health and wellbeing, and emerging community health needs.*
    - (c) *Ensure that the plan incorporates research, lived experience insights and input from Council's Committees and relevant forums.*
- 

**Rationale:**

Darebin has never adopted a standalone Health and Wellbeing Plan. For many years, health and wellbeing has been embedded within broader Council planning documents. While this meets legislative requirements under the *Public Health and Wellbeing Act 2008*, it does not provide the structural clarity or visibility afforded to other major Council priorities that operate under dedicated strategic plans. Health and wellbeing underpin every function of local government. Prevention and early intervention require clear goals, measurable outcomes and transparent resourcing. When health is absorbed within the Council Plan alone, focus can be diluted and accountability becomes less defined.

State and national data show rising concerns about loneliness, social isolation, mental health pressures and increasing food insecurity linked to cost-of-living impacts. These challenges are interconnected and affect community participation, resilience and long-term health outcomes. Local government plays a critical role in addressing the social determinants of health through community infrastructure, services, partnerships and social connection initiatives. A standalone plan would provide governance consistency, strengthen accountability and clearly articulate a prevention and early intervention framework for Darebin.

For too long, health and wellbeing has been embedded rather than elevated. It is time to give it the strategic standing it requires.

**Notice Received:** 4 March 2026  
**Notice Given to Councillors** 4 March 2026  
**Date of Meeting:** 24 March 2026

**Attachments**

Nil.

**11.4 FLAG LOWERING PROCESS****Councillor: Alexandra SANGSTER****NoM No.: 36/24-28**

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Take notice that at the Council Meeting to be held on 24 March 2026, it is my intention to move:

*That Council, in consultation with Councillors, provides for a brief respectful ceremony for situations in which the Palestinian flag must be lowered or removed due to council policy or official guidance, recognizing the flag's significance to many members of our community and the broader values of dignity, human rights, and peaceful expression.*

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**Rationale:**

The flag is a powerful symbol for many people, representing solidarity, humanity, and the rights of Palestinians. Any action to remove or lower the flag should be undertaken with care and transparency.

The proposed approach acknowledges the weight and meaning of the flag while ensuring compliance with lawful policy, minimizing disruption to civic proceedings, and maintaining an inclusive environment for residents with diverse views.

A brief, respectful ceremony provides context, honours community sentiment, and reinforces the council's commitment to dialogue and peaceful expression.

**Notice Received: 11 March 2026****Notice Given to Councillors 11 March 2026****Date of Meeting: 24 March 2026****Attachments**

Nil

## 12. URGENT BUSINESS

## 13. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

In accordance with Section 66(2) of the *Local Government Act 2020*, Council may resolve to close the meeting to members of the public to consider the following items, deemed to be confidential by the Chief Executive Officer in accordance with Section 3(1) of the Act for the reasons indicated:

### 13.1 Proposed Asset Deal for the Bell-Preston Level Crossing Removal Project

This item is designated confidential because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to Section 3(1) (a) of the Act.

### 13.2 IT Contracts Review and Extensions

This item is designated confidential because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, pursuant to Section 3(1) (a) of the Act.

## CLOSE OF MEETING

**Recommendation**

**That** in accordance with section 66(2) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the matters are confidential in accordance with Section 3(1) of the Act.

## RE-OPENING OF MEETING

**Recommendation**

That the meeting be re-opened to the members of the public.

## 14. CLOSE OF MEETING

**CITY OF  
DAREBIN**  
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If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.

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