



***Ballarat Golf Club
Responsible
Gambling
Policies and
Procedures
Manual***

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**LEIGH BARRETT
& ASSOCIATES**

Expert Advice in Regulatory Compliance Policy and Procedure

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1.0 Commitment to Responsible Gambling/Customer Care

- 1.1 Ballarat Golf Club (the "Club") has a strong commitment to caring for its customers, including maintaining strong responsible alcohol and responsible gambling policies and practices.

Consistent with this commitment, the Club has adopted:

- the Leigh Barrett and Associates Responsible Gambling Code of Conduct (Code 21) for its EGM gaming operations; and
- the Australian Hotels' Association (Vic) Self-exclusion Program (SEP 1).

The Codes are available in written form for perusal by customers upon request at the Club. A sign advising customers how to obtain a copy of the Codes is displayed at the cashier's station in the gaming room and the Tab/Sportsbar. They are also available on the Club's and Tabcorp websites in English and a range of community languages including:

- Greek;
- Italian;
- Vietnamese;
- Chinese;
- Arabic;
- Turkish;
- Spanish.

- 1.2 Wherever possible, the Club's Responsible Gambling Policies and Procedures are also consistent with the Victorian Responsible Gambling Foundation *Venue Best Practice Guide*.
- 1.3 The purpose of this Manual is to provide a practical guide for all staff to discharge their duties in accordance with the Club's commitment to the highest standards of customer care and government expectations regarding customer care and responsible gambling.
- 1.4 The following Statement of Commitment or Responsible Gambling Message is displayed in the gaming room and on the Club's website:

"This venue is committed to the wellbeing of its patrons, employees and the wider community in which it operates. It strives to deliver all its services in a responsible and sustainable manner providing the means for our patrons to have informed choices and to exercise a rational and sensible informed choice based on their personal and individual circumstances. As part of this commitment, the venue has adopted a comprehensive Responsible Gambling Code of Conduct, and a Self-Exclusion Program, and will provide the necessary resources, both financial and human, to support the proper operation and fulfillment of the Code at these premises."

- ❖ ***If someone asks for a copy of the Code/s the Responsible Gambling Coordinator/Officer must provide a hard copy (make a photocopy of the Code that is filed in the Responsible Gambling folder) or advise the person how to obtain a copy from the Club's website.***

2.0 Responsible Gambling Coordinator and Officers

- 2.1 The Club has appointed the Venue Manager as the Responsible Gambling Coordinator (the Coordinator) and all duty managers/supervisors act as the nominated Responsible Gambling Officer (the Officer) during their work shifts.
- 2.2 The Coordinator is responsible for:
- Ensuring that all staff are aware of the Ballarat Golf Club Responsible Gambling Policy and Procedures and the Code of Conduct; and
 - Maintaining compliance with all responsible gambling regulatory and Code requirements.
- 2.3 The Officers are responsible for and available to:
- Respond to customers' requests for information about responsible gambling or problem gambling support services;
 - Interact with customers where signs of unacceptable or problematic customer behaviour are identified by staff (see 5 below for detail); and
 - Provide guidance to staff about how to manage problematic customer behaviour.
- ❖ ***Non-supervisory staff are required to refer every problem gambling/unacceptable behaviour matter to the RG Coordinator/Officer unless impractical to do so.***
- 2.4 Duties of the Responsible Gambling Coordinator and Officers are listed at *Appendix 1*.

3.0 Responsible and Problem Gambling Information

- 3.1 The Club provides information to assist customers to make informed and responsible decisions about their gambling activity and support services that are available for customers who may have gambling problems.

These include, but are not limited to:

- Posters and brochures explaining EGM gaming and jackpot rules;
- Posters, brochures, and "talkers" on every gaming machine consistent with the Victorian Government's Ministerial Standard including those encouraging customers to set limits on gambling activity and accessing the YourPlay precommitment system (see Appendix 2 below);
- Brochures explaining the on-screen Player Information Displays (PIDS) including how to track a session of play;

- Player Information Display Screens on every electronic gaming machine (EGM);
 - Brochures and cards containing information about Gambler’s Help services and Gambler’s Helpline including the Victorian Government Problem Gambling website www.problemgambling.vic.gov.au ;
 - Posters and cards promoting Gambler’s Anonymous;
 - Signs advising against gambling whilst intoxicated;
 - Brochures and cards providing information about the Club’s Self-exclusion Program;
 - Information on accessing help for individual/family budgeting such as the Commonwealth Government website www.moneysmart.gov.au ; and
 - Information promoting a range of alternative community and recreational activities in the Municipality.
- 3.2 In addition, as listed in 5.0 below, staff are trained to be able to explain the information included on the on-screen PIDs on every gaming machine, how to start tracking a session of play and how to join the YourPlay pre-commitment program.
- ❖ ***Staff are encouraged to use the PID screen to explain to customers the chances of winning and the randomness of game results.***
- 3.3 The YourPlay program allows a person to track their time and money spent on EGM gambling on all EGMs in Victoria.
- 3.3 The Club has developed a comprehensive Regulatory Compliance Checklist of mandatory and voluntary elements to promote responsible gambling.
- 3.4 The Responsible Gambling Player Information Point-of-Sale requirements are listed at *Appendix 2*.
- 3.5 The Checklist referred to in 3.3 above can be found at *Appendix 3*.
- ❖ ***The Officers are responsible to ensure that this is completed on a daily basis and filed in the Responsible Gambling Register for audit purposes.***
- ❖ ***Any items identified to be missing must be replaced immediately. If this is not possible email Leigh Barrett and Associates at info@leighbarrett.com.au***
- ❖ ***All gaming staff must be able to encode a YourPlay card if requested by a customer and be able to explain the purpose and procedure for accessing YourPlay.***

4.0 Interaction with Customers

4.1 The Club recognises that staff interaction with customers is an essential element of venue-wide customer care.

- ❖ ***All front-of-house staff are required to routinely interact with customers as part of their regular duties.***
- ❖ ***It is expected that staff will interact with each and every customer in the gaming room at least once per hour.***

4.2 The Club's Responsible Gambling Codes of Conduct require the Club to interact with customers in two specific sets of circumstances, as outlined in 4.3 and 4.4 below.

4.3 Customer Admitting to a Gambling Problem

- ❖ ***In the event that customers admit to having a problem controlling their gambling the following procedure applies:***
- ❖ ***The Coordinator or Officer is immediately informed;***
- ❖ ***The customer is accompanied to a part of the Club that is away from the gaming floor and where other customers cannot observe the proceedings;***
- ❖ ***The customer is provided with information about problem gambling support services, including Gambler's Help and Gambler's Anonymous;***
- ❖ ***The customer is offered the use of a telephone to call Gambler's Helpline; and***
- ❖ ***The incident must be recorded in the Responsible Gambling Incident Register.***

**** The Responsible Gambling Incident Register is located either in the Responsible Gambling folder or as a separate book at the Cashier's Station in the Gaming Room.**

4.4 Unacceptable Behaviour

The Club regards that people behave in unacceptable ways for a variety of reasons. The Club has a policy to interact with customers displaying unacceptable behaviours, regardless of the underlying reason.

**** It is important that staff do not assume that a customer displaying unacceptable behaviour has a gambling problem.**

Unacceptable behaviour includes (but is not limited to):

- **Aggression**
 - **Hitting a machine/buttons with undue force;**
 - **Shouting at the machine or other people in the gaming room;**
 - **Abusing staff and/or other customers; and**

- Behaving in a threatening manner.
- **Emotion**
 - Crying anywhere in the venue, including at an EGM;
 - Appearing extremely sad or depressed in the venue;
 - Sweating abnormally whilst playing an EGM;
 - Appearing very agitated in the venue; and
 - Continually complaining to staff
- **Withdrawn**
 - Not responding to interaction by staff;
 - Not responding to occurrences in the Club that would normally attract a customer's attention;
- **Appearance**
 - Attempting to wear a disguise in order not to be recognised; and
 - General reduction in hygiene/self care over time
- **Extended gambling**
 - Playing EGMS at the Club every day;
 - Playing EGMS continuously for in excess of 3 hours; and
 - Not wanting to leave when the Club is closing.
- **Asking for money to gamble**
 - Asking staff for the loan of money (for any purpose);
 - Asking other customers for the loan of money (for any purpose); and
 - Attempting to sell goods or services in the Club.

- 4.5 In the event that a customer is observed by a staff member to be displaying an unacceptable behaviour, the following procedure is applied:
- ❖ *The Coordinator or Officer is immediately informed;*
 - ❖ *The customer is approached and asked if there is a problem of some kind;*
 - ❖ *If the customer denies that there is a problem and the behaviour is deemed by the Responsible Gambling Officer to be negatively impacting on other customers, the standard procedure for unacceptable behaviour applies (eg. The customer is asked to cease acting aggressively, take a break from gambling, or will be asked to leave the venue);*
 - ❖ *If the customer indicates that there may be a problem, he/she must be accompanied to a part of the Club that is away from the gaming floor and where other customers cannot observe the proceedings;*
 - ❖ *If it appears that the problem is gambling related, the customer is provided with information about problem gambling support services, including Gambler's Help and Gamblers Anonymous;*

- ❖ *The customer is offered the use of a telephone to call Gambler's Helpline; and*
- ❖ *The incident must be recorded in the Responsible Gambling Incident Register.*

5.0 Responsible Gambling Staff Professional Development

- 5.1 All gaming room staff are legally required to complete the Victorian approved Responsible Service of Gaming (RSG) Course (Modules One and Two) within six months of commencing employment, and complete an RSG Refresher Course at least every three years. **The Club requires staff to have completed an RSG Course *prior* to commencing employment in the gaming room.**
- 5.2 The Club is committed to ensuring that all relevant staff are conversant with policies and procedures to promote customer care and responsible gambling at the Club. As part of this commitment, staff Responsible Gambling workshops are conducted for both senior and non-supervisory front-of-house staff annually. These workshops are designed to encourage discussion about best practice methods of customer care and the promotion of responsible gambling across the Club.

Elements of the professional development include:

- What is Responsible Gambling;
- What is Problem Gambling
- Familiarity with the Club's Responsible Gambling Code of Conduct;
- The Responsible/Problem Gambling information displayed within the Club's gaming room and wagering areas;
- How to access and explain the on-screen Player Information Displays on EGM's to a customer;
- How to commence tracking a session of play on an EGM;
- Methods of interaction with customers when a gambling problem is admitted by the customer;
- Methods of interaction with customers displaying signs of distress or unacceptable behaviour;
- Methods of interaction with customers displaying signs of intoxication;
- The range of services provided by Gambler's Help;
- Other support services available for problem gamblers eg. government websites;
- How to refer a customer to problem gambling support services, especially the Gambler's Helpline;
- Importance of vigilance in ensuring minors are not in gaming areas, nor unaccompanied anywhere inside or the immediate environs the Club;

- The Club's Self-exclusion Program;
- Interacting with a customer identified as breaching Self-exclusion;
- The Club's Responsible Gambling Code complaints procedure; and
- A venue staff problem gambling self-assessment.

❖ ***All front-of-house staff are required to attend a Responsible Gambling/Customer Care professional development session annually.***

6.0 Staff Gambling Policy

6.1 Employees at the Club are permitted to gamble on electronic gaming machines at the Club providing that they have finished their rostered shift at least half an hour earlier and they are not in uniform.

6.2 Strong research evidence has found that people who work in a gambling environment are up to six-times more likely to develop gambling problems. During employment induction, new staff receive information about the potential for gaming staff to develop gambling problems, information about local problem gambling support services and a Gambler's Help Self-assessment quiz.

❖ ***If at any time a staff member feels that they may be at risk of developing a gambling problem, they are strongly advised to contact Gambler's Help for assistance and support.***

❖ ***In circumstances where the staff member has gaming/wagering duties, the Club will, where possible, allocate other duties to the staff member to limit exposure to gambling activities.***

7.0 Linkages with Problem Gambling Support Services

7.1 The Club maintains linkages with the local problem gambling support services. The Managers at the Club attend meetings with the services to enhance such linkages and work cooperatively on community responsible gambling initiatives. In addition, this includes Gambler's Help, wherever possible, in any staff professional development pertaining to responsible/problem gambling.

7.2 The Club also recognises the vital role played by the 24-hour Gambler's Helpline in facilitating customer referral to face-to-face counselling services and promotes the Helpline number at numerous locations throughout the venue.

❖ ***All front-of-house staff must know the Gambler's Helpline telephone number***

1800 858 858

- ❖ ***Meetings and other interaction between Gambler's Help workers and Ballarat Golf Club staff must be recorded in the venue's Responsible Gambling folder.***

8.0 Gambling by Minors

- 8.1 It is prohibited in Victoria for a person under the age of 18 years to enter a gaming room or play a gaming machine. This law is **strictly enforced** at the Club.
- 8.2 In the event that a staff member is unsure whether a person in the gaming room is at least 18 years of age, the person must be approached and asked to produce current and valid photographic identification (passport, driver's license, proof of age card).
- ❖ ***If a person is unable to provide adequate identification, he/she must be politely asked to leave and told that he/she is welcome at the venue when able to produce the satisfactory proof of identity required by law.***
 - ❖ ***In the event that an adult is identified as having a child in the gaming room, the adult must be approached and requested that they take the child out of the gaming room immediately. If they refuse, notify the Manager/Supervisor immediately.***
 - ❖ ***If, after the Manager/Supervisor's intervention, the adult will not leave the gaming room with the child, then the police must be contacted.***
 - ❖ ***The matter must be recorded in the Club's Responsible Gambling Incident Register.***

9.0 Unattended Children

- 9.1 It is unacceptable and **not tolerated** by the Club for children to be left unattended anywhere within the Club's venues or outside the Club's venue entrances. Children **anywhere** in the venues must be supervised by a responsible adult (not staff) at all times.
- 9.2 If an unattended/unsupervised child is detected anywhere in the venues, the Manager/Supervisor **must be notified immediately**. The Manager/Supervisor will endeavour to locate and identify the adult responsible for the child. When located, the adult will be warned that any future instance of the child being left unsupervised in the Club's venues will result in the adult being barred from the Club.
- 9.3 In the event that an unattended/unsupervised child is detected outside any entrance to the venues, the child **must** be escorted to a safe location within the venue and the Manager/Supervisor notified immediately. The

Manager/Supervisor will endeavour to locate and identify the adult responsible for the child. When located, the adult will be warned that any future instance of the child being left unsupervised outside the entrances to the venues will result in the adult being barred from the Club.

- 9.4 **All occurrences outlined in 9.1 to 9.3 above must be recorded in the Responsible Gambling Incident Register.**

10.0 Machine Reservation

- 10.1 The Club has a gaming machine reservation policy, designed to encourage customers to have a break from EGM play and then resume playing on the machine of their choice.
- 10.2 A customer may reserve a gaming machine at the Club for a maximum period of ten (10) minutes. To reserve the machine the customer must place a "Reserved" sign over the screen on the machine.
- 10.3 During the ten-minute period, only the reserving customer or a staff member may remove the "Reserved" sign. If the period of reservation exceeds ten minutes the sign may be removed by a staff member with or without a request from another customer and the machine made available for play by other customers.
- 10.4 The Club does not allow customers to play more than one gaming machine at a time. A customer who is observed to either be playing more than one machine consecutively, or has reserved one machine to play on another one, **will be approached and informed of this policy.**

11.0 Payment of Winnings

- 11.1 By law in Victoria, payment of winnings or accumulated credits of \$ 2,000 or more on a gaming machine must be made by cheque not made payable to "Cash" or by Electronic Funds Transfer (if available) such that the funds are not available to the patron for at least 24 hours after the payout.
- 11.2 Consistent with the Club's commitment to responsible gambling and customer care, customers who have gaming machine winnings exceeding \$ 500 or a series of "book pays" will be offered payment by cheque.

12.0 Self-exclusion Program

- 12.1 The Club has adopted the Self-exclusion Program (SEP 1) operated by the Australian Hotels Association (Vic). During each shift venue staff are required to view the photographs of customers who have self-excluded from the venue's gaming room.
- 12.2 In the event that a self-excluded customer is detected in the gaming room, the following procedure applies:

- ❖ *The customer is approached by the Coordinator/Officer who discreetly asks for identification to verify the identity of the customer;*
 - ❖ *If the customer is identified as being currently self-excluded from the Club's gaming room, he/she is quietly requested to leave the gaming room;*
 - ❖ *When the customer leaves the gaming room the Coordinator/Officer records the Incident in the Club's Self-exclusion Incident Register; and*
 - ❖ *CCV Self-exclusion Program staff are notified of the breach by the duty manager/supervisor at the earliest practical time; and*
 - ❖ *The breach must be recorded in the venue's Self-exclusion Incident Register.*
- 12.3 In the event that an identified self-excluded customer refuses to leave the gaming room when requested by a venue staff member, the following procedure applies:
- ❖ *The Responsible Gambling Coordinator/Officer must be immediately advised;*
 - ❖ *The Coordinator/Officer must advise the customer that the Deed of Self-exclusion gives the venue permission to use reasonable force to remove the customer from the Gaming Room;*
 - ❖ *If security personnel are rostered on duty, the security personnel must act to remove the customer from the Gaming Room;*
 - ❖ *If security personnel are not rostered on duty, the customer will be advised that the police will be called to have him/her removed; and*
 - ❖ *The matter must be recorded in the Club's Self-exclusion Incident Register.*

13.0 Club Member Loyalty Scheme

- 13.1 The Club conducts a Member Loyalty Scheme whereby a member can accumulate points for visitation at the Club and for purchases of food and drinks and also EGM play.

14.0 Municipal Responsible Gambling Taskforce

- 14.1 The Club maintains that all gaming/wagering venues in the City of Greater Ballarat have a responsibility to adopt and maintain practices to promote responsible gambling. The Club will participate in any established Municipal Responsible Gambling Taskforce.

15.0 Range of Venue Activities

- 15.1 The Club recognises that the responsible provision of gambling products includes having a range of non-gambling recreational options for customers.
- 15.2 The Club's venue facilities include:
- Golf course;
 - Bistros and cafes;
 - Informal lounge area;
 - Children's Play areas; and
 - Gaming room.

16.0 Passage of Time

- 16.1 The Club displays clocks in prominent locations and on every EGM to enable customers to be aware of the passage of time.
- 16.2 In addition, the Club staff make regular announcements about activities taking place in the venues. These announcements must include stating the current time of day.

17.0 Support for the Local Community

- 17.1 Where possible, the Club offers its meeting room facilities free-of-charge to not-for-profit community groups to conduct meetings.
- 17.2 In addition the Club supports the community with cash and in-kind donations and seeks applications from local organisations in the annual distribution of grants. As stated in 3.0 above, the Club also displays information about local community organisations and events at prominent locations in the venue.

18.0 Complaints Mechanism

- 18.1 In the event that a complaint is received regarding the Club's compliance with the Responsible Gambling Code of Conduct or our Responsible Gambling Policy and Procedures, the following process is applied:
- ❖ *The customer must be referred to the Coordinator/Officer;*
 - ❖ *If the matter cannot be resolved immediately, the customer is requested to complete a Responsible Gambling Complaint Form which includes the details of the complaint;*
 - ❖ *The completed Complaint Form is passed to the Club's Manager for action;*
 - ❖ *A record of the complaint is entered in the Responsible Gambling Incident Register;*

- ❖ *The Club's Manager will investigate the complaint, which may include speaking with the customer, and attempt to resolve the complaint; and*
- ❖ *If the complaint cannot be resolved by the Club's Manager, the complaint is referred to the Australian Institute of Arbitrators and Conciliators where an independent person (as outlined in the Ballarat Golf Club Responsible Gambling Code of Conduct) is appointed to rule on the complaint.*

The Club is bound to comply with any ruling from the nominated independent person.

19.0 Evaluation and Review of Responsible Gambling Code of Conduct and Policies and Procedures

- 19.1 The Club commissions an annual independent evaluation of its compliance with and commitment to its Responsible Gambling Code of Conduct and the Responsible Gambling Policies and Procedures. It also conducts an annual internal review of the operation and effectiveness of the Code in the venue and seeks feedback from relevant stakeholders, including venue staff, on a code feedback form available with the Responsible Gambling Incident Register
- 19.2 The Club also reviews this Policies and Procedures Manual prior to or as soon as practicable after the introduction of any significant regulatory changes affecting the operation of gaming machines.
- 19.2 A copy of the evaluation report is provided to the Victorian Commission for Gambling and Liquor Regulation.

Appendix 1

Responsible Gambling Coordinator and Officer Duties

It is a requirement of the venue's Responsible Gambling Code of Conduct that a Responsible Gambling Officer (RGO) be designated for any time that the venue is open for gaming. All staff must be aware of the designated RGO for any shift and the RGO must be aware of his/her duties.

The venue also has a primary Responsible Gambling Coordinator (RGC) who has oversight of the venue's Responsible gambling/Customer Care Program.

The duties of the RGC include, but may not be limited to:

1. Ensuring that all staff are aware of and have read the venue's Responsible Gambling Code of Conduct;
2. Ensuring that all staff are aware of and have read the venue's Self-exclusion Program (SEP 1) Procedures;
3. Ensuring a process is in place to have the RG Point-of-Sale checklist monitored daily; and
4. Liaising with Leigh Barrett and Associates where necessary to maintain compliance with the venue's Responsible Gambling Code of Conduct and Self-exclusion Program (SEP 1).

The duties of the RGO include, but may not be limited to:

1. Ensuring that all relevant staff look over the collection of photos of the venue's self-excluded customers during every work shift. This is necessary as new self-excluded customers may be added at any time;
2. Interacting with customers who self-identify as having problem gambling issues as outlined in the venue's Responsible Gambling Policies and Procedures Manual;
3. Interacting with any customer displaying unacceptable behaviour as outlined in the venue's Responsible Gambling Policies and Procedures Manual;
4. Interacting with self-excluded customers who are detected breaching their Self-exclusion Deeds;
4. Ensuring that all relevant staff record responsible/problem gambling incidents in the RG Incident Register;
5. Ensuring that all relevant staff record detected breaches of self-exclusion in the Self-exclusion Incident Register and also file a report with the venue's Self-exclusion Operator.

Appendix 2

Responsible Gambling Regulatory/Code of Conduct Requirements List

Item	Description	Mandatory/Recommended
Responsible Gambling Register	<p>A Responsible Gambling Incident Register is required to be located in the gaming room (preferably at the cashier's station). The register must include details of:</p> <ul style="list-style-type: none"> • Venue contacts with Gambler's Help services; • Customer Care incidents that may have been problem-gambling related, including customer breaches of the Self-exclusion program; • Instances of strong customer care/responsible gambling practices by venue staff; • Customer Care/Responsible Gambling professional development sessions for staff; and • Customer and staff complaints against the operation of the Code at the venue. 	Mandatory
Self-exclusion Incident Register	A Self-exclusion Incident Register is required to be located at the cashier's station in the gaming room and the TAB.	Mandatory
Statement of Commitment	<p>A printed Statement of the venue's commitment to responsible gambling (see RG Code Item 1 for wording of statement). The statement must be displayed at the entrance to the gaming room and/or at the cashier's station.</p> <p>Tabcorp has also produced responsible gambling signs for Keno and TAB and are required by those Codes to be displayed where those products are sold.</p>	Mandatory
"Code Available on Request" sign	<p>A sign stating the Code is available upon request to be displayed at gaming room entrance or cashier's station.</p> <p>Keno and TAB "Code available" signs must also be displayed in areas where those products are sold.</p>	Mandatory
Copy of Code Available	A written copy of the Codes, including copies in major community languages must be available for customers if requested – preferably at cashier's station – as well as in the TAB/Sportsbar area and where Keno is sold.	Mandatory
Code Available on Website	Where a venue has a website the Codes, including in major community languages, must	Mandatory

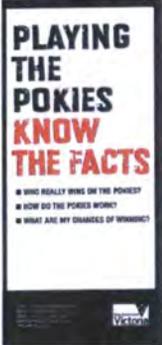
	be displayed on the website or links to the website where the Codes can be accessed must be available on the venue's website.	
"Playing the Pokies – Know the Facts" brochures	The brochures must be displayed at the cashier's station (minimum quantity being 20) . The number of brochures available around the gaming room must be at least equal to number of gaming machines in gaming room.	Mandatory
YourPlay Brochures Available	Purple, blue and green YourPlay brochures must be displayed at the cashier's station and also throughout the gaming room (minimum of 20 of each at the cashier's station and at least as many of each throughout the gaming room as the number of EGMs at the venue).	
Responsible Gaming Posters	Responsible gaming Your Play posters (Framed A2) must be displayed in gaming room at a ratio of 1 poster per 15 machines or part thereof . Posters must be placed such that a poster is visible by a person seated at any machine in the gaming room.	Mandatory
Casual YourPlay Player Cards	Casual YourPlay player cards must be available at the cashier's station (minimum number available must be no fewer than the number of EGMs at the venue).	
Responsible Gambling Sign	A responsible gambling YourPlay A2 sign must be displayed outside each entrance to the gaming room . Some venues have been supplied with A4 signs due to lack of available space, however, this has been done with an understanding that these venues will "work towards" being able to fit an A2 sign in the future.	Mandatory
Responsible Gaming Machine Talkers	Every gaming machine in operation must display a Responsible Gaming YourPlay machine talker.	Mandatory
YourPlay Function Operational on EGMs	The YourPlay functionality must be operational on each EGM that is available for game play .	Mandatory
Player Information Display brochures	Player Information Display brochures (see RG Code Item 3b) must be displayed in the gaming room .	Mandatory
Problem Gambling brochures	Brochures promoting the availability of problem gambling support services must be displayed in the venue (preferably in the gaming room).	Mandatory
"Payment of Winnings Policy" sign	A sign stating that "all winnings or accumulated credits of \$ 1,000 or more must be paid in full by cheque" (See RG code Item 3f) must be	Recommended

	displayed in the gaming room (preferably at the cashier's station).	
Budgeting Information	A sign referring customers to the federal government's "MoneySmart" and the Victorian Government's "Problem Gambling" websites must be displayed in the gaming room.	Mandatory
Budgeting Information on Website	If a venue has a website, a link to the federal government's "MoneySmart" and the Victorian Government's "Problem Gambling" websites must be included on the venue's website.	Mandatory
"EGM Conditions of Play/Games Rules" Poster	An EGM "Conditions of Play" poster should be displayed at a place in the gaming room where they can be read by customers.	Recommended
"Prohibition of credit for gambling" sign displayed	A sign stating that the venue's provision of credit to a customer for gambling is prohibited must be displayed in the gaming room.	Mandatory
Self-exclusion Information	Information about the venue's self-exclusion program must be displayed in the venue (preferably in the gaming room).	Mandatory
Self-exclusion Incident Register	A Self-exclusion Incident Register is required to be located in the gaming room (preferably at the cashier's station). The register must include details of all detected breaches of self-exclusion by customers self-excluded from the venue and the action taken by staff following detection of the breach.	Mandatory
Player Information Displays (PIDS)	Player Information Displays on EGMs (accessed by pushing the "I" button) must be accessible. These should be checked regularly.	Mandatory
"Gambling by Minors Prohibited" signage	Signage stating that "Gambling by Minors is prohibited. It is illegal for a person under 18 years of age to enter or remain in a gaming room and/or to play a gaming machine" must be located at every entrance to the gaming room. The signage must be fixed so that it cannot be easily moved/removed.	Mandatory
"Constant Video Surveillance" sign	Signage stating that the area is under constant video surveillance must be displayed at every entrance to the gaming room as well as at every entrance to the venue.	Mandatory
VCGLR Rules Available	A sign stating that the Victorian Commission for Gambling and Liquor Regulation Rules are available for inspection upon request must be located at the cashier's station in the gaming room.	Mandatory
Problem Gambling A4 Poster and Business Cards	A problem gambling A4 poster and business cards should be located in the toilets nearest the gaming room.	Mandatory
Gambler's	A Gambler's Anonymous poster should be	Recommended

Anonymous Poster	displayed at a convenient location in the venue.	
“Keno Rules Available” sign	A sign stating that “Keno Rules are available for inspection” must be displayed at each Keno sales point (applies only to venues where Keno is sold).	Mandatory
Keno Game Guides	Keno Game Guides (containing instructions on How to Play) must be available at each Keno sales point (applies only to venues where Keno is sold).	Mandatory
Keno “Pre-commitment” sticker	A sticker recommending customers pre-commit to an amount of spend whilst playing Keno must be displayed at every kiosk where Keno is sold (applies only to venues where Keno is sold).	Mandatory
TAB “Under 18 Gambling Prohibited” signage	A sign/sticker stating that persons under the age of 18 years are prohibited from wagering must be displayed at every terminal where a bet can be placed.	Mandatory
TAB “Intoxicated patrons” signage	A sign/sticker stating that betting by intoxicated persons is illegal must be clearly displayed in the TAB/Sportsbar.	Mandatory
“TAB “If gambling is a problem” signage	A sign/sticker promoting problem gambling support services must be clearly displayed in the TAB/Sportsbar.	Mandatory
Child Safety Stickers	Child Safety Stickers should be positioned at all external entrances through which patrons can gain entry to the gaming room.	Recommended
Child Safety Signs	Child Safety Signs should be prominently positioned in all car parks owned or controlled by the venue.	Recommended
EFTPos Location	EFTPos facilities should be located so that they cannot be seen from the gaming room.	Recommended
RSG Certificates Current	Any person with regular duties in the gaming room must have a current Responsible Service of Gaming (RSG) certificate and the venue must be able to produce it upon request by the VCGLR.	Mandatory

Brochure information required by the Act and the Regulations must be clearly displayed at the Cashiers counter as described in Appendix 2

(i) How to gamble responsibly brochures



PLAYING THE POKIES KNOW THE FACTS

WHO REALLY WINS ON THE POKIES?
 HOW DO THE POKIES WORK?
 WHAT ARE MY CHANCES OF WINNING?

WHO REALLY WINS?

There are millions of people who play pokies every day. But who really wins? The answer is simple: the house. The casino always wins in the long run. This is because the odds are always in their favor. The more you play, the more likely you are to lose.

HOW DO THE POKIES WORK?

Pokies are a game of chance. The outcome of each spin is determined by a random number generator. This means that every spin is independent of the last. There is no way to predict when you will win or lose.

WHAT ARE MY CHANCES OF WINNING?

The chances of winning on pokies are very low. On average, you will win about 1% of the time. This means that for every \$100 you play, you will only win about \$1. The rest of the money goes to the casino.

HOW DO GAMING MACHINES WORK?

When you play a pokie, you are playing a game of chance. The outcome of each spin is determined by a random number generator. This means that every spin is independent of the last. There is no way to predict when you will win or lose.

THE REAL CHANCE OF WINNING.

Game	Return to Player (RTP)
Blackjack	99.5%
Roulette	97.3%
Craps	98.6%
Baccarat	98.9%
Poker	99.0%
Slots	85.0%
Keno	80.0%
Lottery	70.0%

AT THESE GAMES YOU HAVE TO PLAY SEVERAL TIMES TO HAVE A 50% CHANCE OF WINNING YOUR BETS.

IF YOU WANT TO PLAY MORE THAN 50% CHANCES OF WINNING YOUR BETS, YOU NEED TO PLAY MORE THAN 50% CHANCES OF WINNING YOUR BETS.

(ii) Your Play Brochure Requirements



Want to know more?

- What is YourPlay?
- How do I use YourPlay?
- What are the benefits of YourPlay?
- How do I protect my privacy?

Questions about YourPlay

What is YourPlay?

How do I use YourPlay?

What are the benefits of YourPlay?

How do I protect my privacy?

What is YourPlay?

YourPlay is a free personal gaming tracker that helps you track your gaming activity and manage your budget. It is available on your mobile phone and desktop computer.

How do I start using YourPlay?

1. Download the app from the App Store or Google Play.

2. Create a new account or log in to an existing one.

3. Set up your profile and preferences.

4. Start tracking your gaming activity.

With YourPlay you can

- Track your gaming activity and manage your budget.
- Set limits on your gaming activity.
- Receive alerts when you reach your limits.
- Share your gaming activity with friends.

(iii) Player Information Display Information Brochures



(iv) Your Play Poster and Machine Talker Requirements



(v) Information produced by Gamblers Help and relevant local gambling support services



(vi) Policy and restrictions on cash payment of winnings :

By law, all winnings or accumulated credits of \$1,000 or more must be paid in full by cheque that is not made out to cash. These winnings cannot be provided as machine credits. This venue recommends winnings greater than \$ 500 be paid by cheque

(vii) Prohibition on the provision of credit for gambling purposes

The *Gambling Regulation Act 2003* prohibits this venue from providing credit to customers for playing gaming machines.

(viii) The venue's self-exclusion program



The graphic contains the following text:

Self-Exclusion

Frequently asked questions about self-exclusion

Self-Exclusion

Self-exclusion is a self-help program to assist people to exclude themselves from playing gaming machines.

For more details contact:

- Staff at the gaming venue
- Arta Self-Exclusion - Ph 02 9654 3421
- www.arta.com.au
- Gamblers Help - Ph 1800 858 858

(ix) Signage regarding the venue's policy on reserving EGMs and playing more than one EGM at the same time

Reservation of Gaming Machines Policy

Having a commitment to customer service this venue allows a customer to "reserve" a gaming machine for a period of 10 minutes by placing a "Reserved" sign over the screen of the machine.

During the 10-minute period, only the person who reserved the machine, or a staff member, may remove the Reserved sign and make the machine available for play by another person.

This venue does not permit the reservation of a gaming machine to allow the person to play another gaming machine during the period of reservation.

For further information on our “Reservation” Policy, please ask the Manager on duty.

(x) Signage pointing to the provision of further information regarding Responsible Gambling:

As part of our commitment to responsible gambling, the Club provides customers with further information regarding responsible gambling, including:

*How to access the Commonwealth Government’s website “MoneySmart” –

www.moneysmart.gov.au

*How gamblers and their families or friends can find gambling support services and self-exclusion programs and the Victorian Government’s Problem Gambling website –

www.problemgambling.vic.gov.au

(xi) Gambling product information

The rules for each Electronic Gaming Machine (EGM) game, including the chances of winning, are available by going to the Player Information Display (PID) screens on each gaming machine.

Customers should be shown how to access the PID screens and to view the information and/or be given the Player Information Display (PID) brochure, available within the gaming room.



(xii) Customer loyalty schemes

Whenever a customer loyalty scheme is periodically offered by this venue a brochure will be made available to customers detailing the appropriate information about the particular customer loyalty scheme available to participants including how and when rewards accrue, expire and are redeemed.

Participating customers will be informed about any benefits they have accrued as part of the loyalty scheme via a written statement or email on a periodic basis as determined by the venue. Self excluded persons may not join or remain in any loyalty scheme

Appendix 3

Regulatory Compliance Checklist

Date:.....

Item	Checked (Initials)	Compliance Action Required	Compliant (Initials)
Responsible Gambling Incident Register available and being used			
Self-exclusion Incident Register available and being used			
RG Statements of Commitment displayed:			
Gaming			
Wagering			
Keno			
“Code Available on Request” sign			
Copy of Code Available			
Gaming			
(including Community Languages)			
Wagering			
Keno			
Codes available to customers via Venue’s website			
“Playing the Pokies – Know the Facts” brochures at cashier’s station (at least as many as the number of EGM’s at the venue)			
Purple, blue and green YourPlay brochures (20 of each available at the cashier’s station and at least as many of each throughout the gaming room as the number of EGMs at the venue.			
Casual YourPlay player cards available at cashier’s station.			
A2 Responsible Gaming Posters (YourPlay) visible from each EGM			
A2 or A4 Responsible Gambling Sign at each entrance to gaming room			
Responsible Gaming Machine Talkers			
YourPlay functionality operational on every EGM			
Player Information Display brochures			
Machine Reservation Policy Sign			
Problem Gambling brochures			
“Payment of Winnings Policy” sign			
“MoneySmart/Problem Gambling” websites’ sign			

Link to “MoneySmart/Problem Gambling” websites on Venue’s website			
EGM “Conditions of Play” poster			
Prohibition of Credit for Gambling Sign			
Self-exclusion Information			
Self-exclusion Incident Register			
All Player Information Displays (PIDS) Working			
“Gambling by Minors Prohibited” Signage at each entrance to gaming room			
“Constant Video Surveillance” sign			
“VCLGR Rules Available” Signage			
Problem Gambling A4 Poster and Cards in Toilets			
Gambler’s Anonymous Poster			
“Keno Rules Available” signage			
Keno Game Guides			
Keno “Pre-commitment” sticker			
TAB “Under 18 Gambling Prohibited” signage			
TAB “Intoxicated Patrons’ signage			
TAB “If gambling is a problem” signage			
Child Safety Stickers at venue entrances			
Child Safety Signs in Car Parks			
EFTpos facility Not Visible From Gaming Room			
RSG/RSA Certificates Current			



Venue Support Program

Gaming Venue Engagement with the Gambler's Help Venue Support Program

Introduction

This information sheet outlines the level of a gaming venue's engagement with the Gambler's Help Venue Support Program.

Venue Information

Gaming Venue:	Ballarat Golf Club
Date of Form Completion	11 April 2018
Catchment	Crampians
Gambler's Help Agency	CAFS
Venue Support Worker/s	Bob Reid - Tanika James

Engagement and Training Data – Venue Support Program

Number of formal meetings (last 12 months)	One 6-2-18
Number of training sessions (last 12 months)	One 9-4-18
Number of staff trained (last 12 months)	Six
Average increase in staff knowledge (last 12 months)	25%

Venue Support Standardised Training Modules (last 12 months)

VSW	Gamblers Help	ID the Signs	Responding	Self-Exclusion	Code of Conduct	PID – EGM	YourPlay	Other
/	9-4-18	/	/	9-4-18	9-4-18	/	/	/

Engagement and Training Data – Responsible Service of Gaming

Number of training sessions (last 12 months)	NIL
Number of staff trained (last 12 months)	NIL

Venue Engagement

Gambler's Help agencies regard a venue as engaged when they cover the training topics above on an annual basis and meet quarterly with our Venue Support Worker. A highly engaged venue would exceed this level of training whilst continuing to meet with our Venue Support Worker.

Confirmation

The content of this form is endorsed by the following representative of the Gambler's Help agency:

Name: Bob Reid Signature: [Signature]

Title: VSW Date: 11 April 2018

**IN THE MATTER OF AN APPLICATION TO THE VICTORIAN COMMISSION FOR
GAMBLING AND LIQUOR REGULATION BY BALLARAT GOLF CLUB INC FOR THE
INSTALLATION OF AN ADDITIONAL SIX (6) ELECTRONIC GAMING MACHINES AT THE
BALLARAT GOLF CLUB, 1800 STURT STREET, BALLARAT**

WITNESS STATEMENT OF JOHN KING

Date of document:	August 2018
Filed on behalf of:	Applicant
Prepared by:	
BSP Lawyers	Tel: 9670 0722
Level 15, 200 Queen Street	Fax: 9670 0622
Melbourne Vic 3000	Ref: AE:MA:172649

1. My full name is John G King OAM and I reside at 1 Stafford Court, Lake Wendouree, Victoria.
2. In terms of my professional background, I am the Managing Director of the JG King Building Group, a Board of Governors Member for McCallum Disability Services (Not for Profit) and a Past Member of the Victorian Regional Development Committee, Central Highlands.
3. I am currently the President and a Director of the Ballarat Golf Club (**the Club**), a position which I have held for 2 years and have been a member of the Board for 8 years. I have been a member of the club since 1983.
4. The purposes of the Club include but are not limited to the following:
 - (a) *Always endeavour to present a golf course of exceptional standard and condition at all times and which is consistent with the design philosophy of the Thomson Perrett master plan;*

- (b) Offer high standards of golfing and hospitality services to members, guests and the corporate and private sectors to ensure high levels of utilisation of the Club's facilities;*
 - (c) Ensure membership growth through product, services and marketing initiatives;*
 - (d) Protect and ensure the long term viability of the Club through sound financial and operational management techniques;*
 - (e) Ensure staff are of the highest standard and have the knowledge, resources and support to deliver the product and services required and expected by the members and guests;*
 - (f) Always endeavour to retain the historical significance of the Club;*
 - (g) Be committed to the development of pathways for junior golf; and*
 - (h) Develop and promote the Club as an asset to the community.*
5. Up until the Club moved to a partially new course in 2008, it was Australia's oldest 18 hole club on its original site, as other golf courses founded before the Club moved to other locations throughout their history.
6. The Club was founded on Thursday 11 April 1895 at a meeting attended by just two people - ardent Scottish nationalist Thomas Drummond Wanliss, first president and John Corbett, first secretary. It was resolved to found a club to be called The Ballarat Golf Club.
7. Play commenced on an eleven-hole course on 24 May 1895 but this course only lasted two weeks as it was too short for a match of a single round and too long for a double round. From 8 June 1895 it became a nine- hole course. The course was on Crown Land that was part of the Ballarat common and yearly the Club paid a small rent for its

use. The original course architect, club captain Andrew Nicoll, modelled the course on St Andrews in Scotland.

8. In the early years, close ties with the Melbourne Golf Club (later Royal Melbourne) and the Geelong Golf Club existed. Ladies were admitted into the Club in 1899 and a separate ladies nine-hole course was established. By the early 1900s the Ladies Committee was a stand-alone committee that dealt with its own affairs. It was designated that Wednesday was Ladies Competition Day and Saturday was for the men. Golf was a winter sport and each year a gala opening day was held in April.
9. In 1909 the nine-hole course was expanded to a full 18-hole course. Players had complained about the many 'crossings and blockings' when playing the nine holes twice. Originally the course was like a cow paddock, greens were fenced in summer to protect them from grazing cattle, but by 1907 the course had improved so much that it was regarded as the best inland course in Australia and many professional players came to play on it.
10. In the 1920s some land was added to the course and holes lengthened. A new clubhouse was built in 1924.
11. A Country Golf Week played on leading Melbourne golf courses was first held in 1924. Sponsored by the Age newspaper, the trophy for winners of Country Week was known as 'The Leader Shield'. With over 100 country clubs involved, a representative Ballarat District team won the first competition. Ballarat GC had six of the seven members. In 1930-32 Ballarat completed a hat trick of country week wins and again team members mainly came from the Ballarat GC. Further wins came in 1946, 1948, 1949, 1958, 1990 and 1994.
12. In 1927 the order of playing the holes was changed so the ninth was in the vicinity of the clubhouse. Under plans from course architect Alex Russell from 1929 a five-year plan

brought considerable improvements. From 1927 until 2006 the course layout remained much the same, with the exception that the former "Clarke's trap" ninth hole was removed in 1973 and in its place a new fifth hole was created. Golf remained a winter game and the fairways in summer were dry and hard. Golf was increasingly popular in the district. Ballarat North had commenced in 1919 and was renamed Midlands in 1936. Both Creswick and Buninyong golf clubs began in 1926 and in 1948 Mt Xavier started.

13. In the 1930s and 1940s many international men and women golf champions came to the Ballarat GC to play exhibition matches and also many of Australia's leading players played. In 1947 the Victorian Ladies Golf Association organised country teams to play for the Alice Coltman Cup in recognition of Mrs Coltman's sterling administrative work for country golfers. That year the Ballarat district team were the first Cup winners followed by wins in 1949-52, 1956 and 1968. In each of these district teams Associates from Ballarat GC were prominent.
14. During World War Two in 1943, American marine officers used the clubhouse as their Ballarat headquarters and the annual Marines Cup is still a Club event. In the late 1950s ground floor extensions of the clubhouse were completed and opened by Victorian Governor Sir Dallas Brooks in November 1960.
15. From the 1950s increasing numbers began to play in summer and from 1982 the six monthly medals of May to October were expanded to 12 monthly medals.
16. After World War Two this trend continued and a highlight was Greg Norman's visit in 1983 when his 64 broke the course record.
17. Approval to locate 20 tennis courts on part of the 18th fairway was obtained at the 1959 Annual Meeting. It was a controversial issue and some members left the Club to join Midlands Golf Club in protest. Nevertheless the integration of the tennis club with the

golf club was successful and over the years many members have played in both golf and tennis competitions.

18. Major changes to club administration came in March 1993 when the first female, ladies committee president Elizabeth Chatham, was elected to the general committee.
19. Gaming machines were introduced into the Club in 1994 in a separate annex room and later in 2007 a 'smokers' area was added outside on the west of the building. The club offered limited catering on members nights at the old clubhouse. It was not until 2009 when the club moved to the new clubhouse that it introduced a Bistro offering 7 days a week.
20. The Club's Centenary was celebrated in 1995. Special events including the launch of a 128 page book *Golf at the Arch: A Centenary History of the Ballarat Golf Club 1895-1995* by Phil Roberts.
21. During its history the Club has had many volunteer women and men who have made a major contribution. One person in particular stands out – life member Peter Hoskin, committee member 1957–2002, president five times, captain twice, treasurer 11 years and fund-raiser extraordinaire.
22. As the Club didn't own its land on occasions such as in 1968 members discussed the possibility of moving to another location. At the time of the centenary, members realised moves needed to be made to purchase land or risk the possibility that in the future the course may be lost. Through the considerable effort of committee members and protracted discussions with the Department of Lands at first, the clubhouse land and a few years later the full course land was purchased in the late 1990s. Gaming was an integral part of funding the purchase of the land.
23. A further major change occurred early in the new century when local Ballarat firm Roadcon proposed an exciting development. It offered to purchase the eastern part of

the course in return for creating a new quality championship course on the western portion of the old course and on former common land to the north. After a detailed briefing of plans to Club members in early 2002, the vote was 310 to 10 to move ahead with the proposal.

24. The many barriers confronting Roadcon and committee members included solving water and highway access issues, producing acceptable designs for a new course and new clubhouse and securing land leased to the University of Ballarat.
25. An historic land signing occurred on 31 January 2008 when the golf club and Roadcon exchanged land titles. Roadcon now owned the eastern part of the old course and the golf club owned the land for the new course. As a result, in 2008 land titles were swapped and a new Championship Course was constructed. The official opening was in November 2009.
26. Small parts of the original course are retained – parts of the old 3rd, 7th, 13th and 14th and the new Clubhouse is on the 15th so it can still be claimed as Australia's oldest 18-hole course of original land. By 2015 more than 400 new homes had been built on the old course land. Developers 'Integra' have landscaped the area attractively with waterways and walking tracks.
27. Ballarat is fast establishing itself as one of Australia's premier courses and is rated in the top 50 of Australia. With the black tees at 6193 metres and blue tees at 5817 metres (old course 5462 metres) and 50 bunkers, golfers at all levels are challenged by the links-style layout that boasts heavily undulating fairways and contoured greens. The Ballarat Golf Club course is viewed as the premium course in Ballarat and as such attracts a fee structure higher than other local course but chargeable fees are restricted as to be able to compete with local competition.

28. The Club has always and continues to play a number of significant roles in the community:
- (a) It is the number one community asset for community service groups including Rotary, Probus, Lions, and View Club offering meeting and event spacing (often free of charge).
 - (b) It is the number one golf course in the region offering local, regional, state, national and international events drawing large numbers from outside Ballarat.
 - (c) It is the social hub of the local community offering a safe and welcoming space for members and guests.
 - (d) It is a leader in the community in terms of its commitment to the prevention of violence against women being the first golf club to sign with the CORE Alliance Group and the Ballarat Golf Board making a commitment to its principles of a safe, equal and respectful society for everyone.
29. As a Director of the Club, I am responsible individually and collectively for the stewardship of the Club to achieve its goals.
30. As President, I provide overall leadership of the Club ensuring that it meets its strategic direction. I oversee the performance and evaluation of the General Manager and meet with the General Manager to discuss the overall performance of the Club, including but not limited to HR, Corporate Governance and Financials.
31. I attend weekly meetings with the General Manager in which I am made aware of any incidents at the Club in addition to the General Manager's Monthly Board Report.
32. The Club takes its responsibilities in relation to the responsible service of gambling (**RSG**) extremely seriously all gaming employees undertake all required training.

Further to this the Club is currently working with a training specialist to develop an RSG overview course suitable for our Board members.

33. Our Vision is that "*The Ballarat Golf Club will strive to be recognised as the premier golf club in country Victoria*". From this vision the Ballarat Golf Club Board, its Members and staff established its Strategic Plan.
34. The Strategic Plan focus on a number of key pillars being The Course, Clubhouse, Membership, Marketing, Financial Sustainability and Corporate Governance
35. The Course Enhancement Plan is the outcome of the Club's objective to present a golf course that is challenging, but which also meets the needs and expectations of golfers of all abilities and aptitudes.
36. The purpose of the Course Enhancement Plan is to ensure a planned progressive strategy on tree replacement, strengthen boundary and screen planting, a course that is accessible for all abilities with a focus on females in line with the clubs target of a successful model of gender equality in a golf club.
37. The Clubhouse Masterplan plan is the outcome of the key initiatives of "Pillar Two the Clubhouse" of the strategic plan to ensure member and public use expectations are met. The Club developed a facility improvement concept plan that considered improvements to services including a clearly defined food and beverage identity that leads our dedicated market segment, a modern and socially responsible gaming offer and to ensure the clubs ongoing financial viability.
38. The clubhouse refurbishment, which is tied to this application, is an essential part of the overall strategy to improve facilities and services to members and guests ensuring the club continues to stay relevant and also the implementation of a number of structural improvements to create greater efficiencies of service and product.

39. Both works programs are underpinned by the clubs objective to ensure the ongoing financial sustainability of the club. Ensuring the continued long term viability of the club as a key asset in the Ballarat community is integral.
40. Without the approval of this application, the full extent of the clubhouse refurbishment, as discussed in further detail in the witness statement of Michael Phillips, cannot be completed to the satisfactory level expected by our members and guests to deliver on the clubs key objectives around the presentation of the clubhouse that adequately caters for the needs of members, customers and others.
41. Whilst the Course Enhancement Plan is not directly tied to this application, our ability to generate additional funds will secure the Club's financial position so as to be able to complete these works sooner rather than later.
42. In 2005, the then Victorian Commission for Gaming Regulation simultaneously approved an application for a premises approval (due to the relocation of the Clubhouse) and an increase in the number of permissible gaming machines at the Club from 28 to 36, commencing on the transfer of operations from the exiting venue to the proposed new Clubhouse. The works which were part of that application were completed by the Club and the additional entitlements were anticipated to come from within Ballarat as when the application was prepared the Tabcorp/Tatts duopoly was in force and Tabcorp was going to source the additional entitlements from other venues within Ballarat. However, by the time the Clubhouse was built the duopoly had ended and we could not compel operators within Ballarat to give us their entitlements and we were outbid in the 2012 auction. Given that the entitlements we have now contracted to purchase, some 12 years later, were initially operating in Baw Baw Shire and have now been moved into Ballarat (although are not in use), the Commission have recently advised that the 2005 approval to increase the gaming machines by eight is conditional on "removal of EGMs from other gaming venues within the municipal district of Ballarat".

Accordingly, even though the application to increase the number of gaming machines at the premises was technically granted and the works completed, given the machines could not be sourced from within the municipality, we have effectively had to “re-lodge” the gaming application.

43. I also note that the Club has planning permission to install up to 36 gaming machines and so further planning permission is not required to install an additional 6 gaming machines.
44. The Club would not exist in its current state without gaming. With less capacity to invest in and maintain our major assets we could not sustain the quality of offering to the community through our clubhouse and course facilities.
45. I strongly believe that the Club can responsibly accommodate an additional 6 gaming machines.

**IN THE MATTER OF AN APPLICATION TO THE VICTORIAN COMMISSION FOR
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INSTALLATION OF AN ADDITIONAL SIX (6) ELECTRONIC GAMING MACHINES AT THE
BALLARAT GOLF CLUB, 1800 STURT STREET, BALLARAT**

WITNESS STATEMENT OF MICHAEL JOHN PHILLIPS

Date of document:	August 2018
Filed on behalf of:	Applicant
Prepared by:	
BSP Lawyers	Tel: 9670 0722
Level 15, 200 Queen Street	Fax: 9670 0622
Melbourne Vic 3000	Ref: AE:MA:172649

Background

1. My full name is Michael John Phillips and I reside at 8 Bligh Place, Wyndham Vale, Victoria.

2. Up until May 2018, I was the General Manager of the Ballarat Golf Club (**the Club**), a position which I held for nine (9) years. I have now taken up a new role as venue manager for the Manly Bowling Club as part of the Mounties Group. My roles and responsibilities on a day to day basis included the following:
 - (a) Reporting to the Board on all areas of club operations;
 - (b) Overseeing the operation of all financial systems, including all statutory reporting, budgets, cash flow and capital expenditure;
 - (c) Human Resources including recruitment, payroll, performance management and industrial relations;
 - (d) Marketing including the development and implementation of strategies to achieve growth and evaluating their success;

- (e) Overseeing a strong and sustainable food and beverage market for all the Club's functions, bars and dining;
 - (f) Overseeing gaming performance and ensuring all financial and regulatory requirements are met;
 - (g) Event planning and management;
 - (h) Overseeing golf operations and golf course maintenance; and
 - (i) Managing membership user group relationships.
3. I have worked in a number of hospitality venues over the course of my career, some with gaming machines and some without including the Foster Golf Club, Narooma Golf Club, Hoppers Golf Club, Sunshine Golf Club, Bellcour Restaurant and Parks Restaurant. A copy of my Curriculum Vitae is **attached** to this witness statement as **Annexure 1**.
4. I have undertaken Responsible Service of Alcohol and Responsible Service of Gaming training, in addition to Licensees' First Step training. I also hold a Gaming Employee Licence.

The Club

5. A detailed history of the Club is set out in the witness statement of President John King.
6. The Club currently provides the following range of facilities:
- (a) Bistro with seating for 110 patrons;
 - (b) Board/Committee room for 30 patrons;
 - (c) Main Function Room/Members Lounge 1/Ladies Lounge (capacity for 160 patrons);

- (d) Titheridge Room/Members Lounge 2 (capacity for approximately 90 patrons);
 - (e) Gaming room with 28 electronic gaming machines (**EGMs**);
 - (f) Outdoor lounge areas with seating for up to 60 patrons;
 - (g) 18 hole golf course;
 - (h) Pro-shop and cart store; and
 - (i) Male and female change rooms.
7. As at the start of 2018, the Club had 2,452 members. Golfing membership has enjoyed a very steady natural membership position going against the national trend of declining membership numbers. The Club prior to 2010 did not have an offer of social membership and this category has grown significantly over the last eight (8) years to be a thriving membership category now.
8. Our clubhouse is operational on Monday between 10.00am and 11.00pm, on Tuesdays and Wednesday between 10.00am and 12.00am, on Thursdays through to Saturdays between 10.00am and 1.00am and on Sunday between 11.00am and 11.00pm.
9. Our bistro is operational until 8.30pm Mondays to Wednesdays, 9.00pm Thursday to Saturdays and 8.00pm on Sundays.
10. Once the main bistro closes for service, the gaming room and bistro space itself remain open, serving beverages, coffee and cake after 9.30pm.
11. We have approximately 49 staff in total, which is comprised of 23 full time staff, 6 part-time staff and 20 casuals. All of our staff are locals.
12. The Club hosts a wide range of functions including:

- (a) National Futures Championships – a weeklong event held in conjunction with the PGA, hosting the best trainee golfers from around Australia and internationally. The event includes the best trainee from England, New Zealand, South Africa and America.
 - (b) Ballarat Golf Club Annual Tournament – this is hosted over 9 days including a mixture of men's, women's and mixed golfing events. It is in its 108th Year, and one of the longest ongoing amateur golfing events in the country.
 - (c) Ballarat Sportsman's Club – a very unique 'not for profit' club which has a proud tradition of over 57 years involvement in the Ballarat and district sporting community. Life Members include football greats Lou Richards and both the late Ron Casey and Jack Dyer, who were regular attendees and instrumental to the Club's early beginnings. The Club supports the Ballarat Sports Foundation which financially assists young promising athletes from this district to obtain the assistance they need along the way to achieve their goals.
 - (d) February Sportsman Event – the prestigious Ballarat Sportsman of the Year award with 350 people attending the event at the Club.
13. The Club has two members nights being Tuesday and Friday, holding raffles, members badge draws and member only meal offers. The Club also hosts over 2000 community club meetings and events over a calendar year, including the Ballarat Sportsmans of the Year award to Rotary Changeover Dinners and Probus Club birthday celebrations.
14. In addition to our cash and in-kind community contributions, we provide our function room free of charge to various community groups including:
- (a) Rotary Club of Ballarat – Weekly – 42 times per year.
 - (b) Rotary Club of Ballarat South – Weekly – 42 times per year.

- (c) Rotary Club of Wendouree – Weekly – 38 times per year.
 - (d) Ballarat Evening View Club – Monthly – 11 times per year.
 - (e) North Ballarat Probus – Monthly – 11 times per year.
 - (f) Goldfields Probus – Monthly – 11 times per year.
 - (g) Eureka Probus – Monthly – 11 times per year.
 - (h) Ballarat Speakers Club – Monthly – 10 times per year.
 - (i) Alfredton-Lucas Lions Club – Twice Monthly – 20 times per year.
 - (j) Sports Association Australia Ballarat Branch – Monthly – 11 times per year.
 - (k) Ballarat Sportsman's – Monthly – 11 times per year.
 - (l) Ballarat District Golf Association – Monthly – 10 times per year.
15. Our patrons predominantly come from within the wider Ballarat area but we also see a catchment of golfers and food and beverage patrons from Melbourne and surrounding suburbs. We continue to see growth as a destination venue starting to draw patrons from interstate and internationally as we develop our major events.

Community Contributions

16. The Club plays an active role in the Ballarat Community, not only being a venue that supplies its facilities for community groups to meet, raise funds and promote their purpose but also actively supports key issues. We are a member of Core, Commitment of Respect and Equality with Women's Health Grampians and have a member on the Board. We also have representation on the fundraising committee of United Way Ballarat.

17. As the General Manager I am also on the Community Clubs Victoria Managers Advisor Committee, President of the Club Managers Association Victoria Zone, and Commissioner on the Basketball Victoria Technical Officials Commission.
18. In the 2016-17 financial year the Club made \$5,815.10 in cash contributions to local organisations and over \$42,000.00 in in-kind donations and vouchers.
19. In addition to free room hire, we also provide a significant reduction in menu pricing for these groups. The total value of discounts over the last 12 months is just over \$36,000.
20. If the application is approved, the Club will increase its cash contributions by an additional \$5,000 per annum.

Responsible Service of Gaming

21. A detailed description of our Responsible Service of Gaming (**RSG**) practices are set out in the witness statements of Hannah Meade and Leigh Barrett.
22. A Responsible Gaming Officer (**RGO**) is rostered on at all times the Club is open. At every shift change the RGO will brief any incidents from that shift. At the weekly meeting all RGO's will cover off any ongoing issues. Every Monday morning the RGO on duty will give the General Manager an overview of the previous week and any matters that need addressing. I am on call 24/7 for any urgent matters but over my nine (9) years at the Club we have never had a major incident.
23. Leigh Barrett and Associates have been engaged by the Club to review its practices on RSG and Anti Money Laundering. That report is tabled at the Board meeting. As part of his audit, Mr Barrett recommended that we look at frosting the glass doors to the gaming room, which we have attended to. The gaming room itself is therefore no longer visible from other parts of the venue.

24. We also modified the entrance from the bistro into the gaming room requiring members and patrons to push a button to enter. This prevents the door opening when people, including children, walk by the doors.
25. Our gaming room has a modest number of gaming machines and continually reaches capacity during our peak periods due to our various hospitality and golfing operations. Our bistro/function capacity can cater for upwards of 320 people and our golf events can bring up to 240 players to the Club on any one day. The additional machines will help service this demand in peak times.
26. The Club was issued a Planning Permit by the City of Ballarat (**Council**) in 2007 for use and development of the land for the purpose of a clubhouse building, which included approval to use and install 36 EGMs. Accordingly, no further planning permission is required from Council to install the additional 6 gaming machines. A copy of Planning Permit PLP/2007/836 is **attached** to this witness statement as **Annexure 2**.

Proposed Works

27. I believe that the Club has many strengths including a high quality golf course, quality function centre capabilities which are well utilised by local non-member community groups, a welcome pro-service shop and team, strong membership numbers, a popular bistro which is well supported with good food, great staff and excellent value for money. We serve 1500-1600 meals in a bistro that seats approximately 110 people.
28. Despite our strengths, there is always room for improvement. The clubhouse is beginning to look tired as is the furniture, carpet and other fixtures. We currently have limited ability for capital reinvestment given the Club is only generating a low surplus. The low cost of our membership means our golf operations are unsustainable.

29. In 2017, our golf and course operations loss was \$316,816.00. The clubhouse operations, via our food and beverage trade and gaming, allow the Club to reinvest greater resources into its course to produce what is a championship facility. Its fees are not subsidised and they are set based on the market conditions and the ability of local members to pay.
30. The Club must continue to be relevant and operate a business model that ensures the ongoing future of the club for another 100 years. Accordingly, the works proposed address fundamental areas of our business which we believe require improvement.

Clubhouse Redevelopment

31. In an area of significant competition within the hospitality sector it is essential that the product and service we offer to members and guests is of a standard that continues to ensure a positive financial position for the Club. Ballarat is an extremely competitive hospitality environment.
32. Nine years on since the last redevelopment took place, the furniture and fittings are tired and worn and need replacing. We have to continue to be relevant and offer what our members and guests need and with the continued increase in costs of running a business we need to continue to look at ways to create efficiencies and savings in the way we operate. Particularly when competitor venues such as Zagame's Ballarat Club Hotel have recently undergone a major \$7 million redevelopment.
33. The furniture within the Club is damaged and severely marked and needs replacing. The number and quality of furniture will be dependent on the Club's ability to fund same from increased gaming revenue. The Club will not be able to operate with current furniture for no more than 6 months before we need to act. If the application is not approved, the quality and scale of the proposed works will be reduced significantly.

34. Furthermore, general wear and tear of the carpets over 9 years has created the need to replace the current carpets.
35. There is also currently insufficient furniture storage. This has shortened the life span of the furniture due to over stacking.
36. Our bars need to provide further offerings (product range) and service efficiencies to ensure the ongoing viability of the Club. These works will help improve the overall earnings within the bar. However, they will not occur if this application is not approved.
37. We started by developing a strategic plan for the Club through consultation with all key stake holders including our members, staff, board and user groups. Based on the outcomes of the strategic planning process we established the Clubhouse Development Subcommittee who worked on developing a detailed brief of potential works. We engaged an architect to develop concept plans, and in turn engaged DWS Hospitality to undertake a Local Market Assessment and a Cost Feasibility Study. We also engaged DBQS Consulting to complete quantity surveying on concept plans.
38. The focus was on an overall refresh of the venue including carpets and furnishings, re-design of two bars, improved staff efficiencies through bar layout and storage facilities, all working towards improving our net position.
39. The proposed cost of these works is \$977,257.00 (excluding GST). **Attached** as **Annexure 3** are costings.
40. If the application is not approved, a lesser redevelopment will occur in the sum of \$345,367.00 (excluding GST). **Attached** as **Annexure 4** are costings. There would be a reduction in terms of the furniture costs and the quality of the overall fitout and a majority of the works including those to the refurbishment of the bar, lighting, store room/delivery area would not occur at all.

41. The Club will have limited scope to undertake some of the more urgent works around the replacement of furniture and carpets and improvements to the course at a limited capacity if the application is not approved. In addition to the proposed modest increase in expenditure if the application is approved, the Club will also enjoy an increase in complementary expenditure if we can modernise our venue as a result of increased food and beverage sales in addition to tax savings. Our current cash flow would not support the Club carrying out the full extent of the renovation works if the application is not approved.
42. The Club has strict rules regarding the purposes for which the Club's funds may be used and given the funds used are members funds, they must be distributed conservatively. Our members would not vote to support these works without the income from the additional machines.
43. These works are essential for the Club's ongoing financial viability and must happen in 2018 but presently will not happen without the increased revenue from gaming.
44. The Club intends to use a local builder, Nat Thwaites Construction and Thomas Catering Equipment for bar equipment and bar fitouts. Where possible, local contractors will be used.
45. The Club has been working separately with its architects and members on the development of a four stage Masterplan. This plan is a vision for the future of the Club and no commitment has been made to its completion.

Course Enhancement Plan

46. A 5 year Course Enhancement Plan has also been prepared and approved by the Club's Board.
47. The Course Improvement Plan is **attached** to this witness statement as **Annexure 5**.

48. The course works ensure that our core business, golf, continues to grow and adapt to the needs of the members and ensuring we continue to deliver on our objective of a quality golf course for our members and guests.
49. The development of the course is to reflect the changing landscape of golf towards a focus on a female friendly environment, ensuring speed of play in addressing the issue of people with limited time, and to deliver on the Club's vision of the Ballarat Golf Club striving to be recognised as the premier golf club in country Victoria.
50. Whilst these works are not tied to this application directly, securing the Club's financial position will ensure that the Course Enhancement Plan can proceed as planned.

Conclusion

51. The proposed works to the clubhouse ensure that we offer a modern, welcoming and efficient clubhouse for the community. The proposed works address some fundamental issues with service and efficiencies within the bar areas, better storage for our community user groups, and an environment that is welcoming to our community.
52. Success of the application will contribute to the Club being able to increase its contributions to the community of Ballarat.

Annexure 1 - Curriculum Vitae



MICHAEL PHILLIPS

GENERAL MANAGER

PERSONAL PROFILE

A passionate and energetic professional who combines positive community benefits with commercial success. A proven business leader with the capacity to build strong and sustainable partnerships with a broad range of stakeholders.

CONTACT

-  8 Bligh Place
Wyndham Vale
Victoria
-  mcznp@outlook.com
-  0400 331 276
-  michael-phillips-78821a55

SUMMARY

Experienced General Manager with a demonstrated history of working in the sports industry. Strong business development professional skilled in Budgeting, Food & Beverage, Business Planning, Event Planning and Operations Management.

I have proven performance in Change Management Organisational Development & Workplace Culture. Team-oriented leader, understanding the importance of Brand Identity with a strategic focus, exceptional work ethic and effective communicator.

I am experienced in working closely with Management Boards and key stakeholders in Board Governance and Strategic Planning.

SKILLS

- Leadership - Attract, retain, motivate and develop teams.
- Financial - Budgets, forecasting, preparing and interpreting financial reports, manage business metrics.
- Business Management - Strategy, business functions, decision making.
- Corporate Governance - Policies and systems to assist in effective governance framework.
- Team Building - The ability to achieve success through developing others and creating a strong culture.
- Collaboration - Build relationships, manage conflicts and negotiate outcomes.
- Forward Thinking - The ability to plan for the future.

EDUCATION

Advanced Diploma in
Hospitality Management,
Federation University Australia

Certificate III In Commercial
Cookery, The Gordon Tafe

PROFESSIONAL & VOLUNTEER AFFILIATIONS

Basketball Victoria - Technical
Officials Commission
VBRA - Grass Roots Committee
Chairperson
Community Clubs Victoria -
Club Manager Advisory Council
Club Managers Association
Victorian Zone - President

PROFESSIONAL & ORGANISATIONAL ACHIEVEMENTS

2017
Best Golf Club
2016
Best Community Support Project
Club Employee of Year
VGCSA Apprentice Year
AGSCA Apprentice Year
2013
Best Gaming Club
Customer Service Award
2012
Club of the Year
Manager of the Year
2011
Best Golf Club
Best Club Bistro

PROFESSIONAL EXPERIENCE

Ballarat Golf Club, General Manager

MAY 2009 - CURRENT

- Report to the Board on all areas of club operations
- Oversee the operation of all financial systems, including all statutory reporting, budgets, cash flow & capital expenditure.
- Human Resources including recruitment, payroll, performance management & industry relations
- Marketing including the development & implementation of strategies to achieve growth and evaluating their success.
- Oversee a strong and sustainable food & beverage market for all the clubs functions, bars and dining.
- Maximise gaming performance & ensure all financial & regulatory requirements are met.
- Event planning & management.
- Oversee golf operations & golf course maintenance.
- Manage membership & user group relationships

Sunshine Golf Club General Manager

April 2007 - May 2009

- The relocation and set up of the Sunshine Golf Club at Mt Derrimut including building all policies, procedures & systems, establishing financial processes, staff recruitment, build a food & beverage business, marketing strategies and golf operations.

GENERAL MANAGER, FOSTER GOLF CLUB

November 2005 - April 2007

HOSPITALITY MANAGER, NAROOMA GOLF CLUB

September 2003 - November 2005

HOSPITALITY MANAGER, HOPPERS CLUB

November 1994 - September 2003

HEAD CHEF, BELLECOUR FRENCH RESTAURANT

March 1991 - November 1994

Event Highlights

- PGA National Futures Championships 2014 - 2017
- Australian Women's Championships 2016
- Australian Taxi Golf Championships 2012
- Australasian Firefighters Golf Championships 2011
- ALPG Pro-Am 2018

Annexure 2 - Planning Permit PLP/2007/836

PLANNING PERMIT

Permit No

PLP/2007/836A

Planning Scheme

Ballarat (Gazetted 26/11/98)

Responsible Authority

Ballarat City Council

ADDRESS OF THE LAND:

Crown Allotment 8B, 10A Section 11, Parish of Cardigan
CA8B Sturt Street, ALFREDTON VIC 3350

THE PERMIT ALLOWS:

Use and development of the land for the purpose of a clubhouse building, proshop, restricted place of assembly with a full club liquor licence under the liquor licence control reform act 1998, approval to install and use thirty-six (36) gaming machines at the proposed premises, carpark, access to a road zone, tennis courts and landscaped areas generally in accordance with the submitted documentation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. The use and development as shown on the endorsed Master Plans must not be altered without the written consent of the Responsible Authority.
2. Before the development starts, additional plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the endorsed Master Plans but modified to show:
 - a) Clarification and greater detail of the building design, with consistency across plans and all drawn to an appropriate scale. 1:50 scale sections must be provided of key architectural elements.
 - b) A schedule of construction materials, external finishes and colours (including samples) must be submitted to and approved by the responsible authority.
 - c) The provision of smoking areas to accord with the provisions of the Tobacco Act dealing with smoking bans in licensed premises.
 - d) Details and location of external security lighting or car parking areas.
 - e) A fully dimensioned site plans including nomination of Title boundaries, proposed street works, refuse storage/collection, etc.
 - f) The provision of landscaping within the carpark including kerbing between the footpath, method of surfacing, etc.
 - g) Increased landscaping setback along south boundary in the vicinity of the 8 proposed car parking spaces.
 - h) The provision of 2 additional pedestrian paths to provide access to the clubhouse building in the following locations: (1) along the main vehicle entrance and (2) along the west side of the car park (east side of southern most tennis courts) and continuing through the car park to the main entrance of the building. Both paths must connect to the public footpath in Sturt Street.
 - i) The continuation of the public footpath in Sturt Street to the western boundary.

Date Issue 6 January 2009

Signature for the
Responsible Authority



PLANNING PERMIT

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Planning Scheme

Ballarat (Gazetted 26/11/98)

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Ballarat City Council

- j) FFL and overall building heights relative to the AHD.
- k) Staging of works including timeframes.
- l) Any other buildings or works required by any condition of this permit.
- m) Details of external fencing.
- n) The extent of the licensed area to be delineated by a red line and be limited to the building.
- o) A minimum of 5 bicycle parks.
- p) The collection and reuse of rainwater.
3. All buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement the occupation of the building and/or in accordance with the staging plan.
4. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- (b) details of surface finishes of pathways and driveways;
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- (d) details of in-ground irrigation systems;
- Any landscape plans must be professionally prepared in accordance with the "City of Ballarat Landscape Guidelines for Development - September 2000 version (section 3.0)".
- Three (3) sets of all plans must be professionally prepared and presented with the following information and in the following format:
- drawn to an accurate and clearly legible scale on maximum A1 size and minimum A3 size sheets;
 - include a north arrow, site location, scale of drawing, date, drawing no. and the author/designer details;
 - be neatly drawn and presented;
 - be reproducible and legible in a black and white format (eg. plan should not rely on colour reproduction for coding or interpretation).
5. Before the occupation of the building/s all landscape works forming part of the endorsed Landscape Plans must be completed and maintained to the satisfaction of the responsible authority. At the written request of the owner, the responsible authority may defer the implementation of the landscaping works due to water restrictions.

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Planning Scheme

Ballarat (Gazetted 26/11/98)

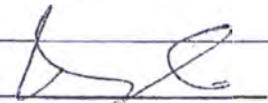
Responsible Authority

Ballarat City Council

6. All air conditioning plant and equipment, services, pipes, fixtures, fittings and vents must be located so as to be incorporated within the building and shall not project beyond the roofline or from an external wall without the consent of the Responsible Authority. All plant and equipment shall be appropriately located and baffled to minimise noise levels to the satisfaction of the Responsible Authority.
7. Unless otherwise approved in writing by the Responsible Authority, the premises shall only be open for the consumption and sale of alcohol between the following hours:
Monday to Saturday: 7:00am and 3:00am the following morning.
Sunday: 8:00am and 1:00am the following morning.
8. The licensed area must be limited to the area as shown on the endorsed plans unless otherwise approved in writing by the Responsible Authority.
9. No more than 36 gaming machines may be used at the premises and must only be located within the 'restricted gaming lounge' as shown on the endorsed plans.
10. The use of the 'gaming' area and consumption and sale of alcohol as shown on the endorsed plans must be limited to members of the club or to an authorised gaming visitor or guest of a member of the club.
11. All persons engaged in the serving of liquor must undertake a responsible serving of alcohol course provided by or approved by Liquor licensing within three months of employment.
12. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to garbage storage areas as soon as practicable after garbage collection.
13. No bottles or other waste material shall be removed from the site between the hours of 9.00pm on any day and 7.00am the following morning.
14. No music, including amplified or live, must be played or piped to external areas after 10.00pm without the further written consent of the Responsible Authority.
15. Prior to commencement of any construction works on this site, a detailed Construction Management Plan must be submitted to and approved by the Responsible Authority. This plan must detail the following:
 - a) *A staging plan for all construction phases including indicative dates for commencement and completion.*
 - b) *Intended access points and paths for construction vehicles.*
 - c) *Engineering assessment of assets that will be impacted on by construction and recommended techniques to minimise any adverse impact.*

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Responsible Authority



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- d) *Details of actions to be implemented to in the event of damage to abutting assets.*
- e) *Details of where construction personnel will park.*
- f) *Hours/days of construction.*
- g) *Phone numbers of on-site personnel or other supervisory staff to be contactable in the event of issues arising on site.*
- h) *Details of site cleanliness and clean up regimes.*
- i) *Material storage.*
- j) *Dust suppression measures.*

When approved this Construction Management Plan shall form part of this permit as it relates to the development.

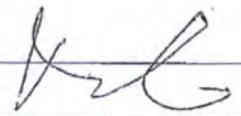
16. Prior to the commencement of the permitted use, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. All activities forming part of the use must comply with the endorsed Management Plan. The Patron Management Plan shall include (but is not limited to):
- a) *Security arrangements, including the number of staff and security personnel on site and their employment areas/localities during evening periods;*
 - b) *The patrolling of the site and surrounds by security staff, including routes and frequency;*
 - c) *Control of intending patrons outside the premises.*
 - d) *Control of noise by intending and departing patrons outside the premises.*
 - e) *The management of anti-social behaviour from patrons on and off the premises*
 - f) *Collection of street rubbish in the adjacent vicinity of the premises on a regular basis.*
 - g) *The agreement of adhering to the LINK – Be Safe Late Program.*

The licensed premises must operate and be managed in accordance with the conditions and provisions of the approved Patron Management Plan to the satisfaction of the Responsible Authority.

17. All development and works must be carried out in accordance with the Construction Management Plan required by the above condition and endorsed under this permit, to the satisfaction of the Responsible Authority.
18. During the construction phase of the development, the following conditions must be met:
- (a) *only clean rainwater shall be discharged to the stormwater drainage system;*

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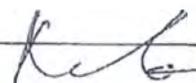
Responsible Authority

Ballarat City Council

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- (b) stormwater drainage system protection measures shall be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
- (c) vehicle borne material from the premises shall not accumulate on the roads abutting the site;
- (d) all machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- (e) fencing is to be fitted and installed so as to ensure safe access for pedestrians; and,
- (f) all litter (including items such as cement bags, food packaging and plastic strapping) must be contained on site within appropriate storage containers to the satisfaction of the Responsible Authority.
19. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) transport of materials, goods or commodities to or from the land;
- b) appearance of any building, works or materials;
- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) presence of vermin or otherwise;
- In the event of any nuisance being caused to the neighbourhood by activities related to the use and development the Responsible Authority may direct, in writing, such actions or works, as deemed appropriate, to eliminate or mitigate such nuisance be undertaken.
20. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy N-2 (Control of music noise from public places).
21. Provision must be made for disabled access to all public areas to the satisfaction of the Responsible Authority and one disabled toilet is to be provided within the building to the satisfaction of the Responsible Authority.

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Engineering Conditions:

22. All underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with plans, computations and specifications submitted to and approved by the Responsible Authority prior to the commencement of construction of drainage works.

Such drainage works shall include the provision of an on-site stormwater detention system designed in accordance with the City of Ballarat's 'Site Stormwater Management Systems Policy' and installed to transport stormwater run-off from the subject land and surrounding land or adjoining road(s) to an approved point of discharge.

No stormwater shall drain or discharge from the land adjoining properties without the prior approval of the Responsible Authority.

On completion of the construction of the stormwater detention system, as constructed drawings shall be submitted to the Responsible Authority. The plans shall be certified by a suitably qualified and experienced engineer eligible for Corporate Membership of the Institution of Engineers, that the completed works are in accordance with the approved plans, design levels and specification.

Water Sensitive Urban Design principals must be incorporated into the design.

All works shall be completed to a standard satisfactory to the Responsible Authority prior to the use hereby approved commencing.

23. On-site external lighting shall be installed to the satisfaction of the Responsible Authority prior to the occupation of the buildings.
24. The loading and unloading of goods from vehicles must only be carried out on the land (*within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land*).

All vehicle entry to and egress from the site shall be in a forward direction. A site plan showing turning circles shall be submitted to the Responsible Authority for approval, demonstrating that all vehicles can manoeuvre within the site enabling entry and egress to be in a forward direction prior to the use hereby approved commencing.

25. Road Access Connection to Sturt Street: Three sets of civil plans, designs, computations and specifications shall be submitted to the Responsible Authority for approval prior to works commencing on the site. All works shall be completed in accordance with the approved plans, design, computations and specification to the satisfaction of the Responsible Authority.

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At the completion of the works one set of 'as constructed' civil plans shall be submitted to the Responsible Authority.

The works to be completed include:

- placement and compaction of road pavement
- construction of kerb and channel
- placement of asphalt wearing course
- underground drainage.

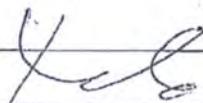
26. Where a new carpark or pavement is provided, protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
27. The naturestrip fronting the development must be constructed in accordance with levels and specifications submitted to and approved by the Responsible Authority.

The works are to include –

- i. the reshaping of the naturestrip;
 - ii. topdressing the area with a 75 millimetre rolled depth of good quality loamy topsoil free of any weed or seed; and
 - iii. seeding the area with an appropriate seed mix.
 - iv. All such works must be completed to the satisfaction of the Responsible Authority prior to the use hereby approved commencing.
28. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed
 - (b) properly formed to such levels that they can be used in accordance with the plans
 - (c) surfaced with an asphalt wearing course
 - (d) drained
 - (e) line-marked to indicate each car space and all access lanes
 - (f) clearly marked to show the direction of traffic along access lanes and driveways
- to the satisfaction of the responsible authority.

Date Issue 6 January 2009

Signature for the
Responsible Authority



PLANNING PERMIT

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PLP/2007/836A

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Ballarat (Gazetted 26/11/98)

Responsible Authority

Ballarat City Council

Car spaces, access lanes must be maintained and kept available for these purposes at all times.

All works shall be completed in accordance with plans and specifications prepared to the satisfaction of the Responsible Authority and submitted to and approved by the Responsible Authority before the use/occupation of the development starts.

29. A minimum of six car spaces must be provided for the exclusive use of disabled persons. These car spaces must be provided as close as practicable to suitable entrances of the building and must be clearly marked to indicate that the space must only be utilised by disabled persons. The minimum dimensions of such car spaces must be 3.2 metres wide by 4.9 metres long.
30. That parking and access arrangements be generally in accordance with Cl. 52.06 of the Planning Scheme and AS 2890.1 2004 Parking Facilities, Part 1, Off street car parking and as indicated on drawing Number 07.002 TP03, October 2007 as revised.
31. All carparks and accessways shall be designed, constructed and sealed to the satisfaction of Councils Engineering Development Section.
32. All parking bays and accessways shall be suitably delineated, signed and maintained at all times.
33. Suitable illumination of all parking areas and accessways shall be provided with lighting to Councils satisfaction.
34. A sign to the satisfaction of the responsible authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres.

Dept. of Sustainability and Environment Conditions:

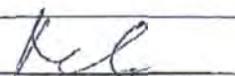
35. Unless otherwise approved in writing by the Dept. of Sustainability and Environment and the Responsible Authority, no native vegetation indigenous to Victoria, including grasslands must be removed or damaged to the satisfaction of the Responsible Authority.

Central Highlands Region Water Authority Conditions:

36. The applicant shall provide reticulated water and sewer to the development to the satisfaction of Central Highlands Water.

Date Issue 6 January 2009

Signature for the
Responsible Authority



PLANNING PERMIT

<i>Permit No</i>	PLP/2007/836A
<i>Planning Scheme</i>	Ballarat (Gazetted 26/11/98)
<i>Responsible Authority</i>	Ballarat City Council

Country Fire Authority Conditions:

37. Reticulated Water Supply:

Operable hydrants, above or below ground must be provided to the satisfaction of CFA.

The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.

Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)

38. Roads:

Roads must be constructed to a standard so that they are accessible in all wether conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

The average grade should be no greater than 1 in 7 (14.4%), however, a maximum of 1 in 5 (20%) may be allowed for a maximum of 50 metres. Dips should have no more than a 1 in 8 entry and exit angle.

Curves in driveway must have a minimum radius of 10 metres.

Must provide a trafficable width of 3.5 metres, be clear of encroachments 4 metres vertically and have no obstructions within one metres of the formed width of the road, to the satisfaction of the Responsible Authority.

Vicroads Conditions:

39. Access from the Ballarat - Burrumbeet road to the proposed development must be in accordance with the "Sturt Street Upgrade Project" (drawing no: 2128252A-CIV-2009) attached.
40. Any change to thawing no: 2128252A-CIV-2009 must be approved by VicRoads.
41. The contractor must be VicRoads prequalified for road works.
42. All works must be at the developers cost.
43. The discharge of any concentrated drainage into the declared road drains or culverts is not permitted.

Date Issue 6 January 2009

*Signature for the
Responsible Authority*



PLANNING PERMIT

Permit No

PLP/2007/836A

Planning Scheme

Ballarat (Gazetted 26/11/98)

Responsible Authority

Ballarat City Council

44. The crossover/access and associated works must be completed to VicRoads satisfaction prior to any part of the development coming into use.
45. Prior to commencing work within the declared road reserve the developer must:
- Not commence any works in, on, under or over the Ballarat - Burrumbeet road reserve without having first applied for and received written consent from VicRoads for those works in accordance with section 63 of the Road Management Act 2004.
 - Submit final detailed construction drawings (including street lighting, line marking and drainage requirements) to be approved by VicRoads. The detailed construction drawings must be certified that they are in accordance with VicRoads standards by a certified VicRoads road design consultant.
 - Prepare a specification for the works in accordance with the relevant sections of the VicRoads' Standard Specification For Roadworks.
 - Submit a Road Safety Audit report, prepared by a VicRoads qualified consultant of the detailed drawings of the proposed access.
 - Ensure that the roadworks specification requires that the works are guaranteed for a 'Defects Liability Period' of not less than 12 months.
 - Demonstrate that all works are quality assured.
 - Works must not proceed until the plans and specifications have been approved in writing by VicRoads.
46. This permit will expire if one of the following circumstances applies:
- the development is not started within two years of the date of this permit; or
 - the development is not completed within six years of the date of this permit.

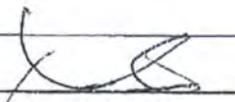
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief Description of Amendment
31 December 2008	<ul style="list-style-type: none">Amended endorsed plan showing the licensed area from clubhouse area only to also include the full course.

Date Issue 6 January 2009

Signature for the
Responsible Authority



Annexure 3 - Proposed Cost of Works

Ballarat Golf Club Project Financial Summary - Estimate

Revised Budget

Contingency

\$ 46,536.05 5.00%

ITEM	ESTIMATE	FRIEGHT	ACTUAL	COMMENTS
2 FURNITURE				
Total Furniture Cost	\$ 224,500			
Function room (Tables x 53 / chairs x 212)	\$ 145,750			Chairs @\$500e, Table @\$750
Bistro/ café area (Tables x 21 / Chairs x 84)	\$ 78,750			Chairs @\$750e, Table @\$750
3 LIGHTING				
Lighting	\$ 5,000			supply and install of lighting
5 CONSULTANTS FEES				
Consultant design & authority fees	\$ 15,000			engineer/ lighting/machincal/ (\$5Ke = \$15K)
6 BUILDER				
Preliminaries	\$ 20,000			
Paint Internal (only)	\$ 70,000			Painting to all interior public spaces
Bar works	\$ 300,000			
Store Room/Delivery Area	\$ 120,000			
Coolroomj/Freezer	\$ 20,000			
New Doors/ frames/ hardware	\$ 10,000			New
Mechancial services - excluded				Aircurtain, heaters to alfresco, any upgrades required to existing heating and cooling system
	\$ 85,000			
Carpet (\$100/m2 to supply & install) + removal				Supply, & install carpet- estimate 496.9m2(bistro/ Lounge) + 84.7m2 (golf entry) + 30% wastage.
Tile flooring (\$160/m2)	\$ 6,582			26.5m + 10.9m + 10% wastage
Vinyl flooring (\$140/m2)	\$ 7,000			
Timber flooring (\$150/m2)	\$ 12,639			76.6m + 10% wastage
Floor prep	\$ 20,000			
Drop down bulkheads, make good works				
Building Works - subtotal	\$ 686,221			
7 TECHNOLOGY				
Info Signs				\$7000 each x 2
Digital signage (menu boards)	\$ 15,000			\$3000 each x 5

TOTAL \$ 930,721
TOTAL (including contingency) \$ 977,257

Annexure 4 - Proposed Cost of Works (Lesser Redevelopment)

Ballarat Golf Club Project Financial Summary - Estimate

Refurb Budget - without top up, all red will be removed

Contingency \$ 16,446.05 5.00%

ITEM	ESTIMATE	FRIEGHT	ACTUAL	COMMENTS
2 FURNITURE - This will still occur, most likely at a 40% less cost per item				
Total Furniture Cost	\$ 134,700			
Function room (Tables x 53 / chairs x 212)	\$ 87,450			Chairs @\$300e, Table @\$450
Bistro/ café area (Tables x 21 / Chairs x 84)	\$ 47,250			Chairs @\$450e, Table @\$450
3 LIGHTING				
Lighting				supply and install of lighting
5 CONSULTANTS FEES				
Consultant design & authority fees				engineer/ lighting/machinal/ (\$5Ke = \$15K)
6 BUILDER				
Preliminaries				
	\$ 70,000			
Paint Internal (only)				Painting to all interior public spaces
Bar works				
Store Room/Delivery Area				
Coolroom)/Freezer				
New Doors/ frames/ hardware				New
Mechanical services - excluded				Aircurtain, heaters to alfresco, any upgrades required to existing heating and cooling system
	\$ 85,000			
Carpet (\$100/m2 to supply & install) + removal				Supply, & install carpet- estimate 496.9m2(bistro/ Lounge) + 84.7m2 (golf entry) + 30% wastage.
Tile flooring (\$160/m2)	\$ 6,582			26.5m + 10.9m + 10% wastage
Vinyl flooring (\$140/m2)				
Timber flooring (\$150/m2)	\$ 12,639			76.6m + 10% wastage
Floor prep	\$ 20,000			
Drop down bulkheads, make good works				
Building Works - subtotal	\$ 194,221			
7 TECHNOLOGY				
Info Signs				\$7000 each x 2
Digital signage (menu boards)				\$3000 each x 5

TOTAL \$ 328,921
TOTAL (including contingency) \$ 345,367

Annexure 5 - Course Improvement Plan



Ballarat Golf Club – Landscape Masterplan

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THOMSON PERRETT
Golf Course Architects
est. 1982

Introduction

The landscape setting is fundamental to the presentation and enjoyment of the game. Whilst the golfers appreciation and enjoyment of the landscape may be at a subconscious level we as landscape / golf architects consciously apply a rigor to the landscape design process to establish a clear and logical strategy to maximize the benefits of the landscape installation.

The Ballarat Golf Club (BGC) as part of the clubs long term vision have identified the need to enhance the existing landscape, with support from Thomson Perrett. The original vision was for the course to play through a landscape (reminiscent to **Royal Adelaide**). The similarities with the large pines in combination with the native local indigenous plants made for a perfect scenario for the BGC. The landscape at present has not reached it's full potential and to not maximize the local flora and fauna would do a dis service to the BGC. The course it self always presents and plays well, but without the enhanced backdrops, boundary planting, improved plant species and the rationalization of the cart paths the course will not evolve sufficiently.

The BGC is one of the best courses in regional Victoria and with the clubs desire for sustained success we are pleased to offer our services. The BGC sits within a temperate climate zone with extremely cold wet winters contrasting to hot dry summer's. The palette of plants selected will be consistent around the course and our plan will be to use local indigenous plants.

This document outlines the general approach to landscaping the course and includes recommendations on a hole by hole basis. It is proposed to introduce "distinctive" landscape character types or plant associations through which the golf will be played. This will increase the interest of the individual holes and make them more memorable.

We propose the following landscape plant associations that will occur through the course.

1. Boundary Planting
2. Backdrop
3. Landscape of Tees
4. Wetland Planting
5. Enhancement of existing landscape

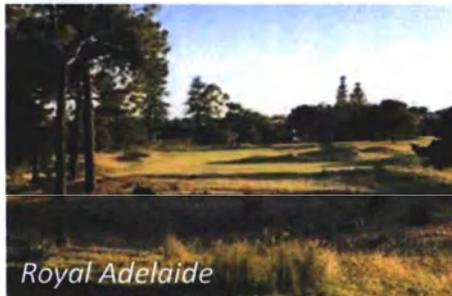
BGC, will set a high standard regarding it's landscape, complimenting the already well respected community landscapes within the region. The landscape will not only form a key ingredient in enhancing the game and the enjoyment of golf, providing a balance of nature and the man made environment, giving refuge and sanctuary for numerous habitats and plant species but ultimately, delivering a memorable experience to golfers and visitors.

The photo's on the following page demonstrate the similarities between the BGC and the Royal Adelaide Golf Club, which has been our vision.

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THOMSON PERRETT
Golf Course Architects
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Similar characteristics between the Ballarat GC and Royal Adelaide GC



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THOMSON PERRETT
Golf Course Architects
EST. 1982

Introduction

Along with the **Landscape Plan** the BGC have asked Thomson Perrett to also assess the following areas.

- Grassing policy
- Greens
- Bunkers edges
- Cart Paths
- Speed of play
- Irrigation
- 45,000 approx rounds per year.
- Driving Range

As with any top quality golf course, all aspects of the golf course need to blend seamlessly and compliment the course. Our aim is to reduce the amount of rough cutting and unwanted extra maintenance the club currently incurs while giving the golfer greater room to play their game. As responsible golf architects we must factor in the irrigation parameters and the overall water usage. Over **irrigation** can have implications on the golf course and landscape which cause greater use of chemicals for weed eradication if not planned comprehensively.

We have been extremely pleased with the quality of the **greens, tees, fairways** and **bunkers** over the initial years and the BGC. However the bunker edges have been a source of frustration to members, golf architects and the ground staff. The binding of the bunker edge is critical to the bunker face and lip. Without this consolidation, the bunker edge will suffer due to the hydrophobic nature of the soil. The ground staff over the last 6-12 months have started making progress around the course ensuring the edges improve and are far more appealing and playable. Internally the bunkers always present and play as they should.

Currently the **fairway** footprint is approximately 10.7ha. Our planning in conjunction with the landscape plan and the consideration of the irrigation system is to open the course where practical and give the golfer more room to play from the short grass. We envisage by taking a holistic view of the golf course the fairway footprint will increase some 30% to around 15ha. This will please the majority of golfers and will help speed up play. Speed of play and long grass has been one of the biggest issues facing many clubs over the last summer period in the south east of Australia. BGC sits on a relatively flat piece of land and with little distance from greens to tees, there is little doubt that rounds consisting of play under 4hrs is achievable. Royal Adelaide have a recently opened their landing areas and have reduced their playing time to 3.45hrs. All players are expected to be finished within this time frame. This approach has been very positive and seen greater patronage within the clubhouse.

The clubs desire to rationalise the **cart path** system around the course is quite a challenge. We have taken the opportunity to eradicate some paths and will formalise a system that is far more formal and is bordered where practical with plants. At present many of the crushed rock paths have grown from 2m tracks out to 4-6m wide cart paths. As the paths have got wider the landscape edging has got weaker. Again the cart path system must co exist with the golf and landscape.

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Golf Course Architects
EST. 1982

Introduction

The ability of the cart path system will give the ground staff team options to minimise wear on the course. With close to **45,000 rounds** of golf played per annum the club needs flexibility to move golfers away from compacted areas and allow the turf to prosper. Heavy wear areas may require concrete pathing, but our desire is to minimise the paths to a maximum width of 2.5m. We also see the opportunity to provide either grass or mulch paths for the players who choose to walk. These paths will allow staff to spread the wear and tear around green complexes.

The driving range at Ballarat GC provides a great practice facility to the club and its members. The club is looking to expand its membership base and seeking an increased patronage from junior golfers. A practice bunker has been planned to be built on the eastern end of the driving range. Some minor earthworks will be required and the opportunity also arises to increase the size of the chipping area within the practice facility.

In assessing the course, TP Golf strongly believe that the course has great potential. The key to reaching the goals of the club is consistency across all areas of the course.

In Summary

- Increased short grass and playing areas – 10.7ha currently to 15ha of short grass
- Extended fairways, reducing carry ways from the tee
- Expanded landing area widths
- Continue bunker improvements
- Rationalised cart path system
- Increased planting within areas that are out of play
- Maintenance reduction of rough cutting

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THOMSON PERRETT

Golf Course Architects
2014



Course Master Plan

LEGEND

- Fair Way and Tees
- Greens
- Sand Bunkers
- Water Sources/wetlands
- Closed Landscape
- Low Plantings
- Wetlands Plantings
- Fescue
- Car Path

THOMSON PERRETT
CoP Course Architects



Turf Footprint

- 23ha
- Fairways
- 15ha
(Extra 3.7ha of fairway)
- Greens
- 1.2ha
- Tees
- 1ha
- Rough
- 5.8ha

Turf Footprint



Irrigation

- Fairway width
- Usage 90 meg
- Unwanted weeds
- Mounding

Irrigation Plan



Cart Paths

Consider

- Concrete in high wear areas.
- 2.5m Max Width
- Alternative from crushed rock
- Maintenance track
- Walking paths



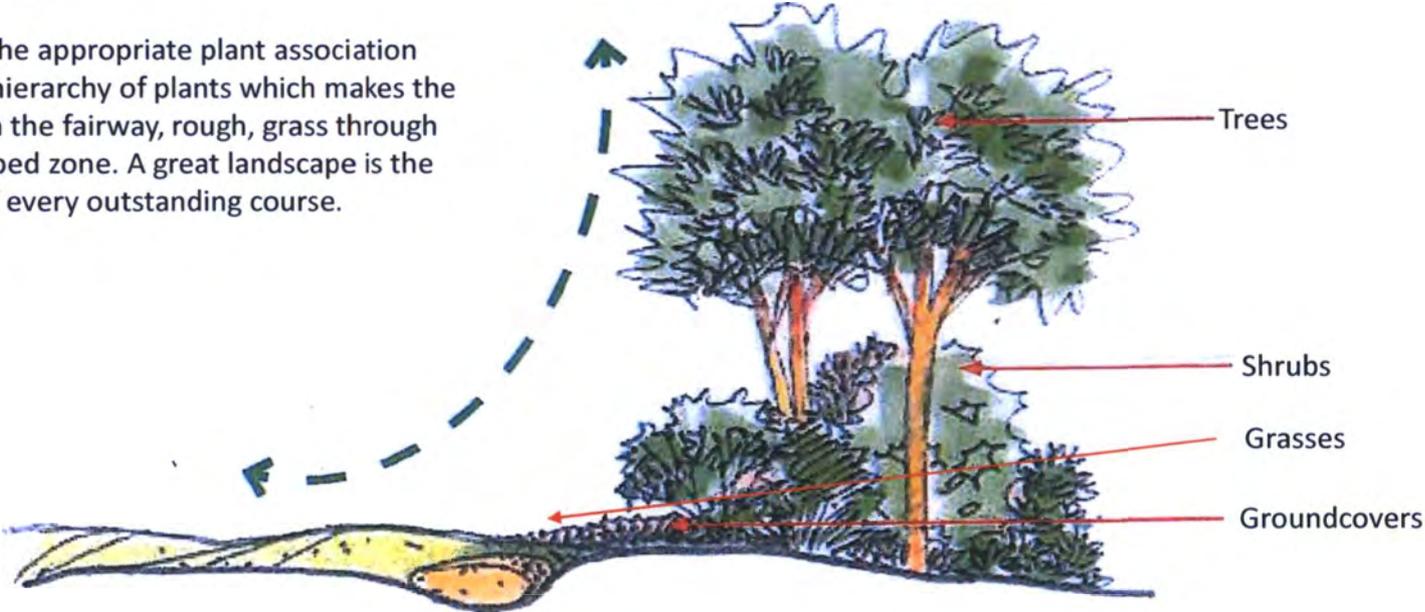
Landscape Coverage

Landscape

- Boundary Planting
- Backdrop Planting
- Internal Planting
- Low Planting
- Wetland Planting

Plant Hierarchy

Planting with the appropriate plant association will provide a hierarchy of plants which makes the transition from the fairway, rough, grass through to the landscaped zone. A great landscape is the cornerstone of every outstanding course.



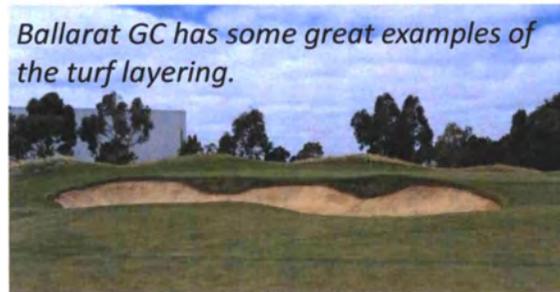
Hierarchy Planting Concept.

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Golf Course Architects
11

Turf Layering

Royal Birkdale (Venue - 2017 Open Championship) shows a great example of the layering and transition from fair ground to foul ground. The picture below illustrates the mowing patterns and parameters of which the Ballarat Golf Club is following



13



6



12

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Golf Course Architects
EST. 1988

Index and Features



F1 – First Cut Rough – transition from fairway to rough grass. This area will be approximately one to two runs around the fairway. The first cut will follow the lower areas of land sections that require maintenance, usually these areas are on the outer reaches of irrigation.

F2 – Second Cut Rough – transition grass from first cut – generally to the outer area of the assessed playing spaces, in play mounding or transition to wetlands areas.

F2 - Fescue grass supporting bunker face. These areas will be maintained as the 2nd cut of rough. The current restoration works are improving the natural look, bunker lip and playability of the bunkers.

The mounding around the “in play” areas of the course will be maintained in the same manner.

Dotted Line – Existing fairway



11



6

F3 - Fescue grass – mounding.

A good example of the mounding and transition grasses behind the 6th and 11th green. The lower areas of the mound is maintained while the higher areas have a natural look giving the green a natural transition to the backdrop planting and out of play areas. These areas require minimal maintenance and help frame the holes.

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Index and Features



Closed Landscape – Boundary Planting, Backdrop Planting, Internal Planting
Trees, Shrubs, Grasses, Ground Covers.
Plants selected and availability determined from Ballarat Wild Plants.
Generally out of play areas and minimal maintenance.



Low Planting - Fescue grass – Native Grasses – Ground Covers
Plants selected and availability determined from Ballarat Wild Plants.
Generally out of play areas and minimal maintenance.



Wetland Planting – selected areas with the majority of plants within the red stakes



Cart path – clean turf edge to cart path,
Path width 2.5m maximum.
Consider concrete for high wear areas.

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Golf Course Architects
1998

Index and Features



Cart path – clean turf edge to cart path,
Path width 2.5m maximum.
Consider concrete for high wear areas.



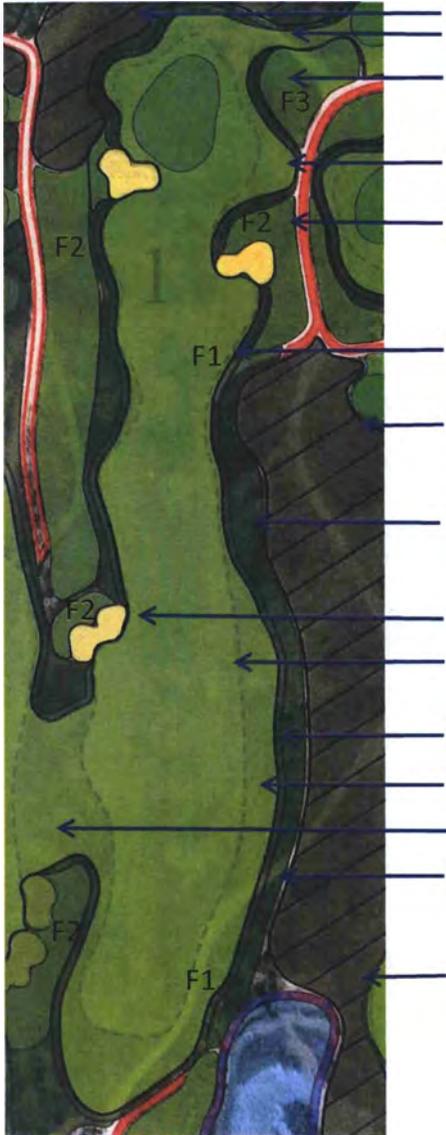
Increase – size of landing area.
Fairway widths will be expanded and extended.
At present fairways cover 10.7ha, increasing the fairway footprint to 15ha



Carries to be either a couch grass or fescue mix - depending on soil type, irrigation, shade or golfer traffic. These areas will be managed as first or second cut depending on the turf management requirements at the time.

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Golf Course Architects



Closed Landscape - Backdrop Planting - Trees/ Shrubs and Grasses
Grass walking path to second tee

F3 - Fescue grass – natural looking mounding.

Extend short grass around the green

F2 - Fescue grass supporting bunker face

F1 – First Cut

Closed Landscape – Internal Planting – Trees/ Shrubs and Grasses

F2 – Second Cut

F2 - Fescue grass supporting bunker face

Existing Fairway – Dotted line

Expand fairway width – compliment irrigation and mounding

Increase – size of landing area

Connect 1st and 18th fairways

Minimize mound heights where applicable

F1 – First Cut

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
 Recommendations

Hole

1

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Existing Fairway – Dotted line

F1 – First Cut

Extend fairway

Wetland Planting – inside red stakes

F1 - Carry Way – fescue grasses

Minor Tree Removal

New Tee

Low Planting - Native Grasses, Lomandra plants – same as presently in this area.

Closed Landscape – Internal Planting - Trees/ Shrubs and Grasses

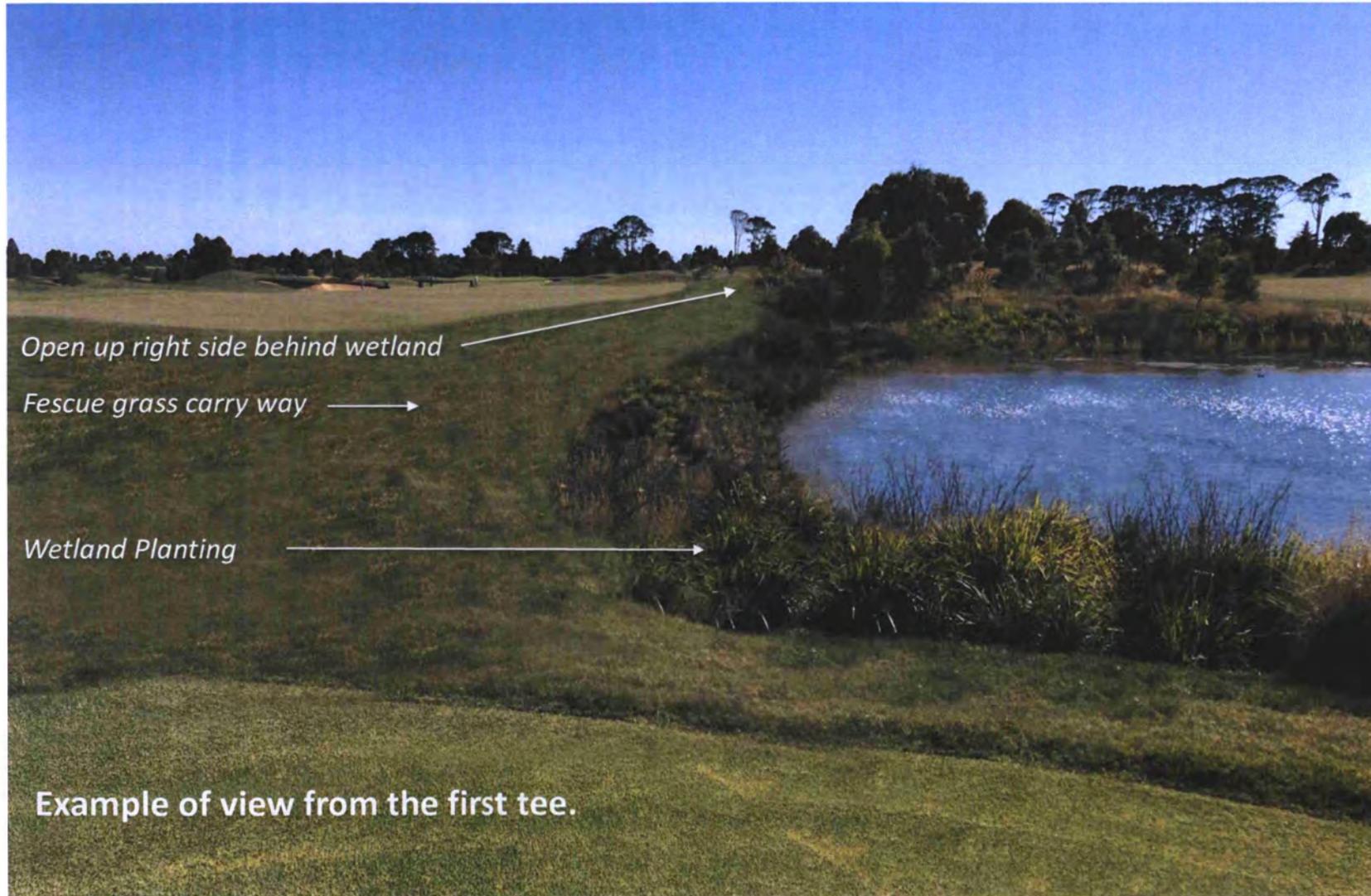
RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
Recommendations

Hole

1

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Open up right side behind wetland →

Fescue grass carry way →

Wetland Planting →

Example of view from the first tee.

Hole

1

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Golf Course Architects



Extend short grass around the green, minor mound required
Grass walking path to second tee

Closed Landscape – Boundary Planting:
 Trees/ Shrubs and Grasses

Expand fairway width – to extent of irrigation and mounding

F1 - Connect Rough

F2 - Fescue grass supporting bunker faces

F3 - Fescue grass will be left in out of play areas.

Closed Landscape – Internal Planting:
 Trees/ Shrubs

Expand fairway width – compliment irrigation and mounding

Increase – size of landing area

Extend fairway

F1 - Carry way – couch grass

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
 Recommendations

Hole

2

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Hole
2



Grass walking path to second tee

Extend short grass around the green, minor mounding required

F3 - Fescue grass – natural looking mounding

Closed Landscape – Boundary Planting:
Trees/ Shrubs Grasses and Groundcovers

F1 – First Cut

F2 – Second Cut

Existing Fairway – Dotted line

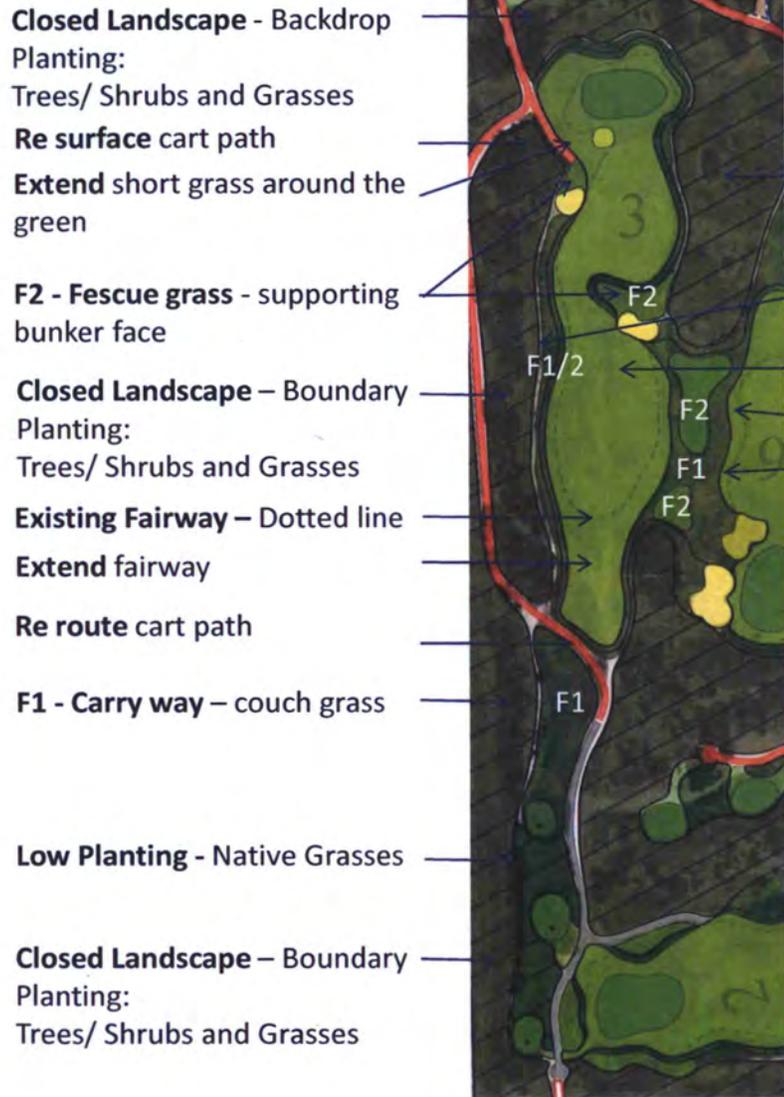
Expand fairway width – to extent of irrigation and mounding

F2 - Fescue grass supporting bunker faces while transitioning to
closed landscape

F1 – First Cut

F2 – Second Cut

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME



Closed Landscape - Internal Planting:
Trees/ Shrubs and Grasses

F2 - Second Cut
F1 - First Cut

Expand fairway width - to extent of irrigation and mounding

F2 - Second Cut
F1 - First Cut



RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

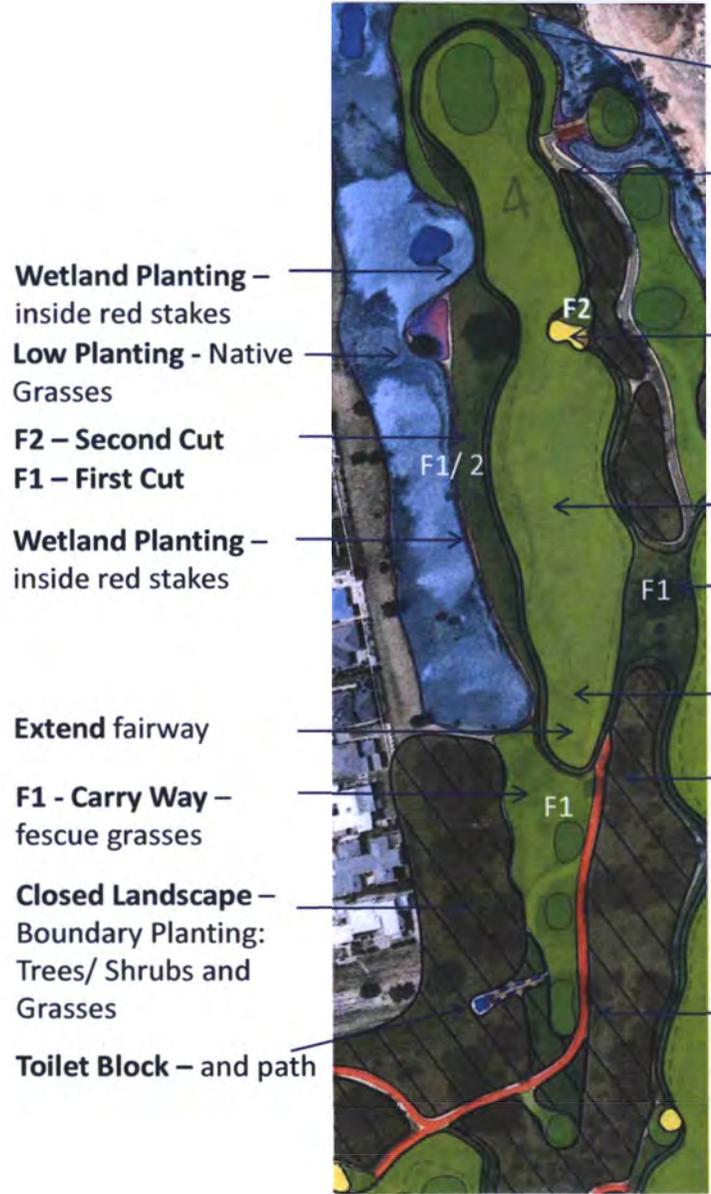
Hole by Hole Recommendations

Hole
3

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Golf Course Architects

Hole by Hole Recommendations

Hole
4



F3 - Fescue grass – natural looking mounding

Re surface cart path - concrete

F2 - Fescue grass supporting bunker face

Expand fairway width – to extent of irrigation and mounding
Increase – size of landing area

F1 – First Cut. Keep lone pine tree and add another.

Existing Fairway – Dotted line

Closed Landscape – Internal Planting:
Trees/ Shrubs and Grasses

Re route cart path

Wetland Planting –
inside red stakes

Low Planting - Native
Grasses

F2 – Second Cut
F1 – First Cut

Wetland Planting –
inside red stakes

Extend fairway

F1 - Carry Way –
fescue grasses

Closed Landscape –
Boundary Planting:
Trees/ Shrubs and
Grasses

Toilet Block – and path

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

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Golf Course Architects

Wetland Planting –
inside red stakes
F1 – First Cut
F2 – Second Cut

F3 - Fescue grass -
supporting bunker face

F3 - Fescue grass -
supporting bunker face

Wetland Planting –
inside red stakes
F1 – First Cut
F2 – Second Cut

Extend fairway

F1 - Carry Way –
fescue grass

Wetland Planting –
inside red stakes

Re align – back tee



Closed Landscape - Backdrop Planting:
Trees/ Shrubs and Grasses

Walking Path

F2 - Fescue grass supporting bunker face

Expand fairway width – compliment irrigation and mounding

Expand fairway width – to extent of irrigation and mounding
Increase – size of landing area

F1 – First Cut. Keep lone pine tree and add another.

Re route cart path

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
Recommendations

Hole

5

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Golf Course Architects
1990

Extend - short grass around the green, address large grate.

Closed Landscape – Boundary Planting: Trees/ Shrubs and Grasses

Wetland Planting – inside red stakes

F2 - Fescue grass - supporting waters edge
Extend fairway

Re align path.

F1 - Carry way – couch grass

Closed Landscape – Boundary Planting: Trees/ Shrubs and Grasses



Closed Landscape - Backdrop Planting: Trees/ Shrubs and Grasses

F3 - Fescue grass – Natural looking mounds

F2 - Fescue grass – Second Cut

F1 - First Cut

Expand fairway width – to extent of irrigation and mounding

F2 - Fescue grass – Second Cut

Closed Landscape – Internal Planting: Trees/ Shrubs and Grasses

Hole by Hole Recommendations

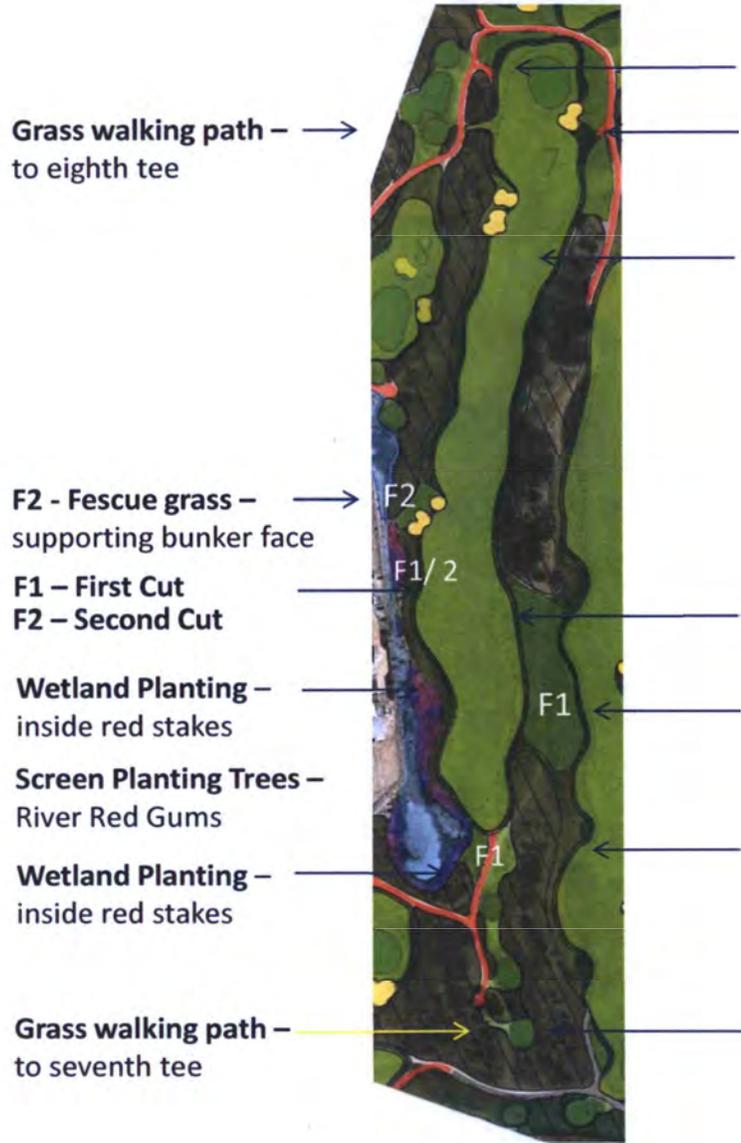
Hole

6

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

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Golf Course Architects
1990



Extend short grass around the green, minor mounding required

Alternative cart path – to eighth tee

Expand fairway width – to extent of irrigation and mounding

Increase – size of 2nd landing area

Expand fairway width – to extent of irrigation and mounding

Increase – size of landing area

F1 - Connect Rough

F1 - Carry way – fescue or couch grass

Re Align – back tee approximately 5metres.

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
Recommendations

Hole

7

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Cliff Course Architects

Walking path to ninth tee

Extend fairway

Low Planting – Native Grasses

Walking path to eighth tee



F3 - Fescue grass – Natural looking mounds

Expand - short grass around the green

Existing Fairway – Dotted line

Increase – size of landing area

F1 - First Cut

F2 – Second Cut

Remove vegetation that obscures view of right half of hole

Extend tee - ideally 600m2 for short par 3's

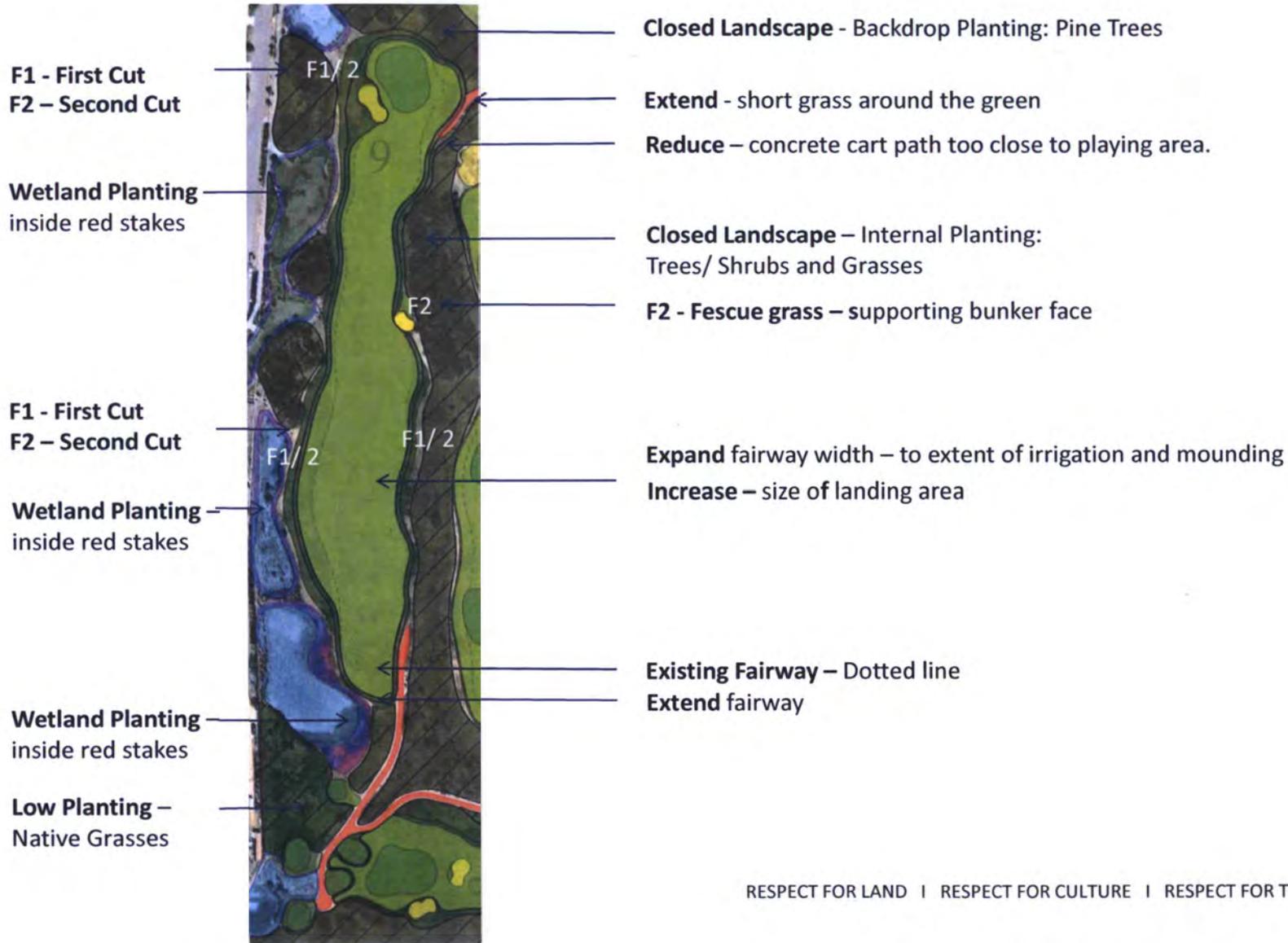
Hole by Hole Recommendations

Hole

8

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

THOMSON PERRETT
Golf Course Architects



RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
Recommendations

Hole
9

THOMSON PERRETT

Golf Course Architecture
2010

Grass walking path -
to eleventh tee

Extend short grass around
the green,
minor mounding required

F2 - Fescue grass - mounding

F2 - Fescue grass -
supporting bunker face

Closed Landscape - Boundary
Planting:
Trees/ Shrubs and Grasses

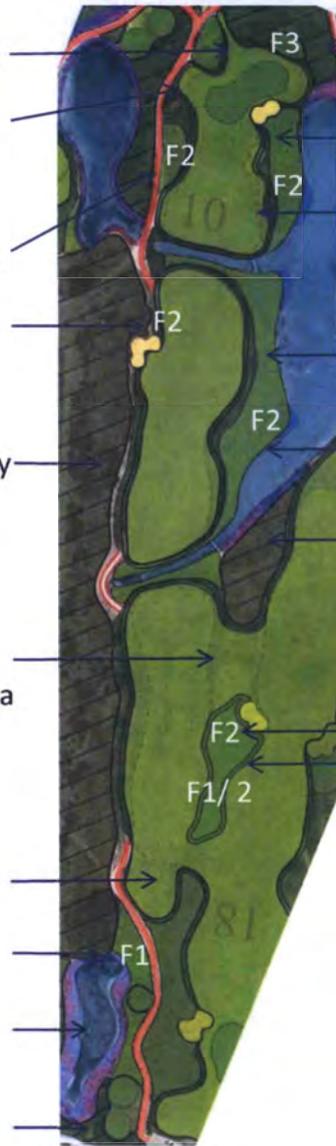
Connect fairway
Increase - size of landing area

Extend fairway

F1 - Carry Way -
fescue grasses

Wetland Planting -
inside red stakes

Low Planting -
Native Grasses



F3 - Fescue grass - Natural looking mounds

Remove bunker - expand fairway

Expand fairway width - to extent of irrigation and mounding

F2 - Fescue grass - supporting waters edge

Wetland Planting -
inside red stakes

Closed Landscape - Internal Planting:
Trees/ Shrubs and Grasses

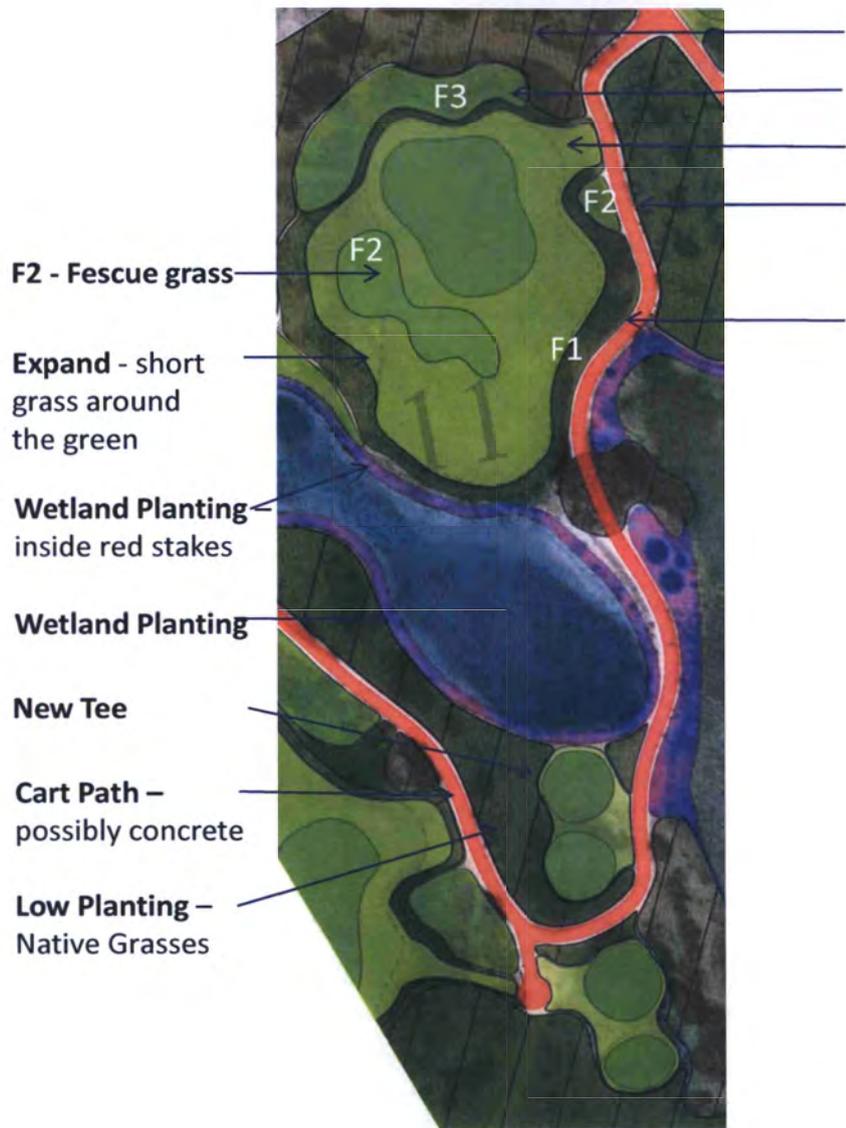
F2 - Fescue grass - supporting bunker face
F1 - First Cut
F2 - Second Cut

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
Recommendations

Hole
10

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Closed Landscape - Backdrop Planting:
 Trees/ Shrubs and Grasses
F3 - Fescue grass – Natural looking mounds
Extend - short grass around the green
F2 - Fescue grass - mounding
F1 - First Cut

Hole by Hole Recommendations

Hole
11

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Landscape Restoration View



Hole
11

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F2 - Fescue grass – mounding

Extend – short grass around the green to cart path

Closed Landscape – Boundary Planting: Trees/ Shrubs and Grasses

Extend fairway

F1 Carry way – couch grass

Low Planting – Native Grasses

Cart Path – possible concrete



Grass walking path - to thirteenth tee

F3 - Fescue grass – Natural looking mounds

F2 - Fescue grass - mounding

**Expand fairway width – to extent of irrigation and mounding
Increase – size of landing area**

Wetland Planting – inside red stakes

F2 - Fescue grass

Wetland Planting – inside red stakes

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

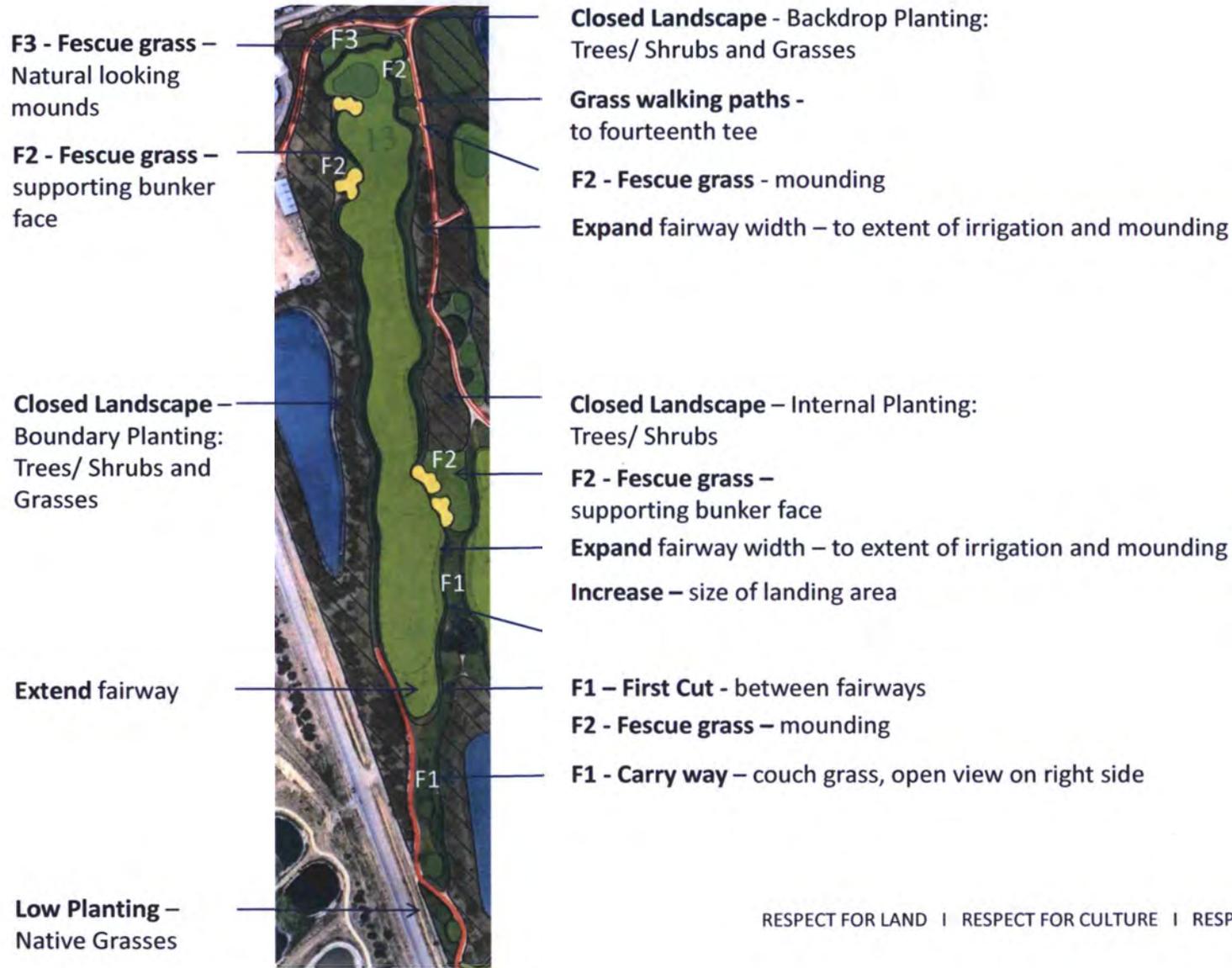
Hole by Hole Recommendations

Hole

12

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RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole Recommendations

Hole
13

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F1 - Fescue grass –
leave eucalyptus

Closed Landscape –
Internal Planting:
Shrubs

Expand fairway
width – to extent
of irrigation and
mounding

F1 – First Cut
F2 – Second Cut

Increase –
size of landing area

Extend fairway

F1 - Carry Way –
fescue grasses



Grass walking paths - to fifteenth tee

Re route cart path

Reduce Bunker size

F2 - Fescue grass – supporting bunker face

Closed Landscape – Internal Planting:
Trees/ Shrubs

F1 – First Cut - between fairways

F2 - Fescue grass – supporting bunker face

Expand fairway width – to extent of irrigation and mounding

Existing Fairway – Dotted line

Wetland Planting – inside red stakes

Low Planting - Native Grasses

Cart Path – turning circle just past teeing area, landscape out.

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

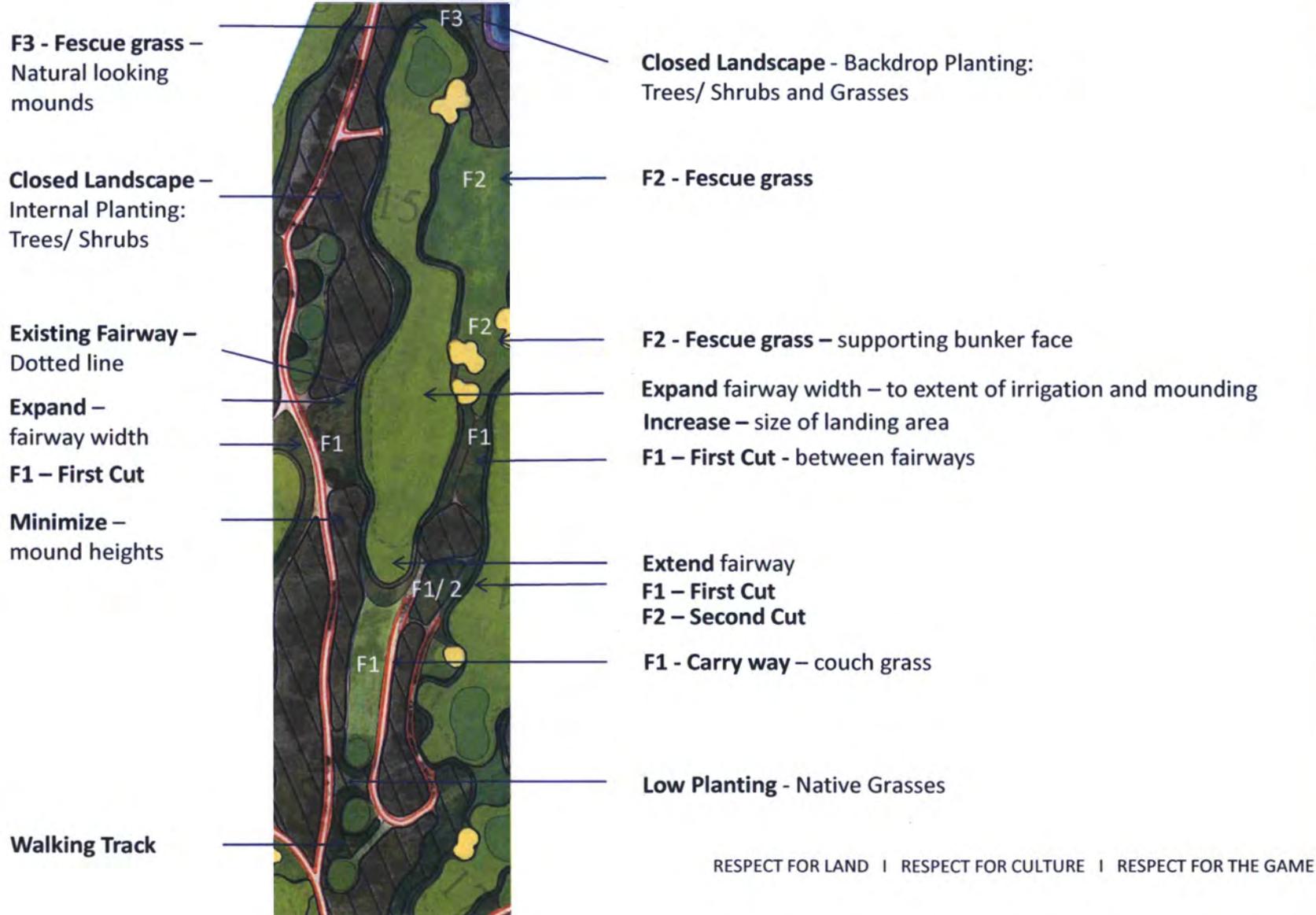
Hole by Hole
Recommendations

Hole

14

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Hole by Hole Recommendations

Hole
15

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34

F2 - Fescue grass – mounding

Extend – short grass around green to cart path minor works required

F3 - Fescue grass – supporting bunker faces

Closed Landscape – Internal Planting: Trees/ Shrubs/ Grasses/ Groundcovers

**F1 – First Cut
F2 – Second Cut**



Grass walking paths - to seventeenth tee

Closed Landscape – Internal Planting: Shrubs variety, add color

F2 - Fescue grass – supporting bunker faces

**Expand fairway width – to extent of irrigation and mounding
Increase – size of landing area**

F1 – First Cut - between fairways

F2 - Fescue grass – supporting bunker faces

Extend fairway

Carry Way - couch

Low Planting - Native Grasses

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole Recommendations

Hole
16

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F2 - Fescue grass –
leave eucalyptus
tree

Low Planting –
Native Grasses

Closed Landscape –
Internal Planting:
Trees/ Shrubs/
Grasses/
Groundcovers

Cart Path –
possibly concrete

Re Align –
both tees
approximately
5metres.



Closed Landscape - Backdrop Planting:
Trees/ Shrubs and Grasses

Grass walking paths -
to eighteenth tee

F2 - Fescue grass

F1 – First Cut

Extend fairway

Low Planting - Native Grasses

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
Recommendations

Hole

17

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1990

F2 - Fescue grass

F1 - First Cut

**F1 - First Cut -
between fairways**

**F2 - Fescue grass -
supporting bunker
faces**



F2 - Fescue grass

**F1 - First Cut
F2 - Second Cut**

F2 - Fescue grass - supporting bunker faces

Connect fairway
Expand fairway width - to extent of irrigation and mounding
Increase - size of landing area

Closed Landscape - Internal Planting: River Red Gums

Existing Fairway - Dotted line
Extend fairway

C1 - Carry Way - fescue grasses

Wetland Planting - inside red stakes

RESPECT FOR LAND | RESPECT FOR CULTURE | RESPECT FOR THE GAME

Hole by Hole
Recommendations

Hole
18

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Closed Landscape –
Internal Planting - Trees/ Shrubs and Grasses

Closed Landscape –
Internal Planting –
Trees/ Shrubs and
Grasses.
Provide a landscape
buffer between
water and driving
range.

Low Planting –
Native Grasses

New - Practice Fairway Bunker

Extend short grass around practice chipping green

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Hole by Hole
Recommendations

DR

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Implementation Strategy

Holes 1, 10, 18,11

Holes 2, 7

Holes 3, 6

Holes 12



Ideally we would like to start within close proximity of the clubhouse. Each stage should be fully completed before moving on. By grouping the holes we have a better chance of balancing the work and eliminating great amounts of wastage. Our plan is

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Proposed Staging
Holes 4, 5



Hole 8, 9 and DR



Holes 13, 16



Holes 14, 15, 17



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Plant Selection – Trees

- Boundary planting
- Green Backdrops
- Out of play areas
- Between fairways
- Close to wet areas



Eucalyptus camaldulensis – River Redgum



Allocasurina vertillata – Drooping she-oak



Pinus canariensis – Canary Island Pine



Eucalyptus melliodora



Eucalyptus goniocalyx



Eucalyptus dives – Broad leaf Peppermint

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Plant Selection – Shrubs

- Boundary planting
- Green Backdrops
- Out of play areas
- Between greens and the next tee
- Back of mounding



Leptospermum continentale



Leptospermum lanigerum



Leptospermum myrsinoides



Leptospermum obovatum



Banksia marginata



Bursaria spinosa

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Plant Selection – Grasses

- Green Backdrops
- Transition areas from rough to landscape
- Out of play areas
- Alongside cart paths
- Around tees
- Back of mounding
- Wetland edges
- Reduce rough cutting areas



Juncus spp. – Rushes



Carex appressa – Tall sedge



Poa spp – Tussock grasses



Dianella revoulta – Black anther Flax lily



Stipa spp. – Spear grasses



Lomandra longifolia - Lomandra



Themeda triandra – Kangaroo grass

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Plant Selection – Ground Covers

- Green Backdrops
- Transition areas from rough to landscape
- Out of play areas
- Around tees
- Back of mounding
- Wetland edges
- Reduce rough cutting areas



ozothamnus obcordatus



ozothamnus ferrugineus



Leptorrhynchos spp. - Buttons



Chrysocephalum spp. - Common Everlastings



Bulbine bulbosa - Bulbine Lily



Burcharia umbellate - Milkmaids



Calocephalus spp. - Beauty heads

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Thomson Perrett, wishes to thank the Ballarat Golf Club for engaging our firm to conduct the review of the golf course, course features and landscape. The process has been very thorough and we believe that the members will embrace the subtle improvements to the course and landscape. We have spent a lot of time assessing the course and we now look forward to getting our hands dirty and getting on with the task.

Many thanks to Jeff Powell and his dedicated team – their passion, professionalism and dedication for the courses improvement is outstanding. Turf Managers and their staff rarely get praise, but the team at BGC do a first class job.

Also to David Wallis and Gil Fryatt - their knowledge, understanding and passion for the course has been a great assistance.

The course leadership and support from Michael Phillips and John King has been welcomed and appreciated.

The staff at the BGC are always friendly, welcoming and the coffee is always outstanding!!

The course has great potential and we look forward to working together over the ensuing years to bring the best out the BGC.

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THOMSON PERRETT
Golf Course Architects
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**IN THE MATTER OF AN APPLICATION TO THE VICTORIAN COMMISSION FOR
GAMBLING AND LIQUOR REGULATION BY BALLARAT GOLF CLUB INC FOR THE
INSTALLATION OF AN ADDITIONAL SIX (6) ELECTRONIC GAMING MACHINES AT THE
BALLARAT GOLF CLUB, 1800 STURT STREET, BALLARAT**

WITNESS STATEMENT OF HANNAH LOUISE MEAD

Date of document:	August 2018
Filed on behalf of:	Applicant
Prepared by:	
BSP Lawyers	Tel: 9670 0722
Level 15, 200 Queen Street	Fax: 9670 0622
Melbourne Vic 3000	Ref: AE:MA:172649

1. My full name is Hannah Louise Mead and I reside at 6 Gallant Way, Winter Valley, Victoria.
2. I am currently a Duty Manager at the Ballarat Golf Club (**the Club**). I have worked at the Club for the past 11 years and more specifically in gaming for the past 8 years.
3. My role as Duty Manager is varied and includes supervision of the bistro, gaming room, functions and marketing of the Club.
4. I have completed an Advanced Diploma of Management at Federation University in 2016, TGS Management Training in 2015, while being affiliated with Club Managers Australia over the past 3 years. I have completed Responsible Service of Alcohol, Responsible Service of Gaming and Anti-Money Laundering and Counter Terrorism training.
5. The Club has an 18-hole Championship Golf Course which includes a driving range, practice facilities and a Pro Shop. Our course is also known to host major events throughout the year from the PGA to charity events and corporate events. The Championship Golf Course runs competitions Tuesday right through to Sundays.

Saturdays is our busiest day (both on the course and in the Clubhouse) due to our main competition of the week.

6. Our Greenside Bistro can sit anywhere up to 110 guests and which overlooks the Golf Course. Our bistro is booked out regularly throughout the week.
7. There are also 3 function spaces which are ideal for all types of events such as weddings, birthdays, Christmas events, cocktail nights, corporate meetings, etc. Our function facilities are utilised daily from anywhere between 10 guests up to 350 guests.
8. Our gaming room currently has 28 electronic gaming machines (**EGMs**), which is a modest number for a Club of our size. Our peak periods are generally on evenings between Tuesday through to Sunday and for most of the day on Fridays and Sundays. Our patrons range from 18 years of age through to 90 years of age.
9. The peak utilisation from Tuesdays to Fridays are linked to meal times in the bistro on our Members Nights. Our bistro may have anywhere up to 200 members and guests dining on those evenings, which impacts the traffic going through our gaming room. When there is opportunity to utilise available function spaces we do so to increase patronage through our bistro. This is the case for our members nights, most Thursdays and Sundays (Lunch and Dinner), as well as any other opportunities throughout the week.
10. There are often times where members and patrons cannot access an EGM or more often an EGM of their choice. Generally, if this happens, they usually decide to sit in our lounge and have a beverage or tea/coffee whilst waiting for their preferred machine to come available. Otherwise, we find that they may play another machine close by while waiting if there are EGMs available. Accordingly, I believe that there is a demand for additional EGMs at the Club.

11. Our gaming room is open until 11:00pm on Monday, 12:00am on Tuesday through to Wednesday, 1:00am from Thursday through to Saturday and 11:00pm on Sunday. Once the bistro meal service finishes, the bistro remains open until the close of business and can be serviced through beverages, coffee and cakes.
12. The Responsible Service of Gaming (**RSG**) is managed by various methods.
13. A Responsible Gambling Officer is on duty at all times to assist members and staff.
14. All gaming staff carry a RSG Certificate (and undertake the necessary refresher courses) and are involved in workshops at a minimum of yearly with our Venue Support Worker on responsible gambling issues including identifying problem gamblers and communication techniques, resolving scenarios and anti-gambling material.
15. Our ongoing relationship with our Venue Support Worker from Child and Family Services Ballarat (**CAFS**) ensures we kept up to date with our requirements. This means that all information such as brochures, leaflets and referral cards by Gamblers Help are current and displayed correctly. We ensure that staff are confident with the information provided by Gamblers Help so they may personally assist the needs of problem gamblers. It is required that all gaming staff attend this form of training.
16. We previously used the Community Clubs Victoria (**CCV**) Code of Conduct, which is reviewed annually by CCV via our gaming staff. All of our staff also undertake a yearly review questionnaire targeting a specific section of the Club's Code of Conduct. The Club has also engaged Leigh Barrett and Associates to undertake an independent audit of our RSG practices and we will be adopting Mr Barrett's Code of Conduct.
17. All staff are aware and understand our Code of Conduct due to the training they have received. We find our staff are very diligent when it comes to their responsibilities within the gaming room. As there is a Responsible Gambling Officer on duty at all times, it ensures staff are conducting their duties as per the Code of Conduct. We also have

procedures in place on communications between staff through memo books and our incident folders which are reviewed at our weekly staff meetings.

18. Our self-exclusion program operated by Australian Hotels Association Victoria (**AHA**) ensures that we regularly have a list of those who voluntarily exclude themselves from gaming venues. Our staff frequently keep updated with this program to guarantee we are vigilant when looking for problem gamblers. Our staff on a weekly basis refresh themselves on the self-exclusion list. If there are any new persons that have self-excluded themselves we have a pin board in our secured gaming office where all gaming staff are required to familiarise themselves with the new editions to the register. There are a total of 112 people on the self-exclusion list from AHA and I recognise that 5 of these people on the list were either a member or guest of the Club.
19. A big part of going “the extra mile” is about being proactive with customers. This means our staff are actively looking for and able to recognise signs of problem gamblers, being regularly updated with the AHA self-excluded list of patrons and understanding how to approach a situation if it occurs and being well engaged and having a personable rapport with our customers.
20. We have a relatively low turnover of our gaming staff, which is beneficial as our staff recognise our gaming patrons and have been able to develop familial relationships with them.
21. Our gaming staff are as follows:

Full time gaming staff; (Longest service period to shortest, as at February 2018)

Diane Britt 18 years 7 months

Hannah Mead 11 years 1 month

Jason Haymes 9 years 3 months

Natalie Hoban 2 years

Casual gaming staff; (Longest service period to shortest, as at 21/02/18)

Tony Collier 16 years 3 months

Debra RIngin 8 years

Karlei Barrenger 3 years 4 months

Kirsten Deaker 1 year 11 months

Brian Tucker 6 months

Other supervisors; (Longest service period to shortest, as at 21/02/18)

Louise Mead 11 years 7 months

Gary Fry 10 years 3 months

Michael Phillips 8 years 9 months

Natalie Purtell 6 years 5 months

22. Every year we actively participate in Responsible Gambling Awareness Week (**RGAW**). Throughout RGAW we ensure our gaming room is promoting responsible gambling. By this we have all material such as posters hung around the gaming floor, extra booklets and leaflets about responsible gambling on a promotional stand, which encourage patrons to enquire about additional services offered, such as Gambler's Help or Self-Exclusion.
23. On Your Play Day we carry out all the promotional material as above, with some added fun from staff with colour. This helps to also create conversation about what Your Play is about and the benefits.

24. We also offer a well-developed community engagement program which meets our demographic and clientele. This social membership program:
- (a) Encourages members to come along to our social nights, where we draw raffles, giveaways and weekly jackpots.
 - (b) Adds benefits for those members who utilise other areas of the club.
 - (c) A tiering structure to benefit those who frequent other areas of the Club.
 - (d) Visitation points, birthday voucher, free meal offers, Christmas gift are just some of the value our members receive when signing up.
25. We record all incidents in our incident register. Duty Managers are responsible for reporting any incident and if necessary to pass on this information to the change of shift duty manager. If any escalations or further staff need to be notified this is the responsibility of the Duty Manager that records the incident.
26. An example of an incident at the Club is of aggressive behaviour towards a machine. This has occurred a few times whereby a patron has become quite forceful towards the machines, in the manner of hitting machines and aggressively pushing buttons. When staff have pulled this patron up for their manner and to have a chat, they have calmed down. Another example is when a patron identified that they had lost their week's wage and became quite upset, then asked for assistance on what was available to her. Our staff explained that she could contact Gambler's Help and provided contact information. Also the option for self-exclusion was raised. This patron is not elected on the self-exclusion register but has not visited the Club since this incident.
27. We conduct weekly staff meetings on Wednesdays that include all three of our Duty Managers (Responsible Gambling Officers). This is opportunity to discuss RSG issues that may have arisen in the previous week, any new information about compliance and

legislation, or any gaming related matter. It helps assist the communication between Duty Managers which follows through for gaming staff and helps keep them informed.

28. Incidents are reported to the General Manager as they occur. A copy the report would be left for the General Manager if an incident occurs whilst they are not in the venue. However, if there is a major incident it will be reported immediately through a telephone call. Compliance reports are also submitted to the Board at their monthly meetings which includes incident reports, OH&S and responsible service of gaming.
29. The Club has many strengths including our championship golf course, attractive bistro and function facilities, high member numbers and well trained staff. However, our weaknesses are our limited capacity, particularly in the bistro, a need for a general refurbishment and lack of storage facilities. I have reviewed the proposed plans for the clubhouse refurbishment and believe they will be a benefit for the Club, our members and the wider Ballarat community.
30. If this application is approved, I believe that the additional 6 EGMs will allow our patrons more choice, and will allow the Club to complete renovation works which are critical to ensuring that the Club remains competitive in Ballarat. I believe that the Club and its staff members are adequately trained and skilled to handle a modest increase of 6 EGMs in an existing Club.

Gambling application kit

Economic and social impact submission

OCTOBER 2015

CD/15/460065

This package contains the application and information material for responsible local authorities to make a submission for assessment of applications for approval of gaming machines and/or gaming premises.

How to apply

Send application to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988
MELBOURNE VIC 3001

or lodge in person at:

49 Elizabeth Street
RICHMOND Victoria 3121

Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au



Important Information

Legislation

Section 3.3.4 and 3.4.17 of the *Gambling Regulation Act 2003* make provisions for the assessment of:

- Applications to approve premises as suitable for gaming
- Applications to amend venue operator's licences to vary the number of gaming machines for an approved venue.

For these applications to be accepted by the VCGLR, a complete copy of the application must be given to the responsible authority within the meaning of the *Planning and Environment Act 1987*, and then lodged with the VCGLR within three days.

Responsible authority can make a submission

Section 3.3.6 and 3.4.19 of the *Gambling Regulation Act 2003* allow responsible authorities to make submissions in respect of either of the above applications. The submissions should address the economic and social impact of the application on the well-being of the community of the municipal district in which the premises is located, and can also take into account surrounding municipal districts.

A submission by a responsible authority must be in the approved form. The appropriate submission form can be found on the VCGLR website.

Responsible authorities can supply any additional information to the VCGLR which may be of assistance in making an assessment of the application. The information required by the submission form is only the minimum that is required. Applicants and responsible authorities are free to communicate directly throughout the application process.

Application process

The *Gambling Regulation Act 2003* requires the responsible authority to:

- advise the VCGLR whether they intend to make an economic and social impact submission within 37 days of being advised of the application by the VCGLR
- lodge an economic and social impact submission within 60 days of being advised of the application by the VCGLR should it choose to.

Responsible authorities may request an extension of time to lodge a submission if they

believe exceptional circumstances are impeding their ability to make a submission within the prescribed 60 day period.

The *Gambling Regulation Act 2003* requires the VCGLR to determine an application at a public hearing within 60 days of either:

- being notified that the responsible authority will not make a submission
- or
- receiving a submission from the responsible authority.

As a responsible authority you may appear at the public hearing and present evidence in regard to an application. Applicants will also appear at the public hearings and present their evidence, in support of the application.

Amended applications

An applicant may amend an application for new premises approval at any time before the VCGLR gives its determination.

An applicant may only amend an application to increase the number of gaming machines in an approved venue within 30 days after giving the responsible authority a copy of the application.

Any amended applications must be given to the responsible authority and lodged with the VCGLR **on the same day**.

If an amended application is received the responsible authority must:

- advise the VCGLR whether it intends to make an economic and social impact submission within 37 days of receiving the amended application
- lodge an economic and social impact submission within 60 days of receiving the amended application, should it choose to.

An applicant cannot change the number of gaming machines sought in application for approval of premises once the first 30 days of giving a copy of the application to the responsible authority elapse.

If an amendment is made to the number of gaming machines sought the VCGLR may grant an extension of up to 30 days for the responsible authority to make an economic and social impact submission.

Application to increase gaming machines by less than 10 per cent

Applications to amend venue operator's licences to increase the number of gaming machines for an approved venue by less than 10 per cent will not be determined at a public hearing if:

- a) the responsible authority does not make a submission; or
- b) the responsible authority make a submission and the applicant and responsible authority agree to the VCGLR not conducting a public hearing; or
- c) there has not been a previous application to increase the number of gaming machines by less than 10 per cent within two years.

Matters for consideration

The matters the VCGLR will consider when determining a proposed amendment to the conditions of a venue operator's licence to vary the number of gaming machines permitted in an approved venue are set out under 3.4.20(1) of the *Gambling Regulation Act 2003*. The matters to be considered when determining an application for approval of premises as suitable for gaming are set out under section 3.3.7 of the Act.

Importantly, for either of these applications to be approved, the VCGLR must be satisfied that the net economic and social impact of the approval will not be detrimental to the well-being of the community of the municipal district in which the premises is located.

Information provided by the applicant

Part B of the applicants application form contains information specifically relating to the economic and social impact of their proposal. This information will assist responsible authorities in answering the following questions in this submission form:

2.2, 5.1, 6.2, 7.1, 8.1, 8.2, 9.1, 9.2, 10.1, 12.2, 13.1, 13.2, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7 (15.4 - 15.7 for an existing venue); 15.8, 15.9 (15.8 - 15.9 for a proposed venue) and 16.7.

Guidelines for Submission

Types of impacts which may be described

A submission from a responsible authority should address economic and social impact of the application on the well-being of the community of the municipal district in which the

gaming venue is located, and can also take into account surrounding municipal districts.

Submissions can comment on the current gaming machine environment within the community, however emphasis should be placed on the specific impact which the application will have if approved. Therefore:

- the economic and social impact examined for a proposal to approve **new premises** will be that arising from the operation of an additional venue and gaming machines
- or
- the economic and social impact examined for a proposal to **increase the number of gaming machines** will be that arising from the use of additional machines in an approved venue.

At a minimum a submission should include comment on impacts as they apply to your municipal district and surrounding municipal districts. It is not necessary to provide a quantified cost/benefit analysis, however statements about impacts should be substantiated, and wherever possible supported with quantitative or qualitative data.

A brief explanation of impacts, and some other relevant explanations of terms, can be found at the back of the form. Please consult this section in completing your submission.

Further information

Please include, as an attachment to this submission, information on any matters not covered in this form which the responsible authority believe is relevant to the economic and social impact on the municipal district.

Information sources

To complete this form you may need to contact local service providers. You may also need to contact the VCGLR on 1300 182 457 or visit the VCGLR website at vcglr.vic.gov.au.

Submissions are to address the following questions:

“What is the net social and economic impact of this application?”

“Will this proposal result in net social and economic detriment to the community?”

ECONOMIC AND SOCIAL IMPACT SUBMISSION

(a) Name of responsible authority making submission:

(b) Name(s) of surrounding municipal districts:

(c) Application to which this submission refers.
Applicant name:

(Name of entity for incorporated bodies i.e. company or incorporated club)

(d) Premises or approved venue name and address:

(Name) (No) (Street)

(City/Town/Suburb) (State) (Postcode)

(e) The _____ Council DOES/DOES NOT (delete whichever does not apply) want to make a submission under section 3.3.4 or 3.4.17 of the *Gambling Regulation Act 2003*. If you **do not** wish to make a submission, complete items (a) to (f) on this page, sign in the box below and remit to the Victorian Commission for Gambling and Liquor Regulation.

Name (please print): _____ Chief Executive Officer of responsible authority making submission. Signature: _____ Date / /
--

(f) The _____ Council DOES/DOES NOT (delete whichever does not apply) support the above application.

(g) Do any of the municipal districts listed at (b) have any objection(s) to the application?
 Yes No

If 'YES', attach details to this submission (attachment/page number is:/.....)

(h) A copy of this submission **was** provided to the applicant on: Date / /

(i) I, the undersigned for the responsible authority making this submission, declare that all statements contained in and all matters accompanying this submission are to the best of my knowledge true and correct in every detail. I also understand that the applicant can make comment on this submission to the Victorian Commission for Gambling and Liquor Regulation.

Name (please print): _____
 Chief Executive Officer of responsible authority making submission.

Signature: _____ Date / /

MUNICIPAL DISTRICT PROFILE

1. Profile of municipal district

1.1 In an attachment provide a profile of your municipal district and if there is a relationship between any profile characteristics and gaming. Items to cover could include, but are not limited to:

- local community demographics, by way of example, age distribution and trends, cultural attributes or recreational information
- economy
- tourism patronage.

1.2 Has an attachment been included? YES NO

1.3 If 'YES', attachment/page number is: /.....

2. Electronic gaming machines (EGM)

2.1 Total number of EGMs currently in the municipal district:
(Information available from VCGLR website.)

2.2 Number to be added by the proposal:
(EGMs sought less those recycled from within municipal district, information provided in Part B of applicant's form.)

Information to complete 2.3 to 2.8 is available on the VCGLR website.

2.3 EGMs per 1000 of the total population in the municipal district:

2.4 EGMs per 1000 (over 18 years) of the total population in the municipal district:

2.5 EGMs per 1000 State-wide average:

2.6 Metro/Country average:
(Delete whichever is not applicable.)

2.7 EGMs per 1000 (over 18yrs) State-wide average:

2.8 Metro/Country average:
(Delete whichever is not applicable.)

Further information/comment:

Please provide any further information as an attachment.

2.9 Has an attachment been included? YES NO

2.10 If 'YES', attachment/page number is: /.....

3. Number of gaming venues

3.1 Total number of venues currently in the municipal district:
(Information available from VCGLR website.)

3.2 Will a new venue be created by the proposal?

Information to complete 3.3 to 3.8 is available on the VCGLR website.

3.3 Persons per venue of the total population in the municipal district:
.....

3.4 Adults per venue (over 18 years) of the total population in the municipal district:
.....

3.5 Person per venue State-wide average:

3.6 Metro/Country average:

(Delete whichever is not applicable.)

3.7 Adults per venue (over 18 years) State-wide average:

3.8 Metro/Country average:

(Delete whichever is not applicable.)

Further information/comment:

Please provide any further information as an attachment.

3.9 Has an attachment been included? YES NO

3.10 If 'YES', attachment/page number is: /

4. SEIFA index of relative socio-economic disadvantage

4.1 Current SEIFA index value for the municipal district:
(Socio-economic index for areas, available from Australian Bureau of Statistics via Cdata and SEIFA software can be assembled down to CD level.)

4.2.1 SEIFA index value State-wide average:

4.2.2 Metro/Country average:
(Delete whichever is not applicable.)

4.3.1 Has the responsible authority any information it wishes to attach in relation to its citizens' economic capacity for gaming (e.g. income, wealth or savings levels)? In an attachment the responsible authority needs to use this additional economic capacity information to address how the incremental effect of this proposal may impact on the citizens of the municipal district:
(Attach evidence to substantiate any conclusion reached.)
.....

4.3.2 Has an attachment been included? YES NO

4.3.3 If 'YES', attachment/page number is: /

Further information/comment:

Please provide any further information as an attachment.

4.4 Has an attachment been included? YES NO

4.5 If 'YES', attachment/page number is: /

5. Venue patron profile

5.1 Describe the expected patron profile of the venue if the proposal is approved. Make reference to the following:

- do they live near the proposed venue, elsewhere in the municipal district, or do they work but not live in the municipal district
- are they from a particular socio-economic background (includes ethnicity, gender, age, income level/type)
- are they significantly different from the general population of the municipal district as described in the 'Profile of Municipal District' section
- are they already customers of other gaming venues in the municipal district?
(Information provided in Part B of applicant's form.)

Please provide your response as an attachment.

5.2 Has an attachment been included? YES NO

5.3 If 'YES', attachment/page number is: /

ECONOMIC IMPACT ON YOUR MUNICIPAL DISTRICT

6. Gaming expenditure

6.1 Total net EGM expenditure in municipal district for the last financial year (Net expenditure equals total money less prizes paid i.e. player losses - available from VCGLR website):

\$

6.2 Anticipated net EGM expenditure arising from this proposal over first 12 months (information provided in Part B of applicant's form):

\$

Information to complete 6.3 to 6.5 is available on the VCGLR website.

6.3 Net EGM expenditure per adult (over 18 years) of the total population in the municipal district for the last financial year:

\$

6.4 Net EGM expenditure per adult (over 18 years) for the last financial year:

State-wide average: \$

6.5 Metro/Country average: \$
(Delete whichever is not applicable.)

Further information/comment:

Please provide any further information as an attachment.

6.6 Has an attachment been included? YES NO

6.7 If 'YES', attachment/page number is: /

7. Employment

7.1 Direct gaming employment from proposal:
(Provide equivalent full-time figures. Information provided in Part B of applicant's form.)

7.2 Unemployment for municipal district (per cent):
(Information for 7.2, 7.3.1 and 7.3.2 obtainable from the Australian Government's Department of Education, Employment and Workplace Relations website)

7.3.1 Unemployment (percent): State:

7.3.2 Metro/Country:
(Delete whichever is not applicable.)

Further information/comment:

See explanation section at the end of the form for further details required.
Mention could be made of possible effects on indirect employment.

Please provide any further information as an attachment.

7.4 Has an attachment been included? YES NO

7.5 If 'YES', attachment/page number is: /

8. Infrastructure investment, development and maintenance

8.1 Value of new building or renovation works from proposal: \$
(Information provided in Part B of applicant's form.)

8.2 Value of building maintenance contracts from proposal for next 12 months:
(Information provided in Part B of applicant's form.) \$

Further information/comment:

Please provide any further information as an attachment.

8.5 Has an attachment been included? YES NO

8.6 If 'YES', attachment/page number is: /

9. Supply contracts

For new premises this will involve **all** contracts. For applications to increase gaming machine numbers, this will involve the **additional** value (if any) of contracts.

9.1 Value of supply contracts to venue for next 12 months: \$
(Information provided in Part B of applicant's form.)

9.2 Estimated proportion to be provided by suppliers from within municipal district:
(Information provided in Part B of applicant's form.) \$

Further information/comment:

Please provide any further information as an attachment.

9.3 Has an attachment been included? YES NO

9.4 If 'YES', attachment/page number is: /

10. Complementary expenditures

For new premises this will involve **all** complementary expenditures. For applications to increase gaming machine numbers, this will involve the **additional** value (if any) of complementary expenditures.

10.1 Value of complementary expenditures for the next 12 months: \$
(Information provided in Part B of applicant's form.)

Further information/comment:

Please provide any further information as an attachment.

10.2 Has an attachment been included? YES NO

10.3 If 'YES', attachment/page number is: /

11. Shifts in expenditure

11.1 Business closures in municipal district:
 (Number in last financial year.) Unable to accurately determine

11.2 Can the responsible authority attribute any business closures to EGM expenditure? If you can, estimate how many:
 (Attach evidence to substantiate estimate.) Unable to accurately determine

11.3 Can the responsible authority attribute any decline in local business (sales) in the previous financial year to EGM expenditure? If you can, estimate the dollar value: \$
 (Attach evidence to substantiate estimate.) Unable to accurately determine

11.4.1 Anticipated impacts from proposal in first 12 months:
 (Attach evidence to substantiate estimate.)
 Closures (number):
 Unable to accurately determine

11.4.2 Decline in business (value):
 Unable to accurately determine

Further information/comment:

Please provide any further information or comment as an attachment.

11.5 Has an attachment been included? YES NO

11.6 If 'YES', attachment/page number is: /

12. Revenue distribution

Venue operator model tax structure

Under the venue operator model, a progressive tax scheme applies. The tax rate is based on each venue's average monthly gaming machine revenue, subject to the following thresholds:

Thresholds (average monthly revenue per machine)	Marginal tax rate	
	Hotels	Clubs
\$0 - \$2666	8.33%	Tax Free
\$2667 - \$12,500	55.03%	46.7%
\$12,501 +	62.53%	54.2%

Under this model, the consolidated fund is equal to the amount of tax payable for clubs and hotels.

12.1 Complete the following table using the applicable distribution schedule (hotel or club), ownership model (venue operator) and the net EGM expenditure provided by the applicant for section 6.2. In the space provided calculate the distribution of net EGM expenditure of the proposal, entered for section 6.2.

	Net EGM expenditure from proposal	
Venue	\$	
Consolidated Fund	\$	
Community Support Fund	\$	If applicable
Total	\$	

12.2 In an attachment provide further comment and information in relation to the net expenditure on EGMs that remains in the municipal district or returns to the municipal district.
(Information provided in Part B of applicant's form.)

Please provide any further information or comment as an attachment.

12.3 Has an attachment been included? YES NO

12.4 If 'YES', attachment/page number is: /

13. Tourism

The applicant may have provided some information concerning EGMs and tourism that may assist you in answering this section.

13.1 Estimated impact of gaming on tourism to the municipal district for the previous financial year:

13.2 Estimated impact on tourism from the proposal (first 12 months):
(Information provided in Part B of applicant's form.)

Further information/comment:

Please provide any further information or comment as an attachment.

13.3 Has an attachment been included? YES NO

13.4 If 'YES', attachment/page number is: /

14. Evidence of financial stress

14.1 Bankrupt persons in municipal district:

(Number in previous financial year.)

Unable to accurately determine

14.2 Can the responsible authority attribute any of the above bankruptcies to expenditure on EGMs?
If you can, how many?

(Attach evidence to substantiate estimate.)

Unable to accurately determine

14.3 If you answered 14.2, can the responsible authority estimate how many additional bankruptcies could be attributed to expenditure on EGMs by this proposal in the first 12 months of operation?

(Attach evidence to substantiate estimate.)

Unable to accurately determine

14.4 Can the responsible authority attribute any financial stress to persons within the community to expenditure on EGMs?
If you can, how many?

(Attach evidence to substantiate estimate.)

Unable to accurately determine

14.5 If you answered 14.4, can the responsible authority estimate how many more persons may come under financial stress due to the additional EGM expenditure estimated for this proposal (6.2) in the first twelve months of operation?

(Attach evidence to substantiate estimate.)

Unable to accurately determine

For example: use of DHS Office of Housing data such as local rent arrears, or number of households with special payment arrangements with utilities such as water companies.)

Further information/comment:

Please provide any further information or comment as an attachment.

14.6 Has an attachment been included? YES NO

14.7 If 'YES', attachment/page number is: /

SOCIAL IMPACT ON YOUR MUNICIPAL DISTRICT

15. Social, recreational and entertainment opportunities

(Information provided in Part B of applicant's form.)

- 15.1 Estimate of funding or contributions towards improvements to recreational, entertainment or community facilities from this proposal: \$
- 15.2 Estimate of the value of sponsorship of sporting activities, social events and live entertainment from this proposal: \$
- 15.3 Estimate funding towards opportunities for particular social groups from this proposal: \$

For an existing venue:

- 15.4 Estimate the average number of patrons who attend, any part or all of, entire venue weekly:
- 15.5 Estimate the average number of patrons who use the gaming facility weekly:
- 15.6 Estimate the additional weekly patrons who may attend, any part or all of, the venue weekly due to the approval of this proposal:
- 15.7 Estimate the additional average number of patrons who may use the gaming facility weekly due to the proposal:

For a proposed venue:

- 15.8 Estimate the average number of patrons who may use, any part or all of, the entire venue weekly:
- 15.9 Estimate the average number of patrons who may use the gaming facility weekly:

Further information/comment:

Please provide any further information or comment as an attachment.

- 15.10 Has an attachment been included? YES NO

- 15.11 If 'YES', attachment/page number is: /

(NOTE: applicant to provide information where relevant.)

16. Incidence of problem gaming/residents at risk and demand for community support services

16.1 Attach a list of the names, addresses and contact numbers of all services in your municipal district that specifically or substantially deal with problem gaming.
Attachment/page number is: /.....

16.2 Provide in an attachment, a synopsis of the provision of services, if any, provided by the responsible authority for problem gamblers. Synopsis could include: funding provided, programs provided and counselling provided.

16.2.1 Has an attachment been included? YES NO

16.2.2 If 'YES', attachment/page number is: /.....

16.3 In total, how many new contacts were made to these service providers in the previous 12 months?
(Attach evidence to substantiate estimate.) Unable to accurately determine

16.4 Proportion of these new contacts with specifically EGM related problems.
(number and percent):
(Attach evidence to substantiate estimate.) Unable to accurately determine

16.5 Estimate how many new, or additional, EGM problem gamblers could be expected to contact these service providers in the next twelve months due to this proposal:
(Attach evidence to substantiate estimate.) Unable to accurately determine

16.6 Estimate any further financial requirements, if any, of the provision of services to the additional EGM problem gamblers due to this proposal:
(Utilise estimate from previous question [16.5], again attach evidence to substantiate.) Unable to accurately determine

16.7 If an existing venue, what are its responsible gaming practices and harm minimisation strategies?
OR
If this is a proposal for a new venue, what will be its responsible gaming practices and harm minimisation strategies?
(Comments could be made on any harm minimisation (or proposed) partnerships with any local agencies.)
Please provide your response as an attachment.
(Information provided in Part B of applicant's form.)
Attachment/page number is: /.....

16.8.1 Does the municipality have a responsible gaming policy and/or charter? YES NO

16.8.2 Does the venue, or will the proposed venue, comply with this policy and/or charter? YES NO

Further information/comment:

Please use an attachment to provide any further information or comment, for example, on any local modelling undertaken or to expand on your answers to 16.8.1 and 16.8.2.

16.9 Has an attachment been included? YES NO

16.10 If 'YES', attachment/page number is: /.....

17. Incidence of gaming-related crime and social disturbance

The previous section asked for an estimate of the number of new contacts to support services, in the previous 12 months that were EGM problem gamblers (16.4).

The following questions ask for further information.

17.1.1 Can the responsible authority provide any information, in an attachment, that can attribute any criminal activity to the EGM expenditure for those problem gamblers estimated for section 16.4?
YES NO

(If 'YES', attach evidence to substantiate estimate.) Unable to accurately determine

17.1.2 Has an attachment been included? YES NO

17.1.3 If 'YES', attachment/page number is: /.....

17.2.1 Can the responsible authority provide a reasoned estimate, in an attachment, of how many more crimes could be attributed to any additional problem EGM gamblers (16.5) created by this proposal?
YES NO

(If 'YES', attach evidence to substantiate estimate.) Unable to accurately determine

17.2.2 Has an attachment been included? YES NO

17.2.3 If 'YES', attachment/page number is: /.....

Further Information/Comment:

Please provide any further information or comment as an attachment.

17.3 Has an attachment been included? YES NO

17.4 If 'YES', attachment/page number is: /.....

18. Relationship and emotional costs and impact on community values and lifestyle

A previous section asked for the number of new contacts, in the last 12 months, to support services that were EGM problem gamblers (16.4). The following questions ask for further information in regards to them.

18.1.1 Can the responsible authority provide any information, in an attachment, that can attribute any marital/relationship breakdown and domestic conflict to any problem gambler's (16.4) EGM expenditure?

YES NO

(Construct a reasoned response and attach evidence to substantiate any estimates.) Unable to accurately determine

18.1.2 Has an attachment been included? YES NO

18.1.3 If 'YES', attachment/page number is: /.....

18.2.1 Can the responsible authority provide any information, in an attachment, that can attribute any long-term unemployment to any problem gambler's (16.4) EGM expenditures?

YES NO

(Construct a reasoned response and attach evidence to substantiate any estimates.) Unable to accurately determine

18.2.2 Has an attachment been included? YES NO

18.2.3 If 'YES', attachment/page number is: /.....

18.3.1 If an answer was provided to 18.1.1, can the responsible authority, in an attachment, estimate how many more relationship breakdowns or domestic conflicts could be attributed to any additional problem EGM gamblers (16.5) that may be created by this proposal?

YES NO

(Attach evidence to substantiate estimate.) Unable to accurately determine

18.3.2 Has an attachment been included? YES NO

18.3.3 If 'YES', attachment/page number is: /.....

18.4.1 If an answer was provided to 18.2.1, can the responsible authority, in an attachment, estimate how many more cases of long term unemployment could be attributed to any additional problem EGM gamblers (16.5) that may be created by this proposal?

YES NO

(Attach evidence to substantiate estimate.) Unable to accurately determine

18.4.2 Has an attachment been included? YES NO

18.4.3 If 'YES', attachment/page number is: /.....

Further information/comment:

Please provide any further information or comment as an attachment.

18.5 Has an attachment been included? YES NO

18.6 If 'YES', attachment/page number is: /.....

19. Additional social and economic impact information

19.1 Social and economic impacts include, but are not limited to, the previous sections. Please attach any additional information that you believe is relevant to this submission. This includes the provision for the submission of any detailed modelling undertaken by the responsible authority.

Additional social and economic impact information and or comment:

Please provide any further information or comment as an attachment.

19.2 Has an attachment been included? YES NO

19.3 If 'YES', attachment/page number is: /.....

20. Impacts on other municipalities

20.1 In an attachment describe any anticipated social and economic impacts of the proposal on **surrounding municipal districts**. Where no page reference is provided, it will be taken to mean that no comment has been provided.

Name of responsible authority

Provide page reference in attachment

.....
.....
.....
.....

21. Community attitudinal surveys

21.1 Has the responsible authority conducted a community attitudinal survey in relation to the proposal?

YES NO

21.2 Has an attachment been provided?

YES NO

If 'YES', attachment/page number is: /.....

22. Conclusions

22.1 The responsible authority regards the anticipated **economic** impact of the proposal on the municipal district as:

neutral beneficial detrimental

22.1 The responsible authority regards the anticipated **social** impact of the proposal on the municipal district as:

neutral beneficial detrimental

22.2 The responsible authority regards the anticipated **economic** and **social** impact of the proposal on the **well-being of the community of the municipal district** as:

neutral beneficial detrimental

22.3 The main areas of concern for the responsible authority making this submission are (indicate N/A if there are no concerns):

- 1.
- 2.
- 3.

22.4 These matters HAVE/HAVE NOT (delete whichever does not apply) been discussed with the applicant.

22.5.1 All of the responsible authorities surrounding the municipal district regard the impact of the proposal for gaming provision on their municipal district as:

neutral beneficial detrimental

22.5.2 If one or more responsible authorities are not in agreement with the other responsible authorities, attach details of their differing views to this submission.

22.5.3 The main areas of concern for the surrounding responsible authorities are (indicate N/A if there are no concerns):

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

22.5.4 These matters HAVE/HAVE NOT (delete whichever does not apply) been discussed with the applicant.

23. Processes and data used to prepare submission

23.1 Did the responsible authority conduct or commission any original research that has been used for this submission? YES NO

If 'YES', please provide a statement about each of the following:
Use an attachment if insufficient space.

23.2 Methodology used for the research:
.....
.....
.....
.....

23.3 Limitations and difficulties arising in the conduct of the research:
.....
.....
.....
.....

23.4 Assumptions or data adjustments built into research methodology:
.....
.....
.....
.....

23.5 Has an attachment been included? YES NO

23.6 If 'YES', attachment/page number is: /

24. Consideration of economic and social impacts by other bodies

24.1 Has another body considered the proposal or a related matter? YES NO

If 'YES':

24.2.1 Victorian Civil and Administrative Appeals Tribunal YES NO

24.2.2 Other (specify): YES NO

24.2.3 If 'YES' to 23.2.1 or 23.2.2, you must provide a copy of the judgement with reasons for decision with this submission.

24.2.4 Has an attachment been included? YES NO

24.2.5 If 'YES', attachment/page number is: /

EXPLANATION OF TERMS

TERM

Economic impact of the proposal

EXPLANATION

Economic impact is the sum of the effects on the viability and development of the economy (of the municipal district) in the short or medium term, and how this is likely to affect the well-being of the community.

Includes consideration of **benefits** and **costs** (or favourable and adverse effects).

Economic benefits are positive effects (favourable consequences) of increased gaming provision which are likely to contribute to the growth of the economy of the municipal district and an increase in the overall wealth of the community.

Economic costs are negative effects (adverse consequences) of increased gaming provision which are likely to contribute to the deterioration of the economy of the municipal district and greater economic dependence.

Where a municipal economy shows no net gain or loss, the economic impact can be said to be neutral.

Examples of economic effects

- Bankruptcy
- Community support fund
- Complementary expenditures
- Employment
- Infrastructure investment, development and maintenance

Incidence of gaming related bankruptcy or growing financial indebtedness.

Value of grants for projects or activities in the municipal district funded from the CSF.

Expenditure by gaming patrons on goods/services additional to gaming expenditure and arising from their participation in this form of entertainment, e.g. consumption of meals and beverages

The amount and type of direct new employment created e.g. in the venue. For example, number of new full-time or part time, permanent or casual positions; whether in gaming, hospitality or administration; whether wages and conditions are above the award.

Impact on net employment and types of jobs, including multiplier effects, indirect employment and job displacement.

Building works (new premises, renovation, building maintenance, etc.) related to the new premises/venue itself

TERM

- Local business

EXPLANATION

Businesses which may have a change in expenditure patterns due to this application.

Alternative businesses that could have arisen in the municipal district if investment was available.

Effects on other entertainment or hospitality businesses of new gaming provision.

- Loss of revenues to local economy

Value of profits/taxes from gaming that leaves the municipal district.

- Supply contracts

Value of contracts with businesses located within the municipal district to supply goods or services to the venue.

- Tourism

Value of spending by visitors to the venue and the municipal district.

Examples of social effects

- Demand for community support services

The demand for support related to problem gaming behaviours. This may be reflected in individuals seeking addiction counselling, financial counselling, or relationship counselling.

- Effect of gaming on community life/values

Effects on community life that may arise from the proposal. For example, whether new patrons will be drawn from particular demographic groups and what effects this might have.

- Incidence of gaming related crime

The potential effect of the proposal on crime in the municipal district.

- Problem gambling

The recommended definition of problem gambling adopted in Victoria is the following:

“Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling, which leads to adverse consequences for the gambler, others or for the community.”

For more detail see *Taking Action on Problem Gambling, October 2006*, Victorian Government.

- Relationship and emotional impacts

Domestic violence, child abuse or neglect, divorce, depression, or suicide which may be a result of increased problem gaming.

- Social, recreational and entertainment opportunities

Increased social recreational and entertainment opportunities that have resulted from gaming at the venue (or proposed venue).

TERM

Municipal district.

Municipal profile

EXPLANATION

District under the jurisdiction of a local government.

Basic data about the municipal district.

Most of this information is available in published sources including:

- VCGLR website at vcglr.vic.gov.au
- VCGA research publications (available on the VCGLR website)
- Australian Bureau of Statistics publications and website.

Statistical local areas

The Statistical Local Area (SLA) is an Australian standard geographical classification defined area which consists of one or more collection districts. SLAs are local government areas (LGAs), or parts thereof. SLAs cover, in aggregate, the whole of Australia without gaps or overlaps.

Net economic and social impact

An evaluation which weighs up the positive and negative economic and social effects of the proposed change in gaming provision to estimate what the impact will be on the municipal district from the proposal.

Social impact of the proposal

Social impact is the sum of the effects on the social infrastructure, social opportunities and social interactions (of the municipal district) in the short or medium term, and how this is likely to affect the well-being of the community.

Includes consideration of **benefits** and **costs** (or favourable and adverse effects).

Social **benefits** are positive effects (favourable consequences) of increased gaming provision which are likely to contribute to development of social infrastructure, social opportunities and social interaction, and an overall improvement of the social capital of the municipal district.

Social **costs** are negative effects (adverse consequences) of increased gaming provision which are likely to contribute to the decline of social infrastructure, social opportunities and social interactions, and an overall deterioration of the social capital of the municipal district.

Where the social capital of a municipal district shows no net gain or loss, the social impact can be said to be neutral.

TERM**EXPLANATION****Surrounding municipal districts**

District(s) under the control of local government(s) that abut the municipal district in which the applicant's premises/venue are located.

Well-being of the community of the municipal district

Economic prosperity and social robustness or health of the overall community of the municipal district.

Will not be detrimental to the well-being of the community of the municipal district

When the net economic and social impact of the proposal (i.e. the sum to the incremental effects) is considered neutral or positive.

9.8. EUREKA CENTRE COMMUNITY ADVISORY COMMITTEE TERMS OF REFERENCE

Division: Community Development
Director: Angelique Lush
Author/Position: Jeff Johnson –Executive Manager Events and the Arts

OFFICER RECOMMENDATION

Council resolves to:

- 1. Endorse the Terms of Reference for the Eureka Centre Community Advisory Committee.**
- 2. Nominate one of the Prosperity Portfolio Councillors appointed to the Committee as the Chairperson of the Committee.**

EXECUTIVE SUMMARY

At the 12 September 2018 Ordinary Council meeting Councillors requested an updated Terms of Reference for the Eureka Centre Community Advisory Committee.

The updated Terms of Reference were to include:

1. Amend the "Purpose" section of the Eureka Centre Community Advisory Committee Terms of Reference to include the following "2.5 Provide recommendations on how to develop the Eureka Centre into a visitor attraction."
2. The Terms of Reference to be in the new Terms of Reference template with "A Councillor" replacing "The Councillor" at clause 4.5

The updated Terms of Reference is attached to this report.

RATIONALE

City of Ballarat formally resolved at the 21 February 2018 Ordinary Council meeting, to assume management of the Museum of Australian Democracy at Eureka (MADE), Resolution R43/18. A specific section of that resolution required Officers to;

- Appoint a skills-based 'Eureka' Centre Consultative Committee with specific terms of reference endorsed by Council

The Eureka Centre Community Advisory Committee is required to operate under a Terms of Reference endorsed by Council.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

Human Rights – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Financial/Resources – There are no financial implications for Council from the outcomes of this report.

Risk Management – Proper and due process has been followed in the Eureka membership EOI process and there is no risk to Council from the outcomes of this report.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

1. Eureka Centre Community AC TOR - Updated September 2018 **[9.8.1]**

EUREKA CENTRE COMMUNITY ADVISORY COMMITTEE

TERMS OF REFERENCE

1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Eureka Centre Community Advisory Committee (**Committee**).
- 1.2 The City of Ballarat recognises the importance of the Eureka story and its legacy to the community of Ballarat and Australia.

As part of this recognition, Council has established the Committee as a resource of knowledge and advice for matters relating to the promotion, commemoration and celebration of Eureka.
- 1.3 The Committee has the functions and responsibilities as set out in this Terms of Reference document. The Terms of Reference document sets out the structure and basis on which the Committee can function.
- 1.4 This Terms of Reference document is authorised by a resolution [insert resolution number] of Council passed on [insert date].

2. PURPOSE

The Purpose of the Committee is to:

- 2.1 Provide recommendations on how to increase the Ballarat community's involvement with the Eureka Centre;
- 2.2 Providing a critical link between Council, the people of Ballarat, and the Eureka story.
- 2.3 Supporting Council in its leadership role within the Eureka story.
- 2.4 Providing recommendations and advice to Council from a skills-based perspective on:
 - 2.4.1 Identification of Eureka focused artefacts and displays; and
 - 2.4.2 Proposals for the ongoing development of the Eureka narrative for the Eureka Centre.
- 2.5 Provide recommendations on how to develop the Eureka Centre into a Visitor attraction.

3. ROLES AND RESPONSIBILITY

The role of the Committee is to:

- 3.1 Provide advice and recommendations to Council on the development of strategies and projects to promote, commemorate and celebrate the Eureka story.

- 3.2 Participate in discussions at scheduled meetings.
- 3.3 Support the work of Council in developing partnerships with the wider community and government sector to promote and develop the Eureka story.
- 3.4 Committee members are expected to keep confidential all sensitive, commercial and personal information that the members encounter while being a member of the Committee, and not to act in any way that would bring the Council into disrepute.

4. MEMBERSHIP

- 4.1 The Committee will consist of up to ten (10) members comprising of:
 - 4.1.1 Three (3) representatives with a proven understanding and knowledge of the Eureka Story;
 - 4.1.2 Three (3) community member representatives;
 - 4.1.3 One (1) representative with a proven understanding and knowledge of museums, interpretative centres, or similar entities; and
 - 4.1.4 Up to three (3) Councillors appointed by the City of Ballarat.
- 4.2 Community members will be selected on merit and expertise and appointed as individuals and not as representatives of a group or organisation, selection will be based on demonstrated skills and experience in the following areas;
 - 4.2.1 Professional and/or community engagement experience;
 - 4.2.2 Knowledge of Australian colonial history, particularly the Eureka story;
 - 4.2.3 Experience in curatorship, public space, storytelling using built form, or related fields; and
 - 4.2.4 Proven ability to work cooperatively in advisory groups or selection panels.
- 4.3 The Chief Executive Officer shall appoint a Council Officer to provide administrative support and guidance to the Committee.
- 4.4 A Council Officer appointed under clause 4.3 is not considered a member of the Committee and does not have voting rights.
- 4.5 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 4.6 Councillors, other than a Councillor appointed under clause 4.1.4, who attend a meeting are not to be classed as members of the Committee and do not have voting rights.
- 4.7 Council will revise the membership and voting rights of each Committee member as it sees fit.
- 4.8 A Councillor appointed under clause 4.1.4 will be the Chairperson of the Committee.
- 4.9 Where more than one Councillor is appointed to the Committee, Council will, by resolution, appoint one of those Councillors to be the Chairperson of the Committee.

- 4.10 If a Chairperson is not appointed under clause 4.8 or 4.9, as the case may be, before the Committee's first meeting, the Committee members must appoint a Chairperson at the first meeting.
- 4.11 If the Chairperson is absent from a Committee Meeting another Councillor appointed will act as a temporary Chairperson.
- 4.12 Any Councillor can attend the meeting as an observer.

5. MEETINGS

- 5.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
 - 5.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
 - 5.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
 - 5.1.3 the Committee's discretion, as exercised from time to time; and
 - 5.1.4 Council's Community Consultation and Participation Framework.
- 5.2 The Committee will meet quarterly per year or with such other frequency as determined by resolution of Council or, absent such a resolution, with such greater frequency as agreed by the Committee from time to time.
- 5.3 The Chairperson will chair all Committee meetings.
- 5.4 The Chairperson is the only authorised spokesperson for the Committee.
- 5.5 A quorum of the Committee will be half of the members plus one.
- 5.6 Voting will be by a majority, by a show of hands. Only members in attendance are entitled to vote. The Chairperson shall have the casting vote in the event of an equality of votes.

6. REPORTING

- 6.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Council's consideration in accordance with:
 - 6.1.1 Council's Meeting Procedure Local Law;
 - 6.1.2 Part 4, Division 2 of the *Local Government Act 1989*;
 - 6.1.3 any resolution of Council made from time to time; and
 - 6.1.4 The Committee's discretion, as exercised from time to time.
- 6.2 The Committee must prepare and present to Council a report of its activities upon being required to do so by Council or in any event once a year.
- 6.3 The Committee must report all recommendations and advice, agreed to by the committee, to Eureka Centre Manager within two (2) weeks of each respective meeting.

- 6.4 The Eureka Centre Manager will report the Committee outcomes to Council as required.
- 6.5 In accordance with the *Local Government Act 1989*, when a Councillor attends a Committee Meeting, this is deemed to be an *Assembly of Councillors* and an Assembly of Councillors Record must be completed as soon as possible by the Council Officer appointed under clause 4.3 or, if that Council Officer is not present, by the Committee Chairperson, and forwarded to the Governance Unit for inclusion in the report to Council.
(Note – this only applies when a Councillor is in attendance.)

7. CREATION AND DISSOLUTION

- 7.1 By these Terms of Reference, the Committee:
- 7.1.1 is established; and
 - 7.1.2 has the responsibilities as set out in the Terms of Reference.
- 7.2 These Terms of Reference:
- 7.2.1 come into force immediately the resolution of Council adopting them is made; and
 - 7.2.2 can be varied or revoked by Council at any time.
 - 7.2.3 The Committee will dissolve 12 months after the common seal of Council is affixed to the Terms of Reference.
- 7.3 The Committee can be dissolved by the decision of Council.

Dated: [inert date of Council meeting the ToR was endorsed]

9.9. BRIDGE MALL SPECIAL RATE

Division: Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall - Executive Assistant, Director Business Services

OFFICER RECOMMENDATION**Council resolves:**

1. In accordance with section 163(1) of the *Local Government Act 1989* ('the Act'), Council declares a Special Rate for a five year period commencing 1 July 2018 and ending on 30 June 2023 on specified properties in the Bridge Mall to defray a proportion of the annual expenditure for the Promotion, Security Services and the employment of a part-time Manager for the Bridge Mall Business Association.
2. Specify the following for the purposes of section 163(2), 163(2A) and 163(2B) of the Act:
 - a. The total amount of the Special Rate to be levied is \$148,000 for each of the 5 years. The annual budget for the Bridge Mall Business Association's initiatives and projects related to the Special Rate is \$218,000 per annum.
 - b. The total amount of the Special Rate which may be levied is not to exceed \$148,000, which is calculated in accordance with section 163(2A) of the Act.
 - c. For the purposes of 2(b) above:
 - i. The 'benefit ratio' (R) to be levied on liable persons is 68% for properties levied;
 - ii. There are no properties receiving a special benefit from the Special Rate which are not levied with the Special Rate;
 - iii. The 'community benefit' from the Special Rate is 32%.
 - d. The criteria to be used as the basis for levying the Special Rate is:
 - i. On all street level properties located between Grenville Street and Peel Street that face the Bridge Mall, Coliseum Walk and the ground floor tenancies in Norwich Plaza, as follows:-
 - Odd Numbers from 17 to 81 Bridge Mall (inclusive);
 - Even Numbers from 2 to 90 Bridge Mall (inclusive);
 - 1 to 17 Norwich Plaza (inclusive);
 - 1 to 6 Coliseum Walk (inclusive).
 - ii. For the first year of the Special Rate, a rate in the dollar of 0.002977 cents in the dollar based on the property's Capital Improved Value. For each subsequent year, a rate in the dollar will be declared by Council based on the CIV of properties in the Special Rate to raise \$148,000 per annum.

EXECUTIVE SUMMARY

After advertising its intention to declare a Bridge Mall Special Rate on Saturday 25 August 2018, Council received and considered submissions at a Special Meeting on Wednesday 26 September, 2018.

RATIONALE

Background

In February this year, Bridge Mall Traders Association (now known as the Bridge Mall Business Association) wrote to Council requesting the Bridge Mall Special Rate for Promotion & Security (BMSR) be renewed for another 5 years.

Following various meetings and a survey of Bridge Mall Traders, Council formally considered the Bridge Mall Business Association's (BMBA) request at its meeting on 1 August 2018. It was resolved to commence the process to declare a Bridge Mall Special Rate – Promotion & Security, for a period of 5 years, to raise \$148,000 per annum to help fund agreed projects to the value of \$218,000 per annum. Council has agreed to provide an annual contribution to the BMBA of \$70,000 during the life of the Special Rate.

The projects and initiatives funded by the proposed BMSR will provide a Special Benefit to street level properties from Grenville Street to Peel Street that face the Bridge Mall, Coliseum Walk and the ground floor tenancies in Norwich Plaza, a total of 80 properties.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Local Government Act 1989*
- Local Government Victoria - Special Rates and Charges Ministerial Guidelines 2004
- *Charter of Human Rights and Responsibilities Act 2006*
- City of Ballarat Council Plan 2017-2021
- City of Ballarat Economic Program 2015-19

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/cultural	No	No
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	No	No
Implementation and Marketing	No	No
Evaluation and Review	No	No

Human Rights - It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Financial/Resources – Council's contribution of \$70,000 to the projects and initiatives of the Special Rate is within budget.

CONSULTATION

At the request of Council Officers, the Association undertook a survey of business operators and owners within the BMBA to assess their support for the renewal of the Special Rate.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- Nil

ATTACHMENTS

Nil

9.10. MEETING PROCEDURE LOCAL LAW

Division: Business Services
Director: Glenn Kallio
Author/Position: Cameron Montgomery – Executive Manager Safety, Risk and Compliance Services

OFFICER RECOMMENDATION

Council resolves to:

1. Receive the proposed Meeting Procedures Local Law.
2. Council resolve to:
 - a. Maintain the public question time provisions of Division 9 Clause 66 of Local Law 18 Meeting Procedure to replace Division 8 Clauses 64 and 65 of the proposed Local Law Meeting Procedure;or
 - b. Approve the public question time provisions of Division 8 Clauses 64 and 65 of the proposed Local Law Meeting Procedure.
3. Council resolve to:
 - a. Maintain the public submissions provisions of Division 9 Clause 67 of the Local Law 18 Meeting Procedure to replace Division 10 Clause 67 of the proposed Local Law Meeting Procedureor
 - b. Approve the public submissions provisions of Division 10 Clause 67 of the proposed Local Law Meeting Procedure.
4. Authorise commencement of the statutory process for the making of the proposed Local Law in accordance with Part 5 of the *Local Government Act 1989* (the Act), by giving public notice of its intention to make the proposed Local Law and inviting submissions under section 223 of the Act.

EXECUTIVE SUMMARY

The purpose of this report is to propose that Council makes a new local law to govern the meeting procedures for Council and Special Committee meetings.

RATIONALE

The *Local Government Act 1989* (the Act) requires a Council to have a local law to govern its meeting procedures.

The current Local Law No. 18 Meeting Procedure Local Law (LL#18) was adopted by Council on August 2012 (R310/12) and is not due to sunset until August 2022. However, the current LL#18 is not in keeping with changes in legislation and improvements to governance arrangements. Council have been consulted through briefings which have outlined opportunities to improve performance and governance compliance of Council meetings via changes to the meeting procedure local law.

A proposed Meeting Procedure Local Law (proposed MPLL) has been developed and is the result of a comprehensive process of external analysis, formal benchmarking of similar sized Councils, and document development and review. The proposed MPLL has been informed by internal workshops with officers and Councillor's detailing common issues, and general compliance activities. The draft MPLL has been reviewed by Maddocks Lawyers; and a Community impact Statement has been prepared.

The proposed MPLL was prepared based on Council's Local Law #18 with amendments to:

1. ensure compliance with the Act;
2. improve the structure, clarity or readability of the local law;
 - a. improve, simplify or clarify procedural matters; and
 - b. correct incidental formatting, numbering, positioning of clauses to allow natural sequential flow and/or typographical issues.
3. provide more clarity to Statutory Meetings, swearing in of Councillors and election of temporary chairs;
4. urgent business, notices of motion, alterations of motions and points of order:
 - a. increase transparency and effective governance relating to decisions (Victorian Ombudsman, Investigation into transparency in local government);
5. procedural motions:
 - a. providing clarity of procedural activities permitted and functional purpose;
6. Public Question time and representations:
 - a. increase transparency and effective governance relating to decisions (Victorian Ombudsman, Investigation into transparency in local government);
 - b. create efficiencies in operations and governance operations of Council Meetings; and
 - c. more consistent with the *Charter of Human Rights and Responsibilities Act 2006*;
7. increase clarity for petitions and joint letters to be submitted to Council;
8. introduce changes to recordings of meetings to meet current technological capabilities:
 - a. to provide further transparency to community.

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 1989*
- City of Ballarat Council Plan 2017 – 2021

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	No
Risk Management	Yes	No
Implementation and Marketing	No	No
Evaluation and Review	No	No

Human Rights – It is considered that proposed MPLL impact on section 15 ‘Participation in Public Life’ in the *Charter of Human Rights and Responsibilities Act 2006*, in so far as the draft changes enable increased participation by a broader populous.

Social/Cultural – Local laws related to meeting procedures are created to provide consistency and clarity to the conduct of Council meetings, and the expected protocols for decision making and the engagement with members of the community.

Financial/Resources – The costs associated with making and implementing local laws are contained within the 2018/19 Council Budget.

Risk Management – Achieving the objectives set out in the Local Government Charter (Part 1A of the Act) requires the adoption and enforcement of a suite of Local Laws applicable under local conditions. Council has a level of discretion in regard to the final composition of the Local Laws, and approaches to enforcement contained within.

CONSULTATION

Prior to making a local law, Council must give notice of its intention to make a local law in the Victorian Government Gazette and a public notice (newspaper) inviting submissions. It is proposed that Council place notices in the Government Gazette, the Miner and on Council’s website.

The proposed MPLL, together with a Community Impact Statement will be made available at the Phoenix Building, Town Hall, libraries and on Council’s website.

The statutory period for making submissions is 28 days and submitters will have the opportunity to make written submissions. Any person making a submission is entitled to request (in the submission itself) to be heard in support of their submission at the 21 November 2018 Ordinary Council Meeting where Council will hear and consider the submissions.

After considering all the submissions received, Council Officers will be making recommendations to the Council, regarding the proposed local law. It is planned that the Council will then make its final determination on the local law, at its 12 December 2018 Ordinary Meeting.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- Local Law No.18 – Meeting Procedures Local Law
- Victorian Ombudsman – Investigation into transparency of local government decision making

ATTACHMENTS

1. Proposed Meeting Procedure Local Law **[9.10.1]**
2. Proposed Meeting Procedure Local Law - Community Impact Statement **[9.10.2]**
3. Local Law 18 - Division 9 Public Question Time and Public Representations **[9.10.3]**



**BALLARAT CITY COUNCIL
MEETING PROCEDURE LOCAL LAW**

**Adopted by Council on: XXXXXXX
Commencement Date: XXXXXX
Revocation Date: XXXXXX**

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PART A INTRODUCTION

1. Title

This Local Law will be known as the "Meeting Procedure Local Law".

2. Objectives of this Local Law

The objectives of this Local Law are to:

- 2.1. provide for the election of the *Mayor* and *Deputy Mayor*;
- 2.2. regulate the use of the *Common Seal*;
- 2.3. prohibit unauthorised use of the *Common Seal* or any device resembling the *Common Seal*;
- 2.4. provide for the procedures governing the conduct of *Council Meetings* and *Special Committees*; and
- 2.5. provide for the appointment of *Councillors* to *Advisory Committees*, *Special Committee* positions and external boards.

3. Authorising provision

This Local Law is made under sections 5, 91 and 111 of the *Act*.

4. Commencement and end dates

This Local Law:

- 4.1. commences on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the *Municipal District*; and
- 4.2. ends on the 10th anniversary of the day on which it commenced operation, unless revoked sooner.

5. Revocation of Local Law No. 18 (as amended)

On the commencement of this Local Law, *Council's Meeting Procedure Local Law No. 18* (as amended) is revoked.

6. Definitions and notes

6.1. In this Local Law:

"Act" means the *Local Government Act 1989* (as amended from time to time);

"Advisory Committee" means an *Advisory Committee* established by *Council* under section 86(1) of the *Act*;

"Agenda" means the document containing the date, time and place of a *Meeting* and lists the business to be transacted at a *Council Meeting* and includes a revised *Agenda*;

"Annual (Statutory) Meeting" means the *Special Meeting* held for the purpose of electing the *Mayor*;

“Assembly of Councillors” has the same meaning as defined in the Act;

"Authorised Officer" means a means a person appointed as an Authorised Officer under s 224 of the Act;

“Caretaker Period” has the same meaning as ‘election period’ in Section 3(1) of the Act, and means the period that starts on the entitlement date and ends at 6pm on Election Day;

“Chamber” means any room where Council holds a Council Meeting;

"Chairperson" means the Chairperson of a Council Meeting and includes an acting, a temporary and a substitute Chairperson;

"Chief Executive Officer" means the Chief Executive Officer of Council or the person acting in or performing the position of Chief Executive Officer;

“Committee Meeting” means a Meeting of a Special or Advisory Committee of the Council;

"Common Seal" means the Common Seal of Council;

"Council" means Ballarat City Council;

"Council Meeting" includes an Ordinary Meeting, a Special Meeting, but does not include an Assembly of Councillors;

“Councillor” means a person who holds office as a member of the Council as defined under the Act;

“Councillor Code of Conduct” means the code of conduct developed by the Council under Section 76C of the Act;

“Deputy Mayor” means the Deputy Mayor of Council elected in accordance with this Local Law;

“Leave of Absence” means formal leave requested and taken by a Councillor who is not available, or unable, to perform their Council duties for a specified period of time;

"Majority" means the votes cast by a Majority of the Councillors or members of a Special Committee present at a Meeting at the time the vote is taken;

“Mayor” means the Mayor of Council;

“Meeting” includes an Ordinary Meeting, a Special Meeting and a Special Committee Meeting;

“Minutes” means the record of proceedings of a Meeting of the Council or a Special Committee of the Council;

"Municipal District" means the municipal district of Council;

"Notice of Amendment" means a Notice of Motion to amend a resolution made by Council;

"Notice of Motion" means a motion of which prior notice has been given by a Councillor in accordance with the requirements of this Local Law;

"Notice of Rescission" means a Notice of Motion to rescind a resolution made by Council;

"Offence" means an act or default in breach of this Local Law;

"Officer" means an employed member of Council staff;

"Operational service request process" means a request for action through the Customer Request System in use by the Council or request relating to the day to day management of Council operations as defined in Section 94A(1) of the Act as the functions of the Chief Executive Officer;

"Ordinary Meeting" means any Meeting of Council which is not a Special Meeting or a Meeting of a Special Committee;

"Penalty Units" mean penalty units as prescribed by the Sentencing Act 1992;

"Quorum" means the minimum number of Councillors necessary to conduct the business of Council. A quorum is half the Council members plus one.

"Repetitious Motion" means (a) a motion moved that is to the same effect, even if it is in a different form, as a motion (with or without amendment) that has been rejected by Council at the same Meeting; or (b) a motion that substantially covers the same ground as a motion or amendment already dealt with by Council at the same Meeting;

"Special Committee" means a Special Committee established by Council under section 86 of the Act;

"Special Committee Meeting" means a Meeting of Council convened and held in accordance with section 87 of the Act;

"Special Meeting" means a meeting of Council convened and held in accordance with section 84 of the Act;

"Standing Orders" means the provisions of this Local Law which govern the conduct of Meetings;

"Suspension of Standing Orders" means a suspension of the provisions of this Local Law, to facilitate full discussion on an issue without formal Local Law constraints;

"Urgent Business" means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Ordinary Meeting or Special Committee Meeting;

"Visitor" means any person (other than a Councillor or an Officer) present at a Meeting;

"Written" or "In Writing" includes duplicated, photocopied, photographed, printed and typed and extends to both hard copy and soft copy form.

- 6.2. Introductory notes to parts, divisions, headings, and explanatory notes do not form part of this Local Law. They are provided to assist understanding of the Local Law only.

PART B - SWEARING IN OF COUNCILLORS AND ELECTION OF MAYOR

Introductory Note: This Part describes how the *Mayor* and *Deputy Mayor* are to be elected after a general election and the annual election of *Mayor* and *Deputy Mayor*.

7. Swearing in of Councillors

- 7.1. The *Chief Executive Officer* must open the first *Meeting* called after a general election pursuant to the *Act* and may then preside over the *Meeting*.
- 7.2. Once all *Councillors* present are sworn in and made a declaration to abide by the *Councillor Code of Conduct*, the *Meeting* may elect a temporary *Chairperson*.

8. Election of Mayor

- 8.1. The *Mayor* must be elected annually at a *Meeting* of the *Council* called the *Annual (Statutory) Meeting*.
- 8.2. The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act* and this Local Law.
- 8.3. Subject to sub-clause 8.3.1, the *Chief Executive Officer* must determine the most appropriate time and date for the election of the *Mayor*, except that the election of the *Mayor* must be held:
 - 8.3.1. after the fourth Saturday in October but not later than 30 November in each year;
or
 - 8.3.2. in any case, as soon as possible after the office of *Mayor* becomes vacant.
- 8.4. Notwithstanding clause 8.3.1, the *Council* may resolve to elect a *Mayor* for a term of 2 years. If *Council* resolves to elect the *Mayor* for a term of 2 years, the next election of the *Mayor* is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election.
- 8.5. The order of business at the *Council Meeting* to elect the *Mayor* is to be determined by the *Chief Executive Officer*. In the absence of any changes directed by the *Chief Executive Officer*, the default order of business will be:
 - 8.5.1. Opening and Acknowledgement of Country;
 - 8.5.2. Apologies;
 - 8.5.3. Election report (at the *Council Meeting* to elect the *Mayor* following the declaration of results of a general election of *Councillors*);
 - 8.5.4. Oath of office (at the *Council Meeting* to elect the *Mayor* following the declaration of results of a general election of *Councillors*);
 - 8.5.5. *Councillor Code of Conduct* (at the *Council Meeting* to elect the *Mayor* following the declaration of results of a general election of *Councillors*);
 - 8.5.6. Appointment of Temporary *Chairperson*;
 - 8.5.7. Term of the *Mayor* and determination of the position of *Deputy Mayor*;

- 8.5.8. Election of the *Mayor*;
 - 8.5.9. Presentation and commencement speech by the incoming *Mayor*;
 - 8.5.10. Election of *Deputy Mayor* (if the position is established); and
 - 8.5.11. Ceremonial motions.
- 8.6. The *Councillor* elected to the position of *Mayor* may make a commencement speech for up to 10 minutes outlining their vision for the Mayoral term.
- 8.7. The commencement speech may not address matters outside the powers of the *Council*, be derogatory, or be prejudicial to any person or the *Council*.

9. Procedure for Election of the Mayor

- 9.1. A *Mayor* must be elected in accordance with section 71 of the *Act*.
- 9.2. All nominations to be a candidate for *Mayor* and *Deputy Mayor* are to be provided *In Writing* to the *Chief Executive Officer* no later than a date and time to be fixed by the *Chief Executive Officer*.
- 9.3. The *Chief Executive Officer* will advise all *Councillors* of the names of the candidates within 24 hours of nominations closing.
- 9.4. The *Chief Executive Officer* must open the *Meeting* at which the *Mayor* and/or *Deputy Mayor* are to be elected; and preside until the *Meeting* elects a temporary *Chairperson*.
- 9.5. The temporary *Chairperson* must invite nominations for the office of *Mayor* which must be seconded.
- 9.6. If there is only one (1) nomination, the candidate is declared elected.
- 9.7. If there is more than one (1) nomination, a vote will be held.
- 9.8. In the event of a nominee receiving a *Majority* of the votes, that nominee is elected as *Mayor*.
- 9.9. In the event that no nominee receives a *Majority* of the votes, the nominee with the fewest number of votes is a defeated nominee. The *Councillors* present at the *Ordinary Meeting* must then vote for one (1) of the remaining nominees.
- 9.10. If one (1) of the remaining nominees receives a *Majority* of the votes, he or she is duly elected *Mayor*.
- 9.11. If none of the remaining nominees receive an *Majority* of the votes, the process of declaring the nominees with the fewest number of votes, a defeated nominee and voting for the remaining nominee must be repeated until one (1) of the nominees receives a *Majority* of the votes. That nominee is then duly elected.
- 9.12. In the event of two (2) or more nominees having an equal number of votes and one (1) of them having to be declared;
 - 9.12.1. a defeated nominee; and the other
 - 9.12.2. duly elected
 the declaration will be determined by lot.

- 9.13. If a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- 9.13.1. each nominee will draw one (1) lot;
 - 9.13.2. the order of drawing lots will be determined by the alphabetical order of the surnames of the nominees who received an equal number of votes except that if two (2) or more such nominees' surnames are identical, the order will be determined by the alphabetical order of the nominees' first names;
 - 9.13.3. as many identical pieces of paper as there are nominees who received an equal number of votes must be placed in a receptacle
 - 9.13.4. if the lot is being conducted to determine which is a defeated nominee, the word "Defeated" must be *Written* on one (1) of the pieces of paper, and the nominee who draws the paper with the word "Defeated" *Written* on it must be declared the defeated nominee (in which event a further vote must be taken on the remaining nominees); or
 - 9.13.5. if the lot is being conducted to determine which nominee is to be duly elected, the word "Elected" must be *Written* on one (1) of the pieces of paper, and the nominee who draws the paper with the word "Elected" *Written* on it must be duly elected.

10. Procedure for election of the Deputy Mayor and Temporary Chairperson

- 10.1. At a *Meeting* to elect the *Mayor*, the *Council* may determine to elect a *Deputy Mayor*.
- 10.2. If *Council* determines to elect a *Deputy Mayor*, the procedure used for the election of *Mayor* will be used to elect a *Deputy Mayor* or *Temporary Chairperson* (in cases where the *Mayor* and *Deputy Mayor* are absent from a *Council Meeting*), provided that a reference to the *Mayor* is a reference to the *Deputy Mayor* or to the *Temporary Chairperson*, as the case may be.
- 10.3. Subject to clause 10.2, the *Chief Executive Officer* must arrange an election as soon as possible after the office of *Deputy Mayor* becomes vacant.

PART C COUNCIL'S COMMON SEAL

Introductory Note: The *Common Seal* is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the *Common Seal*; and describe when it may be affixed to a document.

11. Council's Common Seal

- 11.1. The *Chief Executive Officer* must ensure the security of *Council's Common Seal* at all times.
- 11.2. The affixing of *Council's Common Seal* to any document must be attested to by the signatures of:
 - 11.2.1. the *Mayor* and the *Chief Executive Officer*; or
 - 11.2.2. in the absence of the *Mayor*, by a *Councillor* and the *Chief Executive Officer* or any other member of *Council* staff authorised by *Council*.
- 11.3. A person must not use the *Common Seal* or any device resembling the *Common Seal* without the authority of *Council*.

Penalty: 5 *Penalty Units*

PART D COUNCIL'S OFFICE HOLDERS

12. Appointment of Councillors to Advisory Committees, Special Committees and boards

At least by the last *Council Meeting* of the calendar year, the *Council* must resolve to:

- 12.1. allocate *Councillors* to nominated *Advisory Committees*, *Special Committees* or board positions; and
- 12.2. remove *Councillors* from *Advisory Committees*, *Special Committees* or board positions.
- 12.3. Notwithstanding clause 12.1, *Council* may, by resolution, allocate *Councillors* to, and remove *Councillors* from, nominated *Advisory Committees*, *Special Committees* and board positions at any other time.

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PART E MEETINGS PROCEDURE

Introductory Note: This Part is divided into a number of divisions. Each division addresses a distinct aspect of the holding of a *Council Meeting*. Collectively the divisions describe how and when a *Council Meeting* is convened, when and how business may be transacted at a *Council Meeting* and the particular circumstances of *Special Committee Meetings*.

DIVISION 1 - NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

13. Dates and times of Meetings

- 13.1. *Council* must fix the date, time and place of all *Ordinary Meetings*.
- 13.2. *Council* may from time to time fix a date, time and place of *Special Committee Meeting's*.

14. Council May Alter Ordinary Meeting Dates

- 14.1. *Council* may from time to time change the date, time and place of any *Ordinary Meeting* which has been fixed and must provide reasonable notice of the change to the public.

15. Special Meetings

- 15.1. A notice of a *Special Meeting* must be delivered to every *Councillor* at least 2 days before the *Special Meeting*. A period less than two (2) days may, however, be justified if exceptional circumstances exist.
- 15.2. Subject to any resolution providing otherwise, the order of business of any *Special Meeting* must be the order in which such business stands in the *Agenda* for the *Meeting*.

16. Notice of Meeting to the Public

- 16.1. Seven (7) days-notice of a *Council Meeting* must be given to the public by advertising on the *Council Website* and in a local Newspaper generally circulating within the municipality unless time does not permit.
- 16.2. Advertising can be done as a schedule of *Meetings* either annually or at various times throughout the year, or just prior to each *Meeting* unless extraordinary circumstances exist
- 16.3. Reasonable notice of *Council Meetings* is considered to be a least 2 days before a *Meeting*.

17. Notice of Meeting to Councillors

- 17.1. A notice of a *Meeting* must state the date, time and place of the *Meeting* and the business to be dealt with, incorporating or accompanied by an *Agenda*; and must be delivered (whether personally, by facsimile, email or otherwise) or made available electronically to every *Councillor* as early as practicable; or at least 2 days before the *Meeting*.
- 17.2. Subject to any resolution of *Council*, the *Chief Executive Officer* will determine the method of delivery to be used under clause 17.1.
- 17.3. An *Agenda* of an *Ordinary Meeting* must be provided to the public at least 2 days before the *Ordinary Meeting*.

DIVISION 2 – QUORUMS

18. Inability to gain a quorum

If after 30 minutes from the scheduled starting time of any *Council Meeting*, a quorum cannot be obtained:

- 18.1. those *Councillors* present; or
- 18.2. if there are no *Councillors* present, the *Chief Executive Officer*, or,
- 18.3. in the absence of the *Chief Executive Officer*, an *Authorised Officer*,

must adjourn the *Council Meeting* for a period within four (4) weeks from the date of the adjournment.

19. Inability to maintain a quorum

If during any *Council Meeting* or any adjournment of the *Council Meeting*, a quorum cannot be maintained:

- 19.1. those *Councillors* present; or
- 19.2. if there are no *Councillors* present, the *Chief Executive Officer*, or,
- 19.3. in the absence of the *Chief Executive Officer*, an *Authorised Officer*,

must adjourn the *Council Meeting* for a period not exceeding seven (7) days from the date of the adjournment.

20. Inability to achieve or maintain a quorum due to conflicts of interest of Councillors

If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest of *Councillors*, the *Chief Executive Officer*, or, in his or her absence, his or her delegate, must adjourn the *Agenda* item or *Council Meeting* for a length of time sufficient to enable dispensation for the affected *Councillors* to be obtained from the Minister administering the *Act*.

21. Adjournment

The *Chief Executive Officer* must provide *Written* notice of an adjournment under clause 18, 19 or 20, however where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every *Councillor*, notice by telephone, facsimile, email, in person or by some other means is sufficient.

22. Adjourned meetings

- 22.1. *Council* may adjourn any *Council Meeting*.
- 22.2. The *Chief Executive Officer*, or his or her delegate, must give notice to each *Councillor* of the date, time and place to which the *Council Meeting* stands adjourned and of the business remaining to be considered.

DIVISION 3 – CONDUCT AND BUSINESS OF MEETINGS

23. Time limits for Council Meetings

- 23.1. A *Council Meeting* must start within 30 minutes of the advertised start time.
- 23.2. A *Council Meeting* will not continue after 11.00 pm unless a *Majority of Councillors* present vote in favour of its continuance. In the absence of such continuance, a *Council Meeting* must stand adjourned to a time, date and place announced by the *Chairperson* immediately prior to the *Meeting* standing adjourned.

24. The order of business

The order of business at any *Council Meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.

25. Change to order of business

Once an *Agenda* has been sent to *Councillors*, the order of business for that *Council Meeting* may only be altered by a resolution of the *Council*. This includes a request for an item to be brought forward.

26. Chairperson

The *Mayor* must preside at all *Council Meetings* at which he or she is present, in the role of *Chairperson*.

27. Absence of Chairperson

- 27.1. In the absence of the *Mayor*, the *Deputy Mayor* (if one is elected) must preside at any *Council Meeting* at which he or she is present, in the role of *Chairperson*.
- 27.2. In the event that both the *Mayor* and *Deputy Mayor* are absent, or a *Deputy Mayor* has not been elected, *Council* must elect a temporary *Chairperson* to preside at that *Council Meeting*.

28. Leave of Absence

- 28.1. If a *Councillor* is absent from a *Council Meeting*, the *Councillor* should request a *Leave of Absence* at a prior *Council Meeting*.
- 28.2. If this is not practicable, the *Councillor* must give the *Chief Executive Officer* notice of an apology prior to the *Council Meeting*.
- 28.3. If a *Councillor* leaves a *Council Meeting*, the *Councillor* must request permission from the *Chairperson* before leaving the *Chamber*.
- 28.4. Unless there is an emergency, or otherwise in accordance with clause 28.6 of this Local Law, a *Leave of Absence* requested during a *Council Meeting* will only be granted at the end of a motion.
- 28.5. Unless there is an emergency, or otherwise in accordance with clause 28.6 of this Local Law, a *Leave of absence* must not be requested or granted during a debate.
- 28.6. The *Chairperson* may call a comfort break at any time during a *Meeting* on a request from a *Councillor*.

29. Urgent Business

- 29.1. Subject to clause 29.2, *Urgent Business* may be considered at any *Ordinary Meeting*.
- 29.2. *Urgent Business* can only be admitted by resolution of *Council* and only then if it:
- 29.2.1. relates to or arises out of a matter which has arisen since distribution of the *Agenda*; or
 - 29.2.2. cannot safely or reasonably be deferred until the next *Ordinary Meeting*.
- 29.3. Notwithstanding anything to the contrary in this Local Law, a *Councillor* (with the agreement of the *Meeting*) may only submit or propose an item of *Urgent Business* if the matter relates to business that does not:
- 29.3.1. substantially affect the levels of *Council* service;
 - 29.3.2. commit *Council* to significant expenditure not included in the adopted budget;
 - 29.3.3. establish or amend *Council* Policy;
 - 29.3.4. commit *Council* to any contractual arrangement;
 - 29.3.5. require, pursuant to any other policy determined by *Council* from time to time, the giving of prior notice; and
 - 29.3.6. the proposed motion(s) is *In Writing* and given to the *Chairperson* who must seek a resolution of approval from *Council* to proceed at the particular *Meeting*.
- 29.4. A *Councillor* proposing that a matter be admitted as *Urgent Business* must lodge it *In Writing* with the *Chief Executive Officer* no later than 30 minutes prior to commencement of the *Meeting*.
- 29.5. The *Chief Executive Officer* may identify and determine a matter appropriate for *Council* to consider admitting as *Urgent Business* and will advise the *Mayor* as soon as practical.

DIVISION 4 – MOTIONS AND DEBATE

Explanatory Note: Councillors may put forward a motion which is different to an officer's recommendation on an item included in the *Agenda*. The motion, if adopted, becomes the actual decision (or resolution) of the *Council*.

30. Councillors may propose Notices of Motion

Councillors may propose an issue to be listed on the *Agenda* by lodging a *Notice of Motion* in accordance with the procedures outlined in this Division.

31. Notices of Motion

- 31.1. Prior to a *Council Meeting*, *Councillors* wanting to include a matter on the *Agenda*, must complete a *Notice of Motion* form.
- 31.2. A *Notice of Motion* form must be signed by the *Councillor*, and be lodged with the *Chief Executive Officer* (whether personally, by facsimile, email or otherwise) by 4pm the Thursday before the *Council Meeting* so as to allow sufficient time for him or her to give each other *Councillor* notice of such *Notice of Motion*; and to allow sufficient time for the *Notice of Motion* to be put in the *Agenda* for the next *Council Meeting*. If a *Notice of*

Motion form is received after that time, it must, unless withdrawn, be included in the *Agenda* for the following *Council Meeting*.

- 31.3. A *Notice of Motion* may be withdrawn by the *Councillor* who lodged it by a request *In Writing* received (whether personally, by facsimile, email or otherwise) prior to the publication of the *Agenda* for which the *Notice of Motion* was intended. Otherwise, the item must be dealt with at a *Council Meeting*.
- 31.4. The *Chief Executive Officer* must reject any *Notice of Motion* which:
 - 31.4.1. is too vague;
 - 31.4.2. is identical or substantially similar to a *Notice of Motion* or a Rescission Motion that has been considered by the *Council* and lost in the preceding six (6) months;
 - 31.4.3. is defamatory;
 - 31.4.4. may be prejudicial to any person or *Council*;
 - 31.4.5. is objectionable in language or nature;
 - 31.4.6. is outside the powers of *Council*;
 - 31.4.7. is a *Notice of Motion* submitted during the *Caretaker Period*; or
 - 31.4.8. is a matter subject to a *Council* decision making process which has commenced but is not yet complete.
- 31.5. If the *Chief Executive Officer* rejects a *Notice of Motion* under sub-clause 31.4, he or she will inform the *Councillor* who lodged the *Notice of Motion* of that rejection and the reasons for it. The *Councillor* will be provided with 24 hours to lodge a revised *Notice of Motion* provided that the *Meeting* at which the *Notice of Motion* is to be considered is more than 24 hours from the time of rejection.
- 31.6. The *Chief Executive Officer* may reject and refer any *Notice of Motion* to the *Council's Operational service request process* if it relates to a matter that he or she determines is more appropriately addressed that way.
- 31.7. Subject to sub-clauses 31.8 and 31.9 a *Notice of Motion* must call for a *Council* report if the *Notice of Motion*:
 - 31.7.1. substantially affects the level of *Council* services;
 - 31.7.2. commits the *Council* to expenditure in excess of \$20,000 and that has not been included in the adopted budget;
 - 31.7.3. establishes or amends a *Council* policy; or
 - 31.7.4. commits the *Council* to any contractual arrangement,
as determined by the *Chief Executive Officer*.
- 31.8. Where a *Notice of Motion* is likely to commit *Council* to significant expenditure not included in the adopted budget then the *Notice of Motion* must call for a report for *Council's* consideration and public submission process if applicable.

- 31.9. The *Chief Executive Officer* may designate a *Notice of Motion* to be confidential in accordance with Section 89(2) of the *Act*, in which case the *Notice of Motion* will be confidential unless the *Council* resolves otherwise.
- 31.10. The full text of any *Notice of Motion* accepted by the *Chief Executive Officer* must be included in the material accompanying the *Agenda*.
- 31.11. The *Chief Executive Officer* must arrange for a formal report to be prepared and presented to the *Council* for the purposes of sub-clause 31.7. Where practicable the report should be presented to the next *Council Meeting*.
- 31.12. The *Chief Executive Officer* must cause all Notices of Motion to be numbered, dated and entered in the *Notice of Motion* register in the order in which they were received.
- 31.13. Except by leave of *Council*, each *Notice of Motion* must be considered in the order in which they were received by the *Chief Executive Officer*.
- 31.14. If a *Councillor* who has given a *Notice of Motion* is absent from the *Council Meeting* or fails to move the motion when called upon by the *Chairperson*, any other *Councillor* may move the motion.
- 31.15. If a *Councillor* proposing the motion wishes to amend the *Notice of Motion*, he or she may do so by seeking leave of the *Council* to amend the *Notice of Motion* prior to it being seconded.
- 31.16. The *Chairperson*, having lodged a *Notice of Motion* in accordance with this clause, must vacate the Chair of the *Council Meeting* to move the *Notice of Motion*; and the Deputy Mayor or, in the absence of the Deputy Mayor, temporary *Chairperson* appointed by the *Council*, will take the Chair for the duration of consideration of the item.
- 31.17. If a *Notice of Motion* is not moved at the *Council Meeting* at which it is listed, it lapses.

32. Introducing a motion at a Council Meeting

Before a motion at a *Council Meeting* is moved, a *Councillor* may introduce it by indicating, in not more than two (2) minutes:

- 32.1. its intent; or
- 32.2. the desired outcome, if it is passed.

33. Unacceptable motions at a Council Meeting

Any motion which is determined by the *Chairperson* at a *Council Meeting* to be:

- 33.1. defamatory;
- 33.2. objectionable in language or nature;
- 33.3. vague or unclear in intention;
- 33.4. outside the powers of *Council*; or
- 33.5. irrelevant to the item of business on the *Agenda* and has not been admitted as urgent or general business, or
- 33.6. purports to be an amendment but is not; must not be accepted by the *Chairperson*.

34. Moving a motion or an amendment to a motion at a Council Meeting

Provided clause 33 does not apply, the procedure for moving any motion or amendment to a motion is:

- 34.1. the mover must state the motion and be given an opportunity to introduce the motion in accordance with clause 32;
- 34.2. the motion must be seconded by a *Councillor* other than the mover;
- 34.3. if a motion is not seconded, the motion lapses;
- 34.4. if a motion or an amendment is moved and seconded the *Chairperson* must ask:
- 34.5. "Is the motion or amendment opposed?"
- 34.6. if a *Councillor* indicates opposition, then the *Chairperson* must call on the mover to address the *Council Meeting*;
- 34.7. after the mover has addressed the *Meeting*, the seconder may address the *Council Meeting*, or the seconder may reserve his or her right to speak later in the debate.
- 34.8. after the seconder has addressed the *Council Meeting* (or after the mover has addressed the *Council Meeting* if the seconder does not address the *Council Meeting*) the *Chairperson* must invite debate by calling on any *Councillor* who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 34.9. if, after the mover has addressed the *Council Meeting*, the *Chairperson* has invited debate and no *Councillor* speaks to the motion, then the *Chairperson* must put the motion to the vote.

35. Right of reply

- 35.1. The mover of a motion has a right of reply to matters raised during debate.
- 35.2. The mover of a motion loses his or her right of reply if an amendment to the motion is carried.
- 35.3. The mover of an amendment to a motion does not have a right of reply.
- 35.4. A *Councillor* exercising a right of reply must not introduce any new matter.
- 35.5. After the right of reply has been taken, the motion must immediately be put to the vote without any further discussion or debate.

36. Moving an amendment to a motion

- 36.1. Subject to clause 36.2, a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 36.2. A motion to confirm a previous resolution of *Council* cannot be amended.

37. Agreed Alterations to a Motion or Amendment

- 37.1. A motion having been moved and seconded may, with the consent of the mover and seconder, be amended by the minute taker by leaving out, inserting or adding words which must be relevant to the motion and framed so as to complement it as an intelligible and consistent whole, provided that the amendment is made before the motion is voted on.
- 37.2. With the leave of the *Chairperson*, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other *Councillor*. This does not necessitate the recording of an amendment into the *Minutes* of the *Meeting* as the alteration would then form part of the substantive motion.
- 37.3. A *Councillor* may request at any time before a vote is taken on a motion or amendment which is in two or more parts, that each part be put to the vote separately. The *Chairperson* may agree with or refuse such a request or can decide to put any motion to the vote in separate parts.

38. Who may propose an Amendment

An amendment to a motion may be proposed or seconded by any *Councillor*, except the mover or seconder of the original motion.

39. Who may Debate an Amendment

A *Councillor* may address the *Meeting* once (1) on any amendment, whether or not they have spoken to the original motion, but their debate must be confined to the terms of the amendment.

40. How many amendments may be proposed

- 40.1. Any number of amendments may be proposed to a motion but only one (1) amendment may be accepted by the *Chairperson* at any one time.
- 40.2. No second or subsequent amendment may be taken into consideration until the previous amendment has been dealt with.

41. An amendment to a motion once carried

- 41.1. If the amendment to a motion is carried, the motion as amended then becomes the motion before the *Council Meeting*.
- 41.2. the mover and seconder of the amendment are deemed to be the mover and seconder of the motion before the *Meeting*.

42. An amendment to a motion if lost

- 42.1. If the amendment to motion is lost, the debate can resume from where it left off.
- 42.2. A *Councillor* who has already spoken on the original motion must not speak again unless to continue the debate as if the amended motion had not been put.

43. Withdrawal of motions

Before any motion is put to the vote, it may be withdrawn by the mover with agreement from seconder or by resolution of *Council*.

44. Chairperson may allow motions to be moved in a block

The *Chairperson* may, in his or her discretion, allow or request *Councillors* to move "like items" in a block.

45. Priority of address

In the case of competition for the right to speak, the *Chairperson* must decide the order in which the *Councillors* concerned will be heard.

46. Motions in writing

- 46.1. All motions, except procedural motions, should be *In Writing*.
- 46.2. *Council* may adjourn the *Council Meeting* while the motion is being *Written* or *Council* may defer the matter until the motion has been *Written*, allowing the *Council Meeting* to proceed uninterrupted.
- 46.3. The *Chairperson* may request the person taking the *Minutes* of the *Council Meeting* to read the motion or amendment to the *Council Meeting* before the vote is taken.

47. Debate must be relevant to the question

- 47.1. Debate must always be relevant to the question before the *Chairperson*, and, if not, the *Chairperson* must request the speaker to confine debate to the question.
- 47.2. If after being requested to confine debate to the question before the *Chairperson*, the speaker continues to debate irrelevant matters, the *Chairperson* may direct the speaker to be seated and not speak further in respect of the question then before the *Chairperson*.
- 47.3. A speaker to whom a direction has been given under clause 47.2 must comply with that direction.

48. Speaking times

A *Councillor* must not speak longer than the time set out below, unless granted an extension by the *Chairperson*:

- 48.1. the mover of a motion or an amendment: five (5) minutes;
- 48.2. seconder of the motion or an amendment: three (3) minutes;
- 48.3. any other *Councillor*: three (3) minutes; and
- 48.4. subject to clause 35, the mover of a motion exercising a right of reply: two (2) minutes.

49. Addressing the Council Meeting

If the *Chairperson* so determines:

- 49.1. any person addressing the *Chairperson* must refer to the *Chairperson* as: Madam Mayor;

or Mr Mayor;

or Madam Chair;

or Mr Chair;

as the case may be;

49.2. all *Councillors*, other than the *Mayor*, must be addressed as

Cr _____(name).

49.3. all members of *Council* staff, must be addressed as

Mr, Mrs or Ms _____(name) as appropriate or by their official title.

50. Foreshadowing motions

50.1. At any time during debate a *Councillor* may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the *Council Meeting*, but this does not extend any special right to the foreshadowed motion.

50.2. A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chairperson* being resolved in a certain way, a *Councillor* intends to move an alternative or additional motion.

50.3. A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the *Meeting*.

50.4. The *Chief Executive Officer* or person taking the *Minutes* of the *Meeting* will not record a foreshadowed motion in the *Minutes* until the foreshadowed motion is formally moved.

51. Right to ask questions

51.1. Subject to clause 51.3, a *Councillor* may, at any time when no other *Councillor* is speaking, ask any question concerning or arising out of the motion or amendment before the *Chairperson*.

51.2. Questions are not to be asked between moving and seconding a motion except to seek clarification on the motion moved.

51.3. The *Chairperson* has the right to disallow any question that does not specifically relate to the motion or amendment directly before it and to disallow any question should they, in the reasonable opinion of the *Chairperson*, be considered irrelevant.

51.4. The *Chairperson* has the right to limit questions and direct that debate be commenced or resumed.

DIVISION 5 – PROCEDURAL MOTIONS

52. Procedural motions

52.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chairperson*.

52.2. Procedural motions require a seconder.

52.3. Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the procedures set out in the Procedural Motions Table in this clause 52.

PROCEDURAL MOTIONS TABLE

Procedural motion	Form	Mover and seconder	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any <i>Councillor</i> who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a <i>Chairperson</i> ; (b) When another <i>Councillor</i> is speaking;	Motion and any amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any <i>Councillor</i> who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a <i>Chairperson</i> ; (b) When another <i>Councillor</i> is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made in accordance with section 85 of the <i>Act</i> ; (d) When a motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later <i>Council Meeting</i> if on the <i>Agenda</i>	Debate continues unaffected	Yes

Procedural motion	Form	Mover and seconder	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
3. The closure	That the motion be now put	Any <i>Councillor</i> who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	During nominations for <i>Chairperson</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without further debate, subject to any <i>Councillor</i> exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No
4. Laying question on the table	That the question lie on the table	Any <i>Councillor</i> who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<p>(a) During the election of a <i>Chairperson</i>;</p> <p>(b) During a <i>Council Meeting</i> which is a call of the <i>Council</i> has been made in accordance with section 85 of the <i>Act</i>;</p> <p>(c) When a motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement</p>	<p>Motion and amendment is not further discussed or voted on until:</p> <p>(a) <i>Council</i> resolves to take the question from the table at the same <i>Council Meeting</i>; or</p> <p>(b) The matter is placed on a subsequent <i>Agenda</i> and <i>Council</i> resolves to take the question from table</p>	Debate continues unaffected	No

Procedural motion	Form	Mover and seconder	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
6. Proceeding to next business	That the <i>Meeting</i> proceed to the next business: Note: This motion: (a) may not be amended; (b) may not be debated; and (c) must be put to the vote as soon as seconded	Any <i>Councillor</i> who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion.	(a) During the election of a <i>Chairperson</i> ; (b) When another <i>Councillor</i> is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made in accordance with section 85 of the <i>Act</i> ; or (d) When a motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement.	If carried in respect of: (a) An amendment - <i>Council</i> considers the motion without reference to the amendment; (b) A motion – no vote or further discussion on the motion until it is placed on an <i>Agenda</i> for a later <i>Council Meeting</i>	Debate continues unaffected	No
7. <i>Repetitious Motion</i>	That the motion is a <i>Repetitious Motion</i>	A <i>Councillor</i> who has not spoken to the motion or any amendment of it	(a) During the election of a <i>Chairperson</i> ; (b) When another <i>Councillor</i> is speaking; (c) When the matter is one in respect of which a call of the <i>Council</i> has been made;	(a) No vote or further discussion on the motion unless it is placed on an <i>Agenda</i> for a later <i>Meeting</i> ; (b) Proceed to next business	Debate continues unaffected	Yes

Procedural motion	Form	Mover and seconder	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
8. Alter the order of business	That the item listed as ## on the <i>Agenda</i> be considered before/after the item listed as item ##.	Any <i>Councillor</i> (including the <i>Mayor/Chairperson</i>)	During debate	Alters the order of business for the <i>Meeting</i> .	Items are considered in the order as listed in the <i>Agenda</i> .	No
9. <i>Suspension of Standing Orders</i>	That <i>Standing Orders</i> be suspended to ## (reason must be provided)	Any <i>Councillor</i> (including the <i>Mayor/Chairperson</i>)	Between a Motion being moved and seconded	The rules of the <i>Meeting</i> are temporarily suspended for the specific reason given in the motion.	<i>Meeting</i> continues unaffected.	No and no debate or decision on any matter. Resolution to resume <i>Standing Orders</i> is the only decision permissible.
10. Resumption of <i>Standing Orders</i>	That the <i>Standing Orders</i> be resumed.	Any <i>Councillor</i> (including the <i>Mayor/Chairperson</i>)	When <i>Standing Orders</i> have not been suspended.	The temporary suspension of the rules of the <i>Meeting</i> is removed.	The <i>Meeting</i> cannot continue.	No
11. Consideration of confidential matter(s)	That, in accordance with sections 89(2) and 77(2) of the <i>Act</i> , the <i>Meeting</i> be closed to members of the public for the consideration of item ## which has been designated confidential on the grounds it relates to ## (insert grounds from s.77(2))	Any <i>Councillor</i>	N/A	The <i>Meeting</i> is closed to members of the public.	The <i>Meeting</i> continues to be open to the public.	Yes

Procedural motion	Form	Mover and seconder	When motion prohibited	Effect if carried	Effect if lost	Debate permitted on motion
12. Reopen the <i>Meeting</i> .	That the <i>Meeting</i> be reopened to members of the public.	Any <i>Councillor</i>	N/A	The <i>Meeting</i> is reopened to members of the public.	<i>Meeting</i> remains closed to members of the public.	No
11. Consideration of confidential matter(s)	That, in accordance with sections 89(2) and 77(2) of the <i>Act</i> , the <i>Meeting</i> be closed to members of the public for the consideration of item ## which has been designated confidential on the grounds it relates to ## (insert grounds from s.77(2))	Any <i>Councillor</i>	N/A	The <i>Meeting</i> is closed to members of the public.	The <i>Meeting</i> continues to be open to the public.	Yes
12. Reopen the <i>Meeting</i> .	That the <i>Meeting</i> be reopened to members of the public.	Any <i>Councillor</i>	N/A	The <i>Meeting</i> is reopened to members of the public.	<i>Meeting</i> remains closed to members of the public.	No

DIVISION 6 – RESCISSION MOTIONS

53. Notice of Rescission or Amendment

- 53.1. A previous resolution of *Council* may be rescinded or amended by:
- 53.1.1. a report included on the *Agenda* for a *Council Meeting*; or
 - 53.1.2. a *Notice of Rescission* or Amendment proposed by a *Councillor* in accordance with this clause 53.
- 53.2. *Councillor* may propose a *Notice of Rescission* or Amendment provided:
- 53.2.1. the resolution proposed to be rescinded or amended has not been acted on; and
 - 53.2.2. the *Notice of Rescission* or Amendment is received *In Writing* by the *Chief Executive Officer* in accordance with clause 31, setting out:
 - 53.2.3. the resolution to be rescinded or amended; and
 - 53.2.4. the *Meeting* and date when the resolution was carried.

Explanatory Note: It should be remembered that a Notice of Rescission or Amendment is a form of Notice of Motion. Accordingly, all provisions in this Local Law regulating Notices of Motion equally apply to Notices of Rescission.

- 53.3. The *Chief Executive Officer*, or a member of *Council* staff with responsibility for it, may implement a resolution at any time after the close of the *Meeting* at which it was made. A resolution will be deemed to have been acted on if:
- 53.3.1. its contents have, or substance has, been formally communicated to a person whose interests are materially affected by it; or
 - 53.3.2. a statutory process has been commenced;
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 53.4. The *Chief Executive Officer* or an appropriate member of *Council* staff must defer implementing a resolution which:
- 53.4.1. has not been acted on; and
 - 53.4.2. is the subject of a *Notice of Rescission* or Amendment which has been delivered to the *Chief Executive Officer* in accordance with clause 53.2.2;
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

Explanatory Note: By way of example, assume that, on a Monday evening, *Council* resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the Notice of Rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard). In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the Notice of Rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the Notice of Rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Clause 53.4 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of *Council* staff actioning the resolution rather than deferring implementation of it.

54. If lost

If a Notice of Rescission or Amendment is lost, a similar motion may not be put before *Council* for at least six (6) months from the date it was last lost, unless *Council* resolves that the Notice of Rescission or Amendment be re-listed at a future *Council Meeting*.

55. If not moved

If a Notice of Rescission or Amendment is not moved at the *Council Meeting* at which it is listed, it lapses.

56. May be moved by any Councillor

A Notice of Rescission or Amendment listed on an *Agenda* may be moved by any *Councillor* present but may not be amended.

57. When not required

A Notice of Rescission or Amendment is not required where *Council* wishes to change policy.

DIVISION 7 – POINTS OF ORDER

Explanatory Note: A point of order is taken when a Councillor officially draws the attention of the *Chairperson* of a *Council Meeting* to an alleged irregularity in the proceedings.

58. Points of Order

58.1. A point of order may be raised in relation to:

- 58.1.1. an act that is contrary to this Local Law;
- 58.1.2. an act of disorder or conduct in contravention of the *Councillor Code of Conduct*;
- 58.1.3. a question of procedure under this Local Law;
- 58.1.4. an act or conduct that is frivolous, vexatious or constitutes improper conduct;
- 58.1.5. any act of disorder; or
- 58.1.6. any act of relevance.

59. Procedure for point of order

- 59.1.1. A *Councillor* raising a point of order must nominate the ground under sub-clause 58.1 relied upon to support the Point of Order being taken.
- 59.1.2. When the Point of Order is raised, the *Councillor* who is speaking must stop and remain silent until the Point of Order is decided upon, unless otherwise directed by the *Chairperson*.
- 59.1.3. The *Chairperson* may request a *Councillor* provide an explanation in respect to the Point of Order raised.

60. Chairperson to decide

The *Chairperson* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

61. Chairperson may adjourn to consider

61.1. The *Chairperson* may adjourn the *Council Meeting* to consider a point of order, but otherwise must rule on it as soon as it is raised.

61.2. All other questions before *Council* are suspended until the point of order is decided.

62. Dissent from Chairperson's ruling

62.1. A *Councillor* may move that the *Council Meeting* disagree with the *Chairperson's* ruling on a point of order, by moving:

"That the *Chairperson's* ruling [setting out that ruling or part of that ruling] be dissented from".

62.2. When a motion in accordance with this clause is moved and seconded, the *Chairperson* must leave the Chair; the *Deputy Mayor*, or temporary *Chairperson* elected by the *Meeting* must take his or her place.

62.3. The temporary *Chairperson* must invite the mover to state the reasons for his or her dissent and the *Chairperson* may then reply.

62.4. The temporary *Chairperson* must put the motion in the following form:

"That the *Chairperson's* ruling be dissented from."

62.5. If the vote is in the negative, the *Chairperson* resumes the Chair and the *Council Meeting* proceeds.

62.6. If the vote is in the affirmative, the *Chairperson* must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.

62.7. The defeat of the *Chairperson's* ruling is in no way a motion of censure or no confidence in the *Chairperson*; and should not be so regarded by the *Council Meeting*.

63. Contradiction or Opinion

A point of order may not be raised to express a mere difference of opinion or to contradict a speaker.

Explanatory note: Rising to express a difference of opinion or to contradict a speaker is not a point of order.

DIVISION 8 – PUBLIC QUESTION TIME AND PUBLIC REPRESENTATIONS

64. Submissions of Questions

- 64.1. Unless *Council* resolves to the contrary, there shall be a public question time at every *Ordinary Meeting* to allow members of the public to submit questions to *Council*.
- 64.2. Sub-clause 64.1 does not apply during any period when a *Meeting* is closed to members of the public in accordance with Section 89(2) of the *Act* or during a local government election *Caretaker Period*.
- 64.3. Unless *Council* resolves to the contrary, public question time will not exceed 30 minutes.
- 64.4. No person may submit:
 - 64.4.1. more than two (2) questions at any one (1) *Ordinary Meeting*.
- 64.5. As to the form of questions:
 - 64.5.1. subject to clause 64.5.4, questions must be *In Writing* and in English;
 - 64.5.2. questions must be 75 words or less and not include a preamble, other additional material, or multiple parts;
 - 64.5.3. questions should be submitted;
 - 64.5.3.1. during normal office hours at the *Council* Offices at 25 Armstrong Street South, Ballarat; or
 - 64.5.3.2. on *Council's* website.
 - 64.5.4. considering the general rights of citizens to take part in the conduct of *Council* affairs, if providing a question *In Writing* and or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from *Council*, via interpreter service if required.
- 64.6. As to the deadline for questions:
 - 64.6.1. all questions received by *Council* by 10:00am on the day of the *Ordinary Meeting* will receive a verbal response if possible at the *Meeting*; or otherwise will be taken on notice for a *Written* response to be provided;
 - 64.6.2. questions not received by 10.00am on the day of the *Meeting* will receive a verbal response if possible, but will otherwise be taken on notice for a *Written* response to be provided;
 - 64.6.3. questions must be submitted:
 - 64.6.3.1. by mail to *Council's* advertised postal address; or
 - 64.6.3.2. by email to *Council's* advertised email address; or
 - 64.6.3.3. in person during normal office hours at the *Council* Offices at 25 Armstrong Street South, Ballarat.
 - 64.6.3.4. after normal office hours on the day of the *Meeting* if submitted in person prior to the commencement of the *Ordinary Council Meeting* in the receptacle designated for such purpose.

64.6.4. may not be asked if the time allotted for public question time has expired.

65. Questions may be disallowed

- 65.1. Considering the general rights of citizens to take part in the conduct of *Council* affairs, a question may be disallowed by the *Chairperson* if the *Chairperson* determines that it:
- 65.1.1. is not submitted in accordance with this Division;
 - 65.1.2. relates to a matter outside the duties, functions and powers of *Council*;
 - 65.1.3. is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - 65.1.4. deals with a subject matter already answered;
 - 65.1.5. is aimed at embarrassing a *Councillor* or a member of *Council* staff;
 - 65.1.6. relates to any matter in respect of which *Council* may close the *Meeting* to members of the public under s 89(2) of the *Act*, or
 - 65.1.7. would require, on the advice of the *Chief Executive Officer*, an unreasonable diversion of *Council* resources to prepare a response for public question time.
- 65.2. If a question is not disallowed under clause 65.1, the *Chairperson* may otherwise disallow a question if:
- 65.2.1. it does not relate to a matter or matters on the *Agenda* for the current *Ordinary Meeting*; and/or
 - 65.2.2. before submitting a question for public question time, the person asking the same has previously:
 - 65.2.2.1. put the question *In Writing* to a *Councillor* or a member of *Council* staff; and
 - 65.2.2.2. received a *Written* response to the question from a *Councillor* or a member of *Council* staff.
- 65.3. The *Chairperson* or *Chief Executive Officer* or his or her delegate must read to the *Meeting* the name of the person who has submitted a permitted question.
- 65.4. The *Chief Executive Officer* or his or her delegate must read the text of the question and the *Chairperson* may then direct that the question be answered by the *Chief Executive Officer* or a nominated *Officer*;
- 65.5. All questions and answers must be as brief as possible. Further questions or debate on the response shall not be allowed.
- 65.6. Like questions may be grouped together and a single answer provided.
- 65.7. A *Councillor* or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, the answer to it must be recorded in the *Minutes* of *Council*. A *Written* copy of the answer must be sent to the person who asked the question. *Minutes* will reflect responses until the matter is completed. It is expected that responses to questions will be within *Council* service levels for correspondence.

- 65.8. A *Councillor* or the *Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a *Meeting* closed to members of the public. The *Councillor* or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

DIVISION 9 – PETITIONS AND JOINT LETTERS

Explanatory Note: Petitions are ways in which the community can ensure that their views are heard by *Council*. In order to ensure that a petition is valid and capable of being accepted by *Council*, the procedures set out in this division must be adhered to.

66. Petitions and Joint Letters

- 66.1. A petition or joint letter received by the *Council* or an individual *Councillor* must be lodged with the *Chief Executive Officer* at least five (5) days before *Council Meeting* to ensure sufficient time to include the item in the *Agenda*.
- 66.2. A petition must be on the specified form published by *Council* from time to time and must:
- 66.2.1. be in legible and permanent writing;
 - 66.2.2. have the full name, address and signature of all individual signatories;
 - 66.2.3. not be defamatory, indecent, abusive or objectionable in language or content;
 - 66.2.4. not relate to matters beyond the powers of the *Council*;
 - 66.2.5. include the whole of the request of the petitioners or signatories on each page; and
 - 66.2.6. consist of single-sided pieces of paper and must not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- 66.3. The *Chief Executive Officer* must arrange for petitions to be submitted to the next practicable *Ordinary Meeting* following their receipt.
- 66.4. Only the petitioner's request and the number of signatories will be included in the *Agenda* for the *Council Meeting* at which it will be considered.
- 66.5. If a petition is addressed to an individual *Councillor*, and listed on the *Agenda*, that *Councillor* may read the petition out at the *Council Meeting* without speaking to it. Other petitions will be read by the *Chief Executive Officer* or his/her delegate.
- 66.6. Unless sub-clause 66.10 applies, the only motions that may be considered for any petitions are:
- 66.6.1. that the petition be received;
 - 66.6.2. that the petition be referred to the *Chief Executive Officer* for consideration and response; or
 - 66.6.3. that the petition be referred to the *Chief Executive Officer* for a report to a future *Council Meeting*.
- 66.7. If the petition relates to any item already on the *Agenda* for the *Council Meeting* at which the petition is submitted, the matter may be dealt with in conjunction with that *Agenda* item.

- 66.8. If the petition relates to an operational matter, the *Council* must refer it to the *Chief Executive Officer* for consideration.
- 66.9. If the petition relates to:
- 66.9.1. a planning matter which is the subject of a public notification process under the Planning and Environment Act 1987; or
- 66.9.2. a statutory matter which is the subject of a public submission process under Section 223 of the *Act*,
- the petition will be treated as a joint submission in relation to the planning matter or statutory matter (as the case may be).
- 66.10. A petition may nominate a person to whom a reply must be sent, but if no person is nominated or is the obvious intended contact person, the *Council* may reply to the first signatory who appears on the petition.
- 66.11. Any petitions that do not comply with this Local Law:
- 66.11.1. can be referred to relevant *Councillors* by the *Chief Executive Officer* for their information;
- 66.11.2. can be tabled as a joint letter at a *Council Meeting*; and
- 66.11.3. unless sub-clause 66.10 applies, the only motion that may be considered is that the joint letter be received.
- 66.12. Nothing in this clause shall prevent the *Chief Executive Officer* from determining that an electronic or online petition will be submitted to a *Council Meeting* or the *Council* resolving to consider a petition as *Urgent Business* under clause 29.
- 66.13. Any person who fraudulently signs a petition or joint letter which is presented to the *Council* is guilty of an *Offence*.

Penalty: 10 *Penalty Units*

DIVISION 10 – DEPUTATIONS AND PRESENTATIONS

Explanatory Note: A delegation or lobby group is known as a deputation. If a deputation requests to be heard by *Council* on a certain topic the procedures set out in this division must be followed.

67. Deputations and Presentations

- 67.1. Deputations to be referred to *Mayor*.
- 67.2. A deputation wishing to be heard by *Council* may make a *Written* request to the *Chief Executive Officer* who must refer the request to the *Mayor*.
- 67.3. Consideration of request
- The *Mayor* may:
- 67.3.1. ask the *Chief Executive Officer* to include the deputation on the *Agenda* for a future *Council Meeting*; or

67.3.2. ask the *Chief Executive Officer* to include a request for a deputation on the *Agenda* for a future *Council Meeting*; or

67.3.3. in consultation with the *Chief Executive Officer*, decline the request.

67.4. CEO to determine *Councillor* Briefing referred to.

If the *Mayor* asks for a deputation to be heard, the *Chief Executive Officer* must notify all *Councillors* of that direction, and also notify a member of the deputation of the date, time, and place at which the deputation will be heard.

67.5. Summary of submissions

A deputation must lodge with the *Chief Executive Officer*, a *Written* submission detailing the subject matter of the deputation prior to the deputation addressing *Council*.

67.6. Limitations of time upon speakers

Council will not hear more than two (2) speakers on behalf of any deputation, and the *Chairperson* may set time limits on the length and address of each speaker for a period of 3 minutes.

67.7. Questions but no discussion permitted

Councillors and members of *Council* staff may question the deputation on matters raised by it for purposes of clarification; but no discussion will be allowed.

67.8. Matter to be determined at a subsequent *Ordinary Meeting*.

No motion must be allowed on any deputation until the next *Ordinary Meeting* after the deputation has been heard.

67.9. Prior *Meeting* with deputation

A deputation must meet with *Council's* appropriate department prior to addressing *Council* so that the procedures detailed in this Division can be discussed and explained.

DIVISION 11 - PUBLIC SUBMISSIONS UNDER THE LOCAL GOVERNMENT ACT 1989

68. Public Submissions under Section 223 of the Act

Where a person is given a right to make a submission under section 223 of the *Act* and requests to appear in person (or to be represented by a person specified in the submission) at a *Council Meeting* to be heard in support of the submission, the time limit for such hearing shall be 3 minutes, except that the *Chairperson* may, in his or her discretion, allow the hearing to exceed 3 minutes.

DIVISION 12 - VOTING

69. How a motion is determined

69.1. To determine a motion before a *Council Meeting*, the *Chairperson* must:

69.1.1. first call for those in favour of the motion;

69.1.2. then those opposed to the motion; and

69.1.3. if required, identify any *Councillor* who has abstained from voting, and then declare the result to the *Council Meeting*.

70. Casting vote

In the event of a tied vote, the *Chairperson* must exercise the casting vote in accordance with the *Act*.

71. By show of hands

Unless *Council* resolves otherwise, voting on any matter is by show of hands.

72. Procedure for a division

72.1. Immediately after any question is put to a *Council Meeting* and before the next item of business has commenced, a *Councillor* may call for a division.

72.2. When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

72.3. When a division is called for, the *Chairperson* must:

72.3.1. first ask each *Councillor* wishing to vote in the affirmative to raise a hand and upon such request being made, each *Councillor* wishing to vote in the affirmative must raise one (1) of his or her hands;

72.3.1.1. the *Chairperson* must then state and the *Chief Executive Officer* or his or her delegate must record, the names of those *Councillors* voting in the affirmative; and

72.3.2. then ask each *Councillor* wishing to vote in the negative to raise a hand and upon such request being made, each *Councillor* wishing to vote in the negative must raise one (1) of his or her hands;

72.3.2.1. the *Chairperson* must then state and the *Chief Executive Officer* or his or her delegate must record, the names of those *Councillors* voting in the negative;

72.3.2.2. the *Chief Executive Officer* or his or her delegate must record, the names of those *Councillors* who abstained from voting.

73. No discussion once declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

73.1. a *Councillor* requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the *Minutes*;

73.2. foreshadowing a *Notice of Rescission* or Amendment where a resolution has just been made; and or a positive motion where a resolution has just been rescinded; or

73.3. foreshadowing a *Notice of Rescission* or Amendment, in which case what is foreshadowed must be noted in the *Minutes* of the *Council Meeting*.

Explanatory Note: For example, clause 73 would allow some discussion if, immediately after a resolution was made, a *Councillor* foreshadowed lodging a *Notice of Rescission* to rescind that resolution. Equally, clause 81 would permit discussion about a matter which would otherwise be left in limbo because a *Notice of Rescission* had been successful.

For instance, assume that *Council* resolved to refuse a planning permit application. Assume further that this resolution was rescinded. Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in clause 81.2, to discussion about a positive motion where a resolution has just been rescinded.

DIVISION 13 – MINUTES

74. Keeping of minutes

- 74.1. The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the *Council Meeting* and to take the *Minutes* of such *Meeting*) must keep *Minutes* of each *Council Meeting* and those *Minutes* must record:
- 74.1.1. the date, place, time and nature of the *Council Meeting*;
 - 74.1.2. the names of the *Councillors* present and the names of any *Councillors* who apologised in advance for their non-attendance;
 - 74.1.3. the names of the members of *Council* staff present;
 - 74.1.4. any disclosure of an interest or a conflict of interest made by a *Councillor*;
 - 74.1.5. arrivals and departures (including temporary departures) of *Councillors* during the course of the *Council Meeting*;
 - 74.1.6. each motion, amendment moved and foreshowed motions (including motions and amendments that lapse for the want of a seconder);
 - 74.1.7. the vote cast by each *Councillor* upon a division;
 - 74.1.8. the vote cast by any *Councillor* who has requested that his or her vote be recorded in the *Minutes*;
 - 74.1.9. questions upon notice;
 - 74.1.10. the failure of a quorum;
 - 74.1.11. any adjournment of the *Council Meeting* and the reasons for that adjournment; and
 - 74.1.12. the time at which *Standing Orders* were suspended and resumed.

75. Confirmation of minutes

At every *Council Meeting* the *Minutes* of the preceding *Council Meeting* must be dealt with as follows:

- 75.1. a copy of the *Minutes* must be delivered to each *Councillor* no later than 48 hours before the next *Council Meeting*;
- 75.2. if no *Councillor* indicates opposition, the *Minutes* must be declared to be confirmed;
- 75.3. if a *Councillor* indicates opposition to the *Minutes*:
 - 75.3.1. he or she must specify the item(s) to which he or she objects;
 - 75.3.2. the objected item(s) must be considered separately and in the order in which they appear in the *Minutes*;
 - 75.3.3. the *Councillor* objecting must move a motion clearly setting out the alternative wording to amend the *Minutes* without speaking to the motion; and;

75.3.4. the motion must then be open to debate and at the conclusion of debate, the *Chairperson* must put the motion to the vote;

75.4. a resolution of *Council* must confirm the *Minutes* and the *Minutes* must, if practicable, be signed by the *Chairperson* of the *Council Meeting* at which they have been confirmed.

76. No debate on confirmation of minutes

No discussion or debate on the confirmation of *Minutes* is permitted except where their accuracy as a record of the proceedings of the *Meeting* to which they relate is questioned.

77. Deferral of confirmation of minutes

Council may defer the confirmation of *Minutes* until later in the *Council Meeting* or until the next *Council Meeting* if considered appropriate.

78. Recording of meetings

78.1. If *Council* resolves that the proceedings of a *Council Meeting* be recorded, the *Chief Executive Officer* (or his or her delegate) may record on suitable recording equipment all proceedings of Ordinary or *Special Meetings* of *Council* except where the *Meeting* is closed to the public in accordance Section 89(2) of the *Act*.

78.2. Subject to clause 85.1, a person must not operate photographic, audio or video recording equipment or any other recording device at any *Council Meeting* without first obtaining the consent of *Council* or the *Chairperson* (as the case may be). Such consent may at any time during the course of such *Meeting* be revoked by *Council* or the *Chairperson* (as the case may be).

Penalty: 5 *Penalty Units*.

78.3. Where *Council* has identified that it will record such *Meetings*, *Visitors* will also be advised by appropriate venue signage that while care is taken through recording/filming to maintain a person's privacy as an attendee in the gallery, they may be recorded on audio/film.

79. Records of Council Meetings

Records should be kept of *Council Meetings* in accordance with the *Act*.

DIVISION 14 – CONDUCT AND BEHAVIOUR

80. Conduct of Councillors

80.1. The conduct of *Councillors* at *Council Meetings* is governed by the *Act*, this Local Law and the *Councillor Code of Conduct*.

80.2. During the course of any *Council Meeting*, *Councillors* must comply with the *Councillor Code of Conduct*, a copy of which is available on the Website, or can be obtained by contacting the *Chief Executive Officer's* office.

81. Public addressing the Council meeting

Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chairperson* whenever called on to do so.

82. Chairperson may remove

The *Chairperson* may order and cause the removal of any person who disrupts any *Council Meeting* or fails to comply with a direction.

83. Suspensions

Council may suspend from a portion of the *Council Meeting*, or for the balance of the *Council Meeting*, any *Councillor* whose actions have disrupted the business of *Council* at that *Council Meeting*; and have impeded its orderly conduct.

84. Offences

It is an *Offence* for:

- 84.1. a *Councillor* to not withdraw an expression considered by the *Chairperson* to be offensive or disorderly and apologise when called on twice by the *Chairperson* to do so;

Penalty: 2 *Penalty Units*

- 84.2. any person, not being a *Councillor*, who is guilty of any improper or disorderly conduct, to not leave the room when requested by the *Chairperson* to do so;

Penalty: 5 *Penalty Units*

- 84.3. any person to fail to comply with a direction of the *Chairperson* in relation to the conduct of the *Council Meeting* and the maintenance of order; or

Penalty: 2 *Penalty Units*

- 84.4. a *Councillor* to refuse to leave the *Chamber* on suspension.

Penalty: 5 *Penalty Units*

85. Chairperson may adjourn disorderly Council Meeting

If the *Chairperson* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council Meeting*, he or she may adjourn the *Council Meeting* to a later time on the same day or to some later day as he or she thinks proper. In that event, clause 22 applies.

86. Removal from Chamber

The *Chairperson*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the *Chamber* any person who acts in breach of this Local Law and whom the *Chairperson* has ordered to be removed from the gallery under clause 88 of this Local Law or whom *Council* has suspended under clause 89 of this Local Law.

DIVISION 15 – ADDITIONAL DUTIES OF CHAIRPERSON

87. The Chairperson's duties and discretions

In addition to the duties and discretions provided in this Local Law, the *Chairperson*:

- 87.1. must not accept any motion, question or statement which:

87.1.1. may reasonably be considered to be derogatory, defamatory indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;

87.1.2. relates to a matter outside the duties, functions and powers of *Council*;

87.1.3. is aimed at embarrassing a *Councillor*, a member of *Council* staff or member of the community;

87.2. must call to order any person who is disruptive or unruly during any *Council Meeting*.

DIVISION 16 – SUSPENSION OF STANDING ORDERS

88. Suspension of Standing Orders

Council may decide to suspend the *Council Meeting* to discuss the issues surrounding an item on the *Agenda*. *Council* may discuss in the *Council Chamber* or move to another room to discuss in private.

88.1. To expedite the business of a *Council Meeting* *Council* may suspend *Standing Orders*.

Explanatory Note: The suspension of Standing Orders should be used to enable full discussion of any issue without the constraints of formal meeting procedures. Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed.

88.2. The suspension of *Standing Orders* should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That *Standing Orders* be suspended to enable discussion on....."

88.3. Once the discussion has taken place and before any motions can be put, the resumption of *Standing Orders* will be necessary. An appropriate motion would be:

"That *Standing Orders* be resumed."

DIVISION 17 – MISCELLANEOUS

89. Procedure not provided in Local Law

In all cases not specifically provided for by this Local Law, resort must be had to the *Standing Orders* and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

90. Criticism of members of Council staff

90.1. The *Chief Executive Officer* may make a brief statement at a *Council Meeting* in respect of any public statement (whether made at a *Council Meeting* or not) which has been critical of or may adversely affect any *Officer* of *Council*.

90.2. A statement under clause 90.1 must be made at such time during the *Meeting* at which *Chief Executive Officer* desires to bring it forward and as the *Chairperson* thinks appropriate.

DIVISION 18 - SPECIAL COMMITTEES

91. Application generally

91.1. If *Council* establishes a *Special Committee*, all of the provisions of Divisions 1-18 of this Local Law shall apply with any necessary modifications or adaptations.

91.2. For the purposes of clause 91.1, a reference in Division 1-18 of this Local Law to:

91.2.1. a *Councillor* is to be read as a reference to a member of the *Special Committee*; and

91.2.2. the *Mayor* is to be read as a reference to the *Chairperson* of the *Special Committee*.

92. Application specifically

Notwithstanding clause 91, if *Council* establishes a *Special Committee*:

92.1. *Council* may; or

92.2. the *Special Committee* may, with the approval of *Council*;

resolve that any provision(s) of Divisions 1-18 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until *Council* resolves, or the *Special Committee* with the approval of *Council* resolves, otherwise.

The Common Seal of the Ballarat City Council was hereunto affixed in the presence of:)
)
)

Mayor (or)

Councillor (and)

Chief Executive Officer

PART A – GENERAL COMMENTS

1. Introduction

Council is proposing to update its Local Law No. 18 – Meeting Procedures (**current Local Law**) to incorporate changes in local government legislation and to reflect current governance practice at the City of Ballarat.

The proposed new Meeting Procedure Local Law (**proposed MPLL**) will supersede and replace the current Local Law.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 1989* (**the Act**).

2. Background

Under Section 91(1) of the Act, Council must make a Local Law that prescribe the procedures governing the conduct of Council and Special Committee meetings. In addition, Council is also required to regulate the use of its common seal by way of a Local Law; and provide opportunities for community in Council's decision-making processes.

The current local law was made by Council resolution and was adopted by Council on August 2012 (R310/12). Since that time there have been several amendments made to the Act, and therefore, changes to the current local law are required to be made to reflect best practice governance at the City of Ballarat.

3. Methodology

The proposed MPLL is being made under section 111(1) of the Act and will operate throughout Council's municipal district.

The review process included:

- benchmarking against the corresponding Local Laws of other Victorian councils to assess where Council's Local Law could be improved;

- consulted publications including:
 - Local Government Victoria Guidelines for Local Laws Manual, best practice guidelines for the creation and enforcement of Local Laws;
 - Victorian Ombudsman, Deborah Glass, report presented to Parliament, titled Investigation into the transparency of local government decision making; and
- consultation with Councillors to make necessary adjustments to the Local Law to ensure the ongoing promotion of representation and fairness in discussion on matters, effective and efficient conduct of Council meetings in accordance with best practice governance.

4. Objectives

It is planned that the proposed MPLL with revision be established as a new Local Law rather than an amendment to the existing Meeting Procedures Local Law. This will allow the new provisions to operate for a full ten-year period (unless revoked sooner).

The general objectives of the Local Law are to:

- provide for the election of the Mayor and Deputy Mayor;
- regulate the use of the Common Seal;
- prohibit unauthorised use of the Common Seal or any device resembling the Common Seal;
- provide for the procedures governing the conduct of Council Meetings and Special Committees; and
- provide for the appointment of Councillors to Advisory Committees, Special Committee positions and external boards.

5. Revisions

The revision of the proposed MPLL aims to:

- ensure compliance with the Act;
- improve the structure, clarity and readability of the local law;
 - improve, simplify or clarify procedural matters; and
 - correct incidental formatting, numbering, positioning of clauses to allow natural sequential flow and/or typographical issues.
- provide more structure to Statutory Meeting, swearing in of Councillors and election of Mayor, Deputy Mayor and Chairpersons;

- urgent business, notices of motion, alterations of motions and points of order:
 - increase transparency and effective governance relating to decisions.
- procedural motions:
 - providing clarity of procedural activities permitted and functional purpose.
- Public Question time and representations:
 - increase transparency and effective governance relating to decisions;
 - create efficiencies in operations and governance operations of Council Meetings; and
 - more consistent with the *Charter of Human Rights and Responsibilities Act 2006*.

6. Consultation

The proposed MPLL will be presented to Council for endorsement on 3 October 2018 to enable it to be released for public exhibition for at least 28 days; during which, affected members of the community are invited to make written submissions as per the requirements of Section 119 and Section 223 of the Local Government Act 1989.

Those submitters who indicate that they wish to talk to their submissions in relation to the draft local law are invited to address Council at its Council meeting on 21 November 2018.

Following consideration of any submissions the proposed MPLL is being presented to Council on 12 December 2018 for adoption.

PART B – COMMENTS ON LOCAL LAW OVERALL

The proposed MPLL is being made under section 111(1) of the Act and will operate throughout the municipal district of the Ballarat City Council.

<p>Measures of success of proposed Local Law</p>	<p>The success of this proposed MPLL will be best measured by the extent to which it enhances the governance framework and decision-making processes of the Council, including:</p> <ul style="list-style-type: none"> • that Council meetings operate openly and transparently; • that the overall objectives of the Local Law are met; • that compliance with the Act is achieved. <p>Council will assess these outcomes as part of its periodic reviews of its governance framework.</p>
<p>Existing legislation that might be used instead.</p>	<p>There is no existing legislation that could be used instead of the Local Law.</p> <p>The proposed MPLL has been carefully prepared in accordance with the requirements of section 91(1) of the Act; and Council believes that no other legislation can be used instead of the proposed local law.</p> <p>Council must make a local law governing the conduct of Council meetings and Special Committee meetings, and regulate the use of the Common Seal.</p> <p>Except as provided for in the Act, the conduct of meetings is at the discretion of Council.</p>
<p>State legislation more appropriate</p>	<p>Not applicable. Council has a legal obligation under section 91(1) of the Act to make local laws governing the conduct of meetings of the Council and special committees.</p> <p>There are no alternative mechanisms or instruments that can be used for this purpose.</p>
<p>Overlap of existing legislation</p>	<p>Not applicable. It is not considered that the proposed MPLL overlaps existing legislation, rather it operates in conjunction with the requirements of the Act.</p>
<p>Overlap of planning scheme</p>	<p>The proposed MPLL has no relevance to any Planning Scheme.</p>
<p>Risk Assessment</p>	<p>The proposed MPLL enhances Council decision making by establishing the procedures and rules that apply to the conduct of Council meetings.</p> <p>This approach addresses the risk, that the community becomes disaffected by a perception that Council cannot effectively and efficiently make decisions about important matters that materially impact their lives, jobs and future or change the way the municipality is governed.</p>

	<p>Council does not believe there are any risks associated with the proposed MPLL.</p> <p>Community consultation will be undertaken prior to the decision to make the proposed MPLL.</p>
Legislative Approach adopted	<p>The proposed MPLL is necessitated by the provisions of the Act.</p> <p><u>Conduct of Mayoral Elections:</u></p> <p>In relation to the election of the Mayor, the proposed Local Law adopts a high impact regulatory approach that is highly prescriptive with no discretionary process. This is considered appropriate as it provides certainty and transparency to candidates and the community and ensures elections are conducted in a fair and equitable manner.</p> <p><u>Conduct of Meetings:</u></p> <p>In relation to conduct of meetings, the proposed MPLL adopts a medium impact regulatory approach. Whilst being largely prescriptive, the proposed MPLL retains a level of discretion which is considered appropriate to facilitate the orderly conduct of meetings.</p> <p><u>Council's Common Seal:</u></p> <p>The proposed MPLL adopts a high impact regulatory approach.</p> <p>This approach is considered appropriate as it provides clear accountability for appropriate use and safekeeping of the Council seal.</p> <p>The proposed MPLL has been drafted in accordance with the Act.</p>
Restriction of competition	<p>The proposed MPLL relates only to Council processes and there are no National Competition Policy implications associated with the proposal.</p>
Penalties	<p>The proposed MPLL creates a minimal number of offences. Penalties for these offences are considered reasonable.</p> <p>Benchmarking indicates the penalties prescribed are reasonable when compared with equivalent local laws of other municipalities.</p> <p>The penalties applying to all existing Local Law clauses were considered and reviewed and no new offences were prescribed.</p>
Permits & Fees	<p>There are no permits established by, and no fees payable under, the proposed MPLL.</p>
Performance Standards or prescriptive	<p>Drafting of the proposed MPLL has adopted a prescriptive approach which is considered appropriate given its purpose is to describe the procedures and processes for the election of Mayor, use of the Common Seal and conduct of Council meetings and Committee meetings.</p> <p>The prescriptive nature of the proposed MPLL provides procedural certainty for Councillors, Council staff and the community.</p> <p>It is consistent with processes required by the Act.</p>

<p>Comparison with neighbouring and like Councils</p>	<p>In drafting the proposed MPLL, the review considered comparisons with other Victorian councils' Local Laws ranging from municipal shires and regional cities through to metropolitan councils.</p> <p>The proposed MPLL is not substantially different from the meeting procedure local laws of other Victorian Councils.</p>
<p>Charter of Human Rights</p>	<p>The Charter of Human Rights and Responsibilities Act 2006 (the Charter) contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly and disproportionately limit these rights and must always consider them when they create laws, develop policies and deliver services.</p> <p>The proposed MPLL has been reviewed for compatibility with the Charter. Particular attention was given to the following rights under the charter:</p> <ul style="list-style-type: none"> • Right to recognition and equality before the law • Right to privacy and reputation • Right to freedom of expression • Right to take part in public life • Right to a fair hearing. <p>The proposed MPLL has been reviewed for compatibility with the Charter. The key rights are the right to freedom of expression and the right to participate in the conduct of public life.</p> <p>The proposed MPLL is considered to be compatible with the Charter. Key aspects of the proposed MPLL in relation to the Charter follow:</p> <p><u>Conducting Business at Meetings</u></p> <p>Divisions 4, 5 and 6 contain provisions which could be considered to restrict the business which may be conducted at meetings and the manner in which Councillors and Special Committee members can participate. These include procedures and limitations around introducing general business, urgent business and notices of motion; speaking times; rules of debate; procedural motions and rescission motions.</p> <p>While the proposed MPLL impose procedural limitations, they do so in a manner which is considered proportionate to their purpose and objectives, taking into account the need to provide notice of business to be conducted at a meeting and the efficient and orderly conduct of meetings.</p> <p><u>Public Participation</u></p> <p>Divisions, 9, 10, 11 and 12 of the proposed MPLL provide for participation by the community in the conduct of Council and Committee meetings through public question time, petitions, joint letters, deputations and public submissions.</p> <p>The proposed MPLL regulate that participation with procedural limitations regarding the form, content and processes to be</p>

	<p>followed and these limitations engage the freedom of expression and the right to participate in public life provisions of the Charter. It is considered the provisions of the proposed MPLL are proportionate to the purpose and objectives of the MPLL, including the efficient and orderly conduct of meetings.</p> <p><u>Conduct and Behaviour</u></p> <p>Divisions 8 and 15 of the proposed MPLL regulate the conduct and behaviour of Councillors, members of Council staff and members of the at a Council or Special Committee meeting.</p> <p>These provisions again engage the freedom of expression and the right to participate in public life provisions of the Charter but again it is considered the proposed MPLL does so in a manner proportionate to the purpose and objectives of the proposed MPLL to provide for the efficient and orderly conduct of meetings.</p>
<p>Consultation</p>	<p>The proposed MPLL has been reviewed in consultation with Councillors, members of Council staff and Council’s legal advisers.</p> <p>A community consultation process will be conducted in accordance with sections 119(2) and 223 of the Act.</p> <p>In developing this proposed MPLL, the Council has either undertaken or will undertake the following processes:</p> <ul style="list-style-type: none"> • a review of changes in legislation that might impact on the content of the proposed MPLL and appropriate amendments made; • various Council staff reviewed the existing document as to any issues with the current Local Law #18 Meeting Procedure; • Council will consider a formal draft of the proposed MPLL at an Ordinary Council meeting and will be required to adopt the proposed MPLL in order that the formal public submission process can occur; • Submissions on the adopted proposed MPLL will be called for in public advertisements with a 28-day submission period available for the public to make any comments, suggestions and objections on the proposals; • Council will hear any person making a submission if a person so requests at a meeting with Council or representatives of Council; • Council will then formally consider a report on the submissions and any proposed changes to the proposed MPLL; • Council will then adopt the MPLL and place advertisements in local papers and the Government Gazette after which time the MPLL comes into force
<p>Public Submissions</p>	<p>The public consultation will open on 4 October 2018 and close on 1 November 2018.</p> <p>During this time members of the public are invited to make written submissions. Council will then consider submissions received</p>

before making a final decision on the proposed MPLL.

A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of his/her submission. When Council makes a final decision on the proposed MPLL, it must notify in writing each submitter of the decision and the reasons for the decision.

This Community Impact Statement has been prepared to inform the community about the proposed MPLL and to assist any member of the public who may wish to make a submission to Council.

PART C – COMMENTS ON SPECIFIC PARTS OR PROVISIONS OF THE PROPOSED LOCAL LAW

The proposed MPLL is being made under section 111(1) of the Act and will operate throughout the municipal district of the Ballarat City Council.

Part, Clauses (s) or section of Local Law and Description / heading	Result
Restructure of document	<ul style="list-style-type: none"> • The following table does not comment on minor alterations or grammatical changes. • The proposed Local Law has been re-ordered and re-numbered for better flow for easier navigation.
Part A – Introduction (Title, Purpose & Definitions)	<ul style="list-style-type: none"> • Updated consistent with industry practice and more recent Local Laws of councils. • Definitions updated and/or amended for improved understanding of the proposed Local Law.
Part B – Election of Mayor and Temporary Chairs	<ul style="list-style-type: none"> • Consistent with amendments to the Act, this Part now includes provision for a 2-year Mayoral term at Council's discretion. • Wording of Clause 8 describing the procedure for conducting the Mayoral election has been reworded and process clarified in line with current practice and industry standards. • Introduces the inclusion of deputy Chair at Council's discretion and clarifies that the same procedure for election of the Mayor will be used for election of deputy & temporary Chairs and in the event of two or more candidates having an equality of votes the result will be determined by lot. • Now includes the order of business and provision for candidate and Mayoral speeches as per current industry practice.
Part C – Common Seal	<ul style="list-style-type: none"> • No Change.
Part D – Council Office Holders	<ul style="list-style-type: none"> • No Change.
Part E – Meeting procedures Division 1 Notices of meetings and deliver of agendas	<ul style="list-style-type: none"> • Now describes fixing of; reasonable notice; and closure of meetings in accordance with Act. • Further details the process for calling of Special Meetings and what may be considered on agenda.
Part E – Meeting procedures Division 2 Quorums	<ul style="list-style-type: none"> • No Change.
Part E – Meeting procedures Division 3 Conduct and business of meetings	<ul style="list-style-type: none"> • Now articulates changes in order of business by resolution. • As per amendments to the Act and current practice, includes reference to managing a conflict of interest when Mayor/Deputy Mayor and/or Chairs declare a

	<p>conflict at same time.</p> <ul style="list-style-type: none"> Urgent Business clause expanded to provide clarity about the process for Councillors wishing to admit business as urgent and what is/not urgent business.
<p>Part E – Meeting procedures Division 4 Motions and debate</p>	<ul style="list-style-type: none"> This Division has been extensively re-worded to reflect that Notices of Motions often raise complex and detailed questions. Therefore, more detailed process has been included to assist with clarifying the process for Councillors to ensure adequate notice and consideration is given when considering motions. This will improve transparency around the process and align process to be consistent with industry practice. Clause 31.4.2 timeframe for resubmission of notices of motion to 6mths to ensure adequate time between actions undertaken prior to revisiting motion and to improve transparency of decisions. Clause 31.4-31.10 now prescribes in detail CEO responsibilities for rejection/acceptance of notices of motion and includes the circumstances and requirements for preparation of a report and/or referral on certain matters. Clause 31.11 provides framework for a report to be prepared to provide Councillors with required information to make an informed decision and thus, increase transparency. This is consistent with industry practice. Clause 31.16 included to remove potential conflicts of interest from notice of motion process and improve transparency. Clauses 35, 37 and 39 have been updated to be consistent with industry practice and clarify the roles of Councillors in debate as motions are altered or amended. Clause 44 updated to enable moving of like type motions in a block. Clause 50 amended to ensure that focus of foreshadowed motions is to capture the formal decisions of Council in minutes and not the debate. Clause 51 simplified to focus on the role of the Mayor/Chair to facilitate the debate
<p>Part E – Meeting procedures Division 5 Procedural motions</p>	<ul style="list-style-type: none"> Consolidation of procedural motions included in table that were previously captured in separate parts of the MPLL.
<p>Part E – Meeting procedures Division 6 Rescission motions</p>	<ul style="list-style-type: none"> Aligned rescission notice with process for Notice of Motions to ensure consistency and transparency of decisions; and consistent with industry practice.

<p>Part E – Meeting procedures Division 7 Points of Order</p>	<ul style="list-style-type: none"> • Now describes the grounds and process for Points of Order, wording consistent with industry practice.
<p>Part E – Meeting procedures Division 8 Public Question Time</p>	<ul style="list-style-type: none"> • This Division has been extensively re-worded to improve transparency and resource rationalisation. This is in recognition of the fact that the Council meeting is the business end of processes and the Council must make decisions in relation to the matters on the agenda for the meeting. • The inclusion of written submissions reflects access inequities to members of community to participate in public question time. • This will provide opportunity for questions to be raised and timeliness for a response to be provided in the Chambers. • There are numerous ways that the public can have their say and influence Council’s decisions on matters before a decision is made. Many of these opportunities have a statutory right under legislation occur well before a decision is made. This process provided in the MPLL is intended to regulate how the community can participate in the meeting where no other specific consultation mechanism is available.
<p>Part E – Meeting procedures Division 9 Petitions and joint letters</p>	<ul style="list-style-type: none"> • Now describes the process for petitions and joint letters, wording consistent with industry practice.
<p>Part E – Meeting procedures Division 10 Deputations and Presentations</p>	<ul style="list-style-type: none"> • Describes the purpose and process for Councillor Briefings as to provide transparency of how information is processed by Council prior to a decision being made. • Clarified process for deputations and process for inclusion in consultative process.
<p>Part E – Meeting procedures Division 11 Public submissions</p>	<ul style="list-style-type: none"> • Now describes the process for public submissions, wording consistent the Act and industry practice.
<p>Part E – Meeting procedures Division 12 Voting</p>	<ul style="list-style-type: none"> • Now describes the process for voting that reflects changes in the Act and industry practice.
<p>Part E – Meeting procedures Division 13 Minutes</p>	<ul style="list-style-type: none"> • This division has been realigned to correct order of process for clarity and consistent with industry practice. • Inclusion of the procedures for recording meetings and notifications to members of the public as per changes in technology; and legislative requirements for privacy and data protection.

<p>Part E – Meeting procedures Division 14 Conduct and behaviour</p>	<ul style="list-style-type: none"> • The division has been amended to reflect changes in Act and inclusion of Councillor Code of Conduct policy as adopted by Council.
<p>Part E – Meeting procedures Division 14 Additional duties of Chairperson</p>	<ul style="list-style-type: none"> • Now describes the process for duties of Chairperson that is consistent with enabling a safe working environment for Council and expected conduct of public.
<p>Part E – Meeting procedures Division 15 Suspension of standing orders</p>	<ul style="list-style-type: none"> • No change, further detail provided in Division 5 Procedural motions that is consistent with industry practice.
<p>Part E – Meeting procedures Division 16 Miscellaneous</p>	<ul style="list-style-type: none"> • Wording has been amended to provide clarity and consistency with industry practice.
<p>Part E – Meeting procedures Division 17 Special Committees</p>	<ul style="list-style-type: none"> • Now reflects what elements required for Special Committees to provide clarity and consistency with industry practice.

DIVISION 9 – PUBLIC QUESTION TIME & PUBLIC REPRESENTATIONS

66 Question time

- 66.1 There shall be a public question time at every Ordinary Meeting to enable members of the public to submit questions to Council. Question time will be for a period of 30 minutes. Council may resolve to alter this time period.
- 66.2 Questions submitted to Council must be prefaced by the name and address of the person submitting the question.
- 66.3 No person may submit more than two questions at any Ordinary Meeting. If a person has submitted more than two questions to an Ordinary Meeting, the third and further questions:
- 66.3.1 may, at the discretion of the Chairperson, be deferred until all other persons who have asked a question have had their questions asked and answered; or
- 66.3.2 may not be asked if the time allotted for public question time has expired.
- 66.4 A question may be disallowed by the Chairperson if the Chairperson determines that it:
- 66.4.1 relates to a matter outside the duties, functions and powers of Council;
- 66.4.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- 66.4.3 deals with a subject matter already answered;
- 66.4.4 is aimed at embarrassing a Councillor or a member of Council staff;
- 66.4.5 relates to personnel matters;
- 66.4.6 relates to the personal hardship of any resident or ratepayer;
- 66.4.7 relates to industrial matters;
- 66.4.8 relates to contractual matters;
- 66.4.9 relates to proposed developments;
- 66.4.10 relates to legal advice;
- 66.4.11 relates to matters affecting the security of Council property; or
- 66.4.12 relates to any other matter which Council considers would prejudice Council or any person.
- 66.5 All questions and answers must be as brief as possible, and no discussion may be allowed other than for the purposes of clarification.
- 66.6 The Chairperson may nominate a Councillor or the Chief Executive Officer to respond to a question.

- 66.7 A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, the answer to it must be recorded in the minutes of Council. A written copy of the answer must be sent to the person who asked the question. Minutes will reflect responses until the matter is completed. It is expected that responses to questions will be within council service levels for correspondence.
- 66.8 Council will have a standard Agenda item (with a report) that reflects unanswered questions from question time. This will keep a sequential dated record of questions asked and responses until completely answered.
- 66.9 A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

67 Public representations

The public may make a presentation on all Agenda items in an Ordinary Meeting, Special Meeting or a meeting of Special Committee. These items will be called "public representations" on the Council Agenda, and:

- 67.1 presenters must register by 4.30 pm on the day of the relevant meeting. No unregistered public presenters will be allowed to speak;
- 67.2 the presenter will be given 3 to 5 minutes to address the relevant meeting. Extension of this time is at the discretion of the chair;
- 67.3 any Councillor can ask questions of the presenter; and
- 67.4 all representations must relate to items on the Agenda and be heard prior to each respective Agenda item being considered by Council.

9.11. AUDIT ADVISORY COMMITTEE MINUTES - 5 SEPTEMBER 2018

Division: Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall - Executive Assistant, Director Business Services

OFFICER RECOMMENDATION

Council resolves to:

1. Note, in accordance with the *Local Government Act 1989* section 77(2), that Confidential report on this matter is designated confidential information under Section 89(2) as any other matter which the Council or Special Committee consider would prejudice the Council or any person and has been considered in making this recommendation.
2. Endorse the agenda of the Audit Advisory Committee for 5 September, 2018 and adopt the resolutions made therein.

EXECUTIVE SUMMARY

This report provides Council with the Minutes of the meeting of Council's Audit Advisory Committee (the Committee) held on 5 September, 2018.

RATIONALE

The Committee Terms of Reference states:-

The Audit Committee shall after every meeting forward the minutes of that meeting to the next ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.

This report provides Council with the full Agenda and attachments of the Audit Committee as a confidential attachment. The items considered by the Committee at this meeting were as follows:-

AC581	2017/18 Annual Statement of Accounts
AC582	Pitcher Partners – Internal Audit Report – Post Project Assessment
AC583	Pitcher Partners – Internal Audit Report – Major Project Management
AC584	Review of Past Reports Conducted by AFS and Associates
AC585	Recent Regulatory Reports and Publications
AC586	Election of Chairperson
AC587	Matrix of Outstanding Items

LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS

- *Victorian Charter of Human Rights and Responsibilities Act 2006*
 - *Local Government Act 1989*
 - *City of Ballarat Council Plan 2013-17*
-

REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	Yes
Social/cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	No	No
Financial/Resources	Yes	Yes
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

Human Rights - It is considered that this Report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

Social/Cultural - The inclusion of the attached minutes in the Council Agenda and the availability to the public will increase awareness of the activities of the Committee and could increase community involvement in decision making at Council.

Financial/Resources – As contained with the Confidential Attachment Report.

Risk Management – In accordance with the Terms of Reference, the minutes of the Audit Advisory Committee are to be provided to Council.

OFFICERS DECLARATIONS OF INTEREST

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

REFERENCE DOCUMENTS

- Audit Advisory Committee – Terms of Reference

ATTACHMENTS

1. Minutes Audit 5 September 2018 [9.11.1]



AUDIT ADVISORY COMMITTEE

MINUTES

5 September 2018

**MINUTES OF THE MEETING OF THE AUDIT ADVISORY COMMITTEE
OF THE BALLARAT CITY COUNCIL HELD IN COMMITTEE ROOM 2
TOWN HALL, STURT STREET, BALLARAT ON
WEDNESDAY 5 SEPTEMBER, 2018 AT 10:00AM**

Justine Linley
Chief Executive Officer

MINUTES

ORDER OF BUSINESS:

PRESENT

Mr Michael Porter (Chair)
Mr Rex Carland
Mr Shane Bicknell
Mr Noel Perry
Cr Belinda Coates
Cr Grant Tillett

IN ATTENDANCE

Mr Remy Szpak (Financial Audit Manager, Victorian Auditor General's Office)
Ms Natalie James (Client Director, Pitcher Partners)
Mr Joshua Kapolice (Manager, Pitcher Partners)
Ms Justine Linley (Chief Executive Officer)
Mr Glenn Kallio (Director Business Services)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Cr Samantha McIntosh (Mayor)

That the apology be accepted.

Moved Cr Belinda Coates
Seconded Cr Grant Tillett

CARRIED

DECLARATION OF CONFLICT OF INTERESTS

No Conflicts of Interest were declared.

SECTION 89 MATTERS

RESOLUTION:

That the Committee resolves, pursuant to Section 89(2) of the Local Government Act 1989, that the meeting be closed to members of the public, whilst the Committee is dealing with matters, that may include matters that are Commercial in Confidence or that may prejudice Council:-

Moved Cr Belinda Coates
Seconded Cr Grant Tillett

CARRIED

FRAUD CONTROL

The Director Business Services advised that he will report to the next meeting.

CONFIRMATION OF MINUTES

That the minutes of the Audit Advisory Committee held on 20 June, 2018, as circulated, be adopted.

Moved Shane Bicknell
Seconded Rex Carland

CARRIED

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**AC581 VICTORIAN AUDITOR GENERAL'S OFFICE
2017/18 ANNUAL FINANCIAL STATEMENT OF ACCOUNTS
(RO – Glenn Kallio)**

SUMMARY

Mr Remy Szpak, Financial Audit Manager from Auditor General's Office attended the meeting and answered questions from the meeting.

Justin Marson, Senior Accountant attended the meeting and answered questions in relation to the accounts from the Committee.

SUMMARY

In accordance with the Local Government Act 1989 (sections 126 and 126A) Council is required to approve a set of financial statements in principle and submit the resolution with the Financial Statements to the Auditor General.

It was requested that the Director Business Services give a presentation at the next Audit Committee Meeting on Debt Ceiling.

RESOLUTION

That the Audit Advisory Committee advise Council that it recommends:-

- 1. That Council approve the 2017/18 Annual Financial Statements and Performance Statement in principle.**
- 2. That Council nominate two Councillors to certify the 2017/18 Annual Financial Statements and Performance Statement on behalf of Council, once amendments or changes requested by the Auditor General have been made.**
- 3. That the Closing Report and the Financial Management Letter for the year ended 30 June 2018 be received.**

Moved Shane Bicknell
Seconded Noel Perry

CARRIED

Mr Marson was thanked for his attendance and left the meeting.

**AC582 PITCHER PARTNERS – INTERNAL AUDIT REPORT
- POST PROJECT ASSESSMENT**
(RO – Angelique Lush)

Considered in conjunction with Report AC583

AC583 PITCHER PARTNERS – INTERNAL AUDIT REPORT – MAJOR PROJECT MANAGEMENT
(RO – Glenn Kallio)

SUMMARY

Mr Josh Kapolice and Ms Natalie James, Internal Auditors, Pitcher Partners presented the recently completed internal audit report on Post Project Assessment – Bonshaw Early Learning Centre and the City Oval Redevelopment and Major Project Management and these were considered by the Committee.

Ms Angelique Lush, Director Development and Planning and Mr Mark Powell, Executive Manager Major Projects attended the meeting and answered questions from the Committee.

RESOLUTION

That Pitcher Partners conduct a further review of Major Project Management in six months with the report to be presented to the April 2018 Audit Meeting.

Moved Rex Carland
Seconded Noel Perry

CARRIED

RESOLUTION

That Tendering and Contract Management be placed back on the Internal Audit Program by Pitcher Partners as an additional audit for the 2018/19 year.

Moved Cr Grant Tillett
Seconded Noel Perry

CARRIED

AC584 REVIEW OF ACTIONS ON PAST REPORTS CONDUCTED BY AFS AND ASSOCIATES
(RO – Glenn Kallio)

SUMMARY

The outstanding matters highlighted in a report by Council's previous Internal Audit provider, AFS and Associates has been progressively worked through by management and a summary document has been prepared. Pitcher Partners have perused this document and prepared a scope as a way forward to either close off these items or advise the Committee of the status of outstanding issues.

RESOLUTION

That the scope prepared by Pitcher Partners be approved and that a report be presented back to the Audit Advisory Committee at the conclusion of the audit by Pitcher Partners.

Moved Cr Belinda Coates
Seconded Noel Perry

CARRIED

AC585 PITCHER PARTNERS – RECENT REGULATORY REPORTS AND PUBLICATIONS
(RO – Glenn Kallio)

SUMMARY

Links to recent publications prepared by the Victoria Auditor General's Office and Independent Board Based Anti-corruption Commission were provided for the information of the Committee.

For information only

2017/18 and 2018/19 Internal Audit Program Status Report

An updated document outlining the timing and status of the adopted audit program was tabled by Council's Internal Auditor for the Committee's information.

AC586 ELECTION OF CHAIR
(RO: Glenn Kallio)

SUMMARY

To conform with the Audit Advisory Committee Terms of Reference, it is necessary to elect a Chairperson for the Audit Advisory Committee for the ensuing twelve months commencing 11th September 2018.

RECOMMENDATION

That the Audit Advisory Committee recommend to Council that it appoint Mr Noel Perry to the position of Chairperson of the Audit Advisory Committee effective from 11th September, 2018 till 10th September, 2019.

Moved Rex Carland
Seconded Shane Bicknell

CARRIED

AC587 MATRIX OF OUTSTANDING ITEMS
(RO: Glenn Kallio)

SUMMARY

This report outlined for the information of the Audit Committee the status of outstanding items to date.

For Information only

GENERAL BUSINESS

Mr Rex Carland – End of Audit Term on Committee

The Chair, Mr Porter thanked Mr Carland for his work on the Audit Committee over the past years and presented him with a gift as a token of appreciation.

Waste to Energy

Mr Noel Perry requested information in relation to ‘Waste to Energy’ and the CEO briefly responded and advised that she will present a more detailed update at the next Audit Meeting for the information of the Committee.

RESOLUTION:

That the Committee resolves to come out of Section 89 and adopt the resolutions made therein.

Moved Rex Carland
Seconded Cr Belinda Coates

CARRIED

There being no further business, the Chairperson declared the meeting closed at 11:30am

Confirmed this day of , 2018

.....
Chairperson

9.12. OUTSTANDING QUESTION TIME ITEMS

Division: Business Services
Director: Glenn Kallio
Author/Position: Sarah Anstis -Administration Officer Statutory Compliance

OFFICER RECOMMENDATION

That Council endorses the Outstanding Question Time report.

EXECUTIVE SUMMARY

This report provides Council with an update of response to questions taken on notice and outstanding unanswered questions from Council Question Time.

RATIONALE

The City of Ballarat Local Law No. 18 – Meeting Procedure calls for a standard agenda item at each Council Meeting that reflects unanswered questions from Public Question Time.

LEGISLATION, COUNCIL PLAN, STRATEGY AND POLICY IMPLICATIONS

- City of Ballarat Local Law No. 18 – Meeting Procedure.

OFFICERS DECLARATION OF INTERESTS

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this report.

ATTACHMENTS

1. Outstanding Question Time Items **[9.12.1]**

Outstanding Question Time Items

Meeting	Status	Requested	Question	Officer Responsible	Response
01/08/2018 QT51/18	Open	Mr Stuart Kelly Ballarat	Plans and strategies are being produced by external consultants and are very professional. What is the cost of producing these? Is there a strategy for how many are produced in Ballarat and how many are produced external to Ballarat?	Glenn Kallio Director Business Services	Taken on notice.

10. NOTICE OF MOTION

Nil

11. URGENT BUSINESS

12. SECTION 89 (IN CAMERA)

9.10 AUDIT ADVISORY COMMITTEE AGENDA - 5 SEPTEMBER 2018

Division: Business Services
Director: Glenn Kallio
Author/Position: Lorraine Sendall – Executive Assistant, Director Business Services

(Any other matter which the Council or Special Committee considers would prejudice the Council)

12.1 COIN COLLECTION CONTRACT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Amy Boyd – Executive Manager Regulatory Services

(Contractual Matters)

12.2 TENDER 2018/19-04 'MAJOR PATCHING WORKS IN VARIOUS LOCATIONS'

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Robin Hand – Contracts Administration Officer

(Contractual Matters)

**12.3 POWERCOR AGREEMENT FOR LEASE (DEED) FOR SUBSTATION (KIOSK TYPE)
AT THE SMYTHESDALE REGIONAL LANDFILL**

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Darren Sadler – Executive Manager Property and Facilities
Management
Racheal Barnett – Property Officer

(Contractual matters)

12.4 FERNERY RECONSTRUCTION CONTRACT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Vaughn Notting – Executive Manager Infrastructure

(Contractual matters)

13. CLOSE