

9.2. Lisbon ICC Conference

9.2.1. ICC Coordinators Meeting Lisbon 2017 Agenda



MEETING OF INTERCULTURAL CITIES' COORDINATORS

30 November

Lisbon (Portugal)

Venue

DRAFT AGENDA

30 November 2017 - morning

- 09h00** **Opening of the meeting**
Address by Ms Irena Guidikova, Head of the Anti-discrimination and Inclusion Division, Council of Europe, and Ms Ivana d'Alessandro, ICC Head of Unit
- 09h20** **Main developments in National Networks and the South programme**
- South Programme
 - Norway
 - Italy
 - Ukraine
 - Portugal
 - Spain
- Discussion*
- 10h10** **Implementation of the ICC Programme in 2017**
- Diversity connectors for start-ups, by Irena Guidikova
 - STEPS, by Francesca Lionetti
 - Storycities, by Ivana d'Alessandro
- 10h40** **Coffee break**
- 11h00** **Implementation of the ICC Programme in 2017 (cont.)**
- Thematic Seminar on Human Rights in the Intercultural City, by Toralv Moe
 - Study visit to Lyon on Prevention of Radicalisation, by Marc Villarubias
 - Inclusive integration Policy Lab, by Irena Guidikova and Ivana d'Alessandro
- Discussion on progress, feedback from cities and follow up*
- 12h30** *Lunch*

14h00 Exchange of views on the outcomes of the Milestone event

With focus on:

- ICC correlation study
- ICC expanded narrative
- Inclusive Integration Policy Lab
- Outcomes of the thematic workshops

Discussion on challenges and new priorities

15h15 Coffe break

15h30 Intercultural cities: how to make the best of the Programme and increase the impact of the intercultural approach – Thematic group discussions

Working Group 1: Political development

- Policy Lab: how to attract Ministers and national-level institutions, how to achieve tangible outcomes
- ICC network's political communication: appointing Mayors as spokespersons, communicating the results of intercultural policies to citizens; communicating on the diversity advantage; training of Mayors on political intercultural messaging

Working Group 2: Strategic development of ICC tools

- Is there a need to adapt the Index questionnaire to ICC expanded narrative?
- How to improve the knowledge base and the collection of practices from and for the network?
- How to improve networking and peer-to-peer learning (more study visits? Introduce bilateral visits? Learning clusters hosted by one city? Use of digital tools? Etc.)
- How to give stronger voice and visibility to the network? (Joint campaigns? Appointment of a network's spokesperson? Recruiting ICC "ambassadors"/advocates? New partnerships?)
- Are there any other needs in terms of tools?

Working Group 3: Programme of work for 2018

- ICC integration academy
- Thematic seminar(s): proposals: Human rights, gender equality, participation...
- Study visits (employment, urban safety)

17h00 Reporting back from Working Groups

17h30 Conclusions

9.2. Lisbon ICC Conference

9.2.2. ICC Milestone Event Lisbon 2017 Conference

Agenda

MILESTONE EVENT

Urban policies for inclusive migrant integration and diversity advantage

Lisbon, 28-29 November 2017

AGENDA

28 November 2017 - Morning

Municipal Assembly, Forum Lisboa, Avenida de Roma, 14

9.00 – 9.30 Opening session

Ms Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe
Mr Fernando Medina, Mayor of Lisbon
Mr Eduardo Cabrita, Minister of Home Affairs, Portugal

Moderated by Ms Catarina Furtado, UNFPA Goodwill Ambassador and CCC President

9.30 – 10.00 Keynote address: How can cities drive the migrant inclusion agenda?

Ms Lynda Ford, Director, iGen Foundation Ltd, Australia

10.00-11.30 What are the keys to building an inclusive society?

Interactive panel discussion moderated by Prof. Bob White, Director, Laboratory for Research on Intercultural Relations of the University of Montreal (speakers: Mayors and regional and national Leaders in charge of migrant integration)

Ms Dominique Versini, Deputy Mayor of Paris
Ms Cecilia Soto, Federal Chairwoman of the Standing Committee on the City of Mexico, LXIII Legislature of Mexican Federal Congress
Mr Jean-Nathanaël Karakash, State Council of Neuchâtel
Mr David Stanton, Minister of State for Justice, Ireland
Mr Ioannis Mouzalas, Migration Policy Minister, Greece

11.30-12.00 Coffee break



LISBOA
CÂMARA MUNICIPAL

12.00-13.00 Walking the diversity talk: introducing the concept and practice of diversity advantage

Round table moderated by Mr Daniel de Torres, Director of the Spanish network of intercultural cities (RECI)

Ms Franziska Giffey, Mayor of Berlin Neukölln

Mr Geir Lippestad, Deputy Mayor for diversity, Oslo

Ms Carla Tavares, Mayor, Amadora

13.00-14.30 Lunch

Change of venues for the afternoon sessions



Com o apoio



28 November 2017 - Afternoon

15.00 – 18.00

INCLUSIVE INTEGRATION POLICY LAB

Towards a more effective governance of migrant integration

(Mayors and Ministers)

Objectives: engage in a dialogue to improve policy coordination and enable transfer of innovation in migrant and refugee integration between national, regional and local levels, based on the intercultural approach promoted by the Council of Europe.

Participants: Mayors, Ministers, Members of Parliament

Languages: English and French

Venue: Lisbon City Hall, Salão Nobre, Praça do Município

ACTIVITIES IN PARALLEL FOR OTHER PARTICIPANTS

Anti-rumours training

Objectives: The main goal of the Anti-rumours methodology is to counteract negative stereotypes, commonplace and rumours that make interaction and coexistence of cultural diversity difficult by leading to discriminatory attitudes and racism. Based on the Council of Europe Anti-rumours Manual, the training will provide participants with a common framework and tools to implement the official Anti-rumours strategy.

Open to: National ICC coordinators & other city officials, NGOs. Maximum 20 participants. Registrations have to be made in advance through the registration form.

Venue: Lisbon City Hall, Sala das Sessões Públicas

Language: English

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Walk the diversity talk – Itinerant workshops

Objectives: Itinerant workshops to address some of the key challenges of living together in diversity in the local community, and identify solutions. The workshops will focus on:

- **Employment of migrants:** moderated by Ms Carolina Arriagada Peters; venue: CEPAC Lisboa
- **Participatory heritage mapping:** moderated by Ms Francesca Lionetti; venue: Gabip Almirante Reis
- **Safety:** moderated by Ms Monica Diniz; venue: Alta de Lisboa and Mouraria Mais Segura
- **Business:** moderated by Ms Charlotte Hochman; venue: Start up Lisboa
- **Digital participatory narratives:** moderated by Ubiqa; venue: Lisbon City Hall
- **Social Services:** moderated by Ms Anne Bathily; venue: Associação Renovar a Mouraria
- **Education:** moderated by Mr Alessio Surian; venue: Aga Khan Foundation
- **Urban Planning:** moderated by Dr. Noha Nasser; venue: Prodac Sul and Prodac Norte

The outcomes will be discussed during the gala dinner, through an interactive performance.

Open to: National ICC coordinators & other city officials, NGOs, policy experts, academics, Lisbon residents, journalists. Maximum 25 participants per workshop. Participants are requested to express their preference through the registration form.

Language: English

20.30 – 22.00 GALA DINNER

Sala do Risco/Pátio da Galé

Com o apoio



Running over the two days

Celebrate LX!

Using their own mobile phone, registered participants will document the Milestone Event and diversity in Lisbon from an intercultural perspective through a participatory video project that will develop digital narratives, using video, photo, audio or other resources, to represent their vision of reality.

Target group: open to all participants that register here:

<http://www.celebratelx.org/subscribe>

Media meet the citizens: what does diversity mean for Lisbon residents

Journalists involved in the Council of Europe Diversity Accelerator for Media - DivA project will report about their encounters with local residents and their views on diversity, inclusion & diversity advantage.

Com o apoio



29 November 2017 – All day

Rectory of the Universidade Nova de Lisboa, Auditorium A

9.00 – 10.30 Towards a new Intercultural Cities policy paradigm

Moderated by Ms Irena Guidikova, Council of Europe

Mr Phil Wood and a panel of challengers:

- Ms Anne Bathily, Senior Strategic Advisor UNHCR Regional Representation for Northern Europe
- Mr Thomas Huddleston, Programme Director Migration and Integration, MPG
- Ms Martha F. Davis, Professor of Law, Associate Dean for Experiential Education, North-eastern University School of Law, Boston/MA
- Mr Jorge Jiménez Ortega, Chief of office of Mexico City Commission at the National House of Deputies and university professor

Questions and Answers

10.30 – 11.00 Coffee break

11.00 – 12.30 Mayors' vision: addressing emerging intercultural challenges

Interactive panel discussion with Mayors on the new Intercultural cities concept; moderated by Ms Claudia Luciani, Director of Democratic Governance and Anti-Discrimination, Council of Europe

Ms Ebba Östlin, Mayor, Botkyrka

Dr. Elisabeth Preuss, Deputy Mayor, Erlangen

Mr Erlend Horn, Deputy Mayor on Diversity, Bergen

Mr Krzysztof Stanowski, Director, International Cooperation Centre of the Municipality of Lublin

12.30-14.00 Networking lunch

Participants cluster on thematic tables on good practice

14.00-16.00 ICC challenges: towards shared solutions (5 design workshops)

5 parallel sessions on participation, anti-discrimination, social innovation, populism, and gender equality

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(Coffee break included)

16.00 – 16.10 StoryCities: how can cities communicate on the diversity advantage (screening of an awareness video)

16.10-17.15 Reporting panel from the working sessions and the Policy Lab

17.15-17.45 Participants' feedback

17.45-18.15 Conclusions and Closing remarks

Portuguese authorities and the Council of Europe

Followed by an artistic performance

Com o apoio



**9.4. Amendment to Terms of Reference - Audit
Advisory Committee**

9.4.1. DRAFT Audit Advisory Committee TOR

AUDIT ADVISORY COMMITTEE

TERMS OF REFERENCE

1. BACKGROUND

1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Audit Advisory Committee (**Committee**).

1.2 The Audit Committee is formally appointed Committee of Council and acts as an independent Advisory Committee of Council under Section 139 of the Local Government Act.

The Audit Advisory Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit Advisory Committee does not have any management functions and is therefore independent of management.

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 make recommendations to Council.

1.4 This Terms of Reference document is authorised by a resolution [insert resolution number after the Council meeting] of Council passed on [*insert date of the Council meeting the ToR were endorsed, after the Council meeting*].

2. CONFLICT OF INTEREST AND USE OF INFORMATION

2.1 The Audit Advisory Committee members will have access to information about the day to day operations of Council including information that may be Commercial in Confidence and personnel matters.

Members of the Audit Advisory Committee must be fully aware of their responsibilities with regard to the management of interests in relation to the discharge of their duties as a member of the Audit Committee, in particular, with regard to its use or misuse and the disclosure of conflicts of interests. Section 79 of the Local Government Act 1989 makes it mandatory for members of the Audit Committee to disclose all conflicts of interest prior to the discussion of the matter for which the conflict of interest has arisen.

Section 139 (4A) of the Local Government Act 1989 requires Audit Committee members to lodge Primary and Ordinary Returns pursuant to Section 81 of the Act.

3. OBJECTIVES

The objectives of the Committee are:

3.1 The primary objective of the Audit Committee is to assist Council to fulfil its responsibilities in relation to financial reporting, risk management, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

- 3.2 The Audit Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is therefore independent of management.
- 3.3 The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference in order to facilitate decision making by Council in relation to the discharge of its responsibilities.
- 3.4 The Audit Advisory Committee may request additional information in order to fulfil its responsibilities and recommend to Council that independent legal or professional advice be obtained if and when required.

4. MEMBERSHIP

- 4.1 The Committee will comprise of seven members – three Councillors and four external independent persons. All members shall have full voting rights:
 - 4.1.1 External independent persons will have senior business or financial management/reporting knowledge and experience and be conversant with the financial and other reporting requirements. The evaluation of potential members will be undertaken by the Mayor and Chief Executive Officer taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment will be put before Council for adoption; and
 - 4.1.2 Councillors will be appointed to the Committee through Council's annual Committee appointment process
- 4.2 Appointments of external/independent persons shall be made by way of a public advertisement and be for a term of three years. Council has the option of inviting interested members to serve consecutive terms and in this case it would not be necessary for the position to be publicly advertised.
- 4.3 If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.
- 4.4 Remuneration will be paid to each independent member of the Committee, as determined by Council, the basis of which is to be a set fee per meeting with no additional amount being paid to the Chair.
- 4.5 The Chairperson shall be appointed from the external members of the Committee by the Audit Committee subject to Council's approval. In the absence of the appointed Chairperson from a meeting, the Committee will appoint an acting Chairperson from the Independent members present.
- 4.6 No member of the Committee shall chair the meeting in consecutive years.
- 4.7 All members have full and equal voting rights on all matters considered by the Committee unless a member is unable to vote due to a conflict of interest. Resolutions shall pass on a simple majority vote.

- 4.8 At least one independent member will possess financial qualifications and have experience at a senior level.

5. MEETINGS

- 5.1 The Committee shall meet at least quarterly.
- 5.2 A schedule of meetings will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example in August/September to coincide with the finalisation of the Financial Statements, Performance Statement and the Draft Annual Report to the Minister.
- 5.3 Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee, internal or external auditor.
- 5.4 A quorum will be a majority of the Committee membership.
- 5.5 The Chief Executive Officer and Director Business Services should attend all meetings. Other members of Council or Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- 5.6 Representatives of the external auditor should be invited to attend at the discretion of the Committee but must attend meetings considering the draft annual financial report and results of the external audit.
- 5.7 Council shall provide secretarial and administrative support to the Committee and minutes will be taken.
- 5.8 Any Councillor, not appointed to the Committee, may attend the meeting to observe only and will not have any voting entitlement.
- 5.9 Due to the sensitive nature of the content of reports considered by the Audit Committee, meetings are not open to the public and all meeting agendas and proceedings are deemed confidential.
- 5.10 All Audit Committee meetings, agenda papers and discussions are to be treated as confidential and all meetings will be held 'In Camera'.
- 5.11 All Audit Committee members are expected to attend each Audit Committee meeting in person.
- 5.12 Where practicable, the responsible Director or Manager will be present for tabling of their reports.
- 5.13 Other Council staff may attend meetings at the CEO's request where issues require clarification.

6. DECISION MAKING

- 6.1 As an Advisory Committee of Council, any decisions requiring expenditure on behalf of Council and/or making any commitments to action/responses on behalf of Council, must be referred to the Council.

7. REPORTING

- 7.1 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.
- 7.2 The Committee may also be required to meet with the Council to provide a formal status report on matters raised in the Audit Plan.

8. PERFORMANCE

- 8.1 The Audit Committee are encouraged to evaluate their own performance on an annual basis using a self assessment tool.

9. DUTIES AND RESPONSIBILITIES

- 9.1 The role of the Committee is:
- 9.1.1 To review the scope of the internal audit plan and program and the effectiveness of the function and recommend the annual plan for approval by Council and all major changes to the plan. This review should consider whether, over a period of years the internal audit plan systematically addresses:
- internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programs; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements;
 - compliance with good governance standards, policy and ethical practice as set out in legislation, guidelines, policy and procedure;
 - any issue referred to the Committee for review or consideration by the Council or Chief Executive Officer that fall within the scope of the Committee's Terms of Reference.
- 9.1.2 Review the level of resources allocated to internal audit and the scope of its authority and recommend to Council any changes considered necessary for the effective carrying out of functions.
- 9.1.3 Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- 9.1.4 Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.

- 9.1.5 Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's Terms of Reference. Review management's response to, and actions taken as a result of the issues raised.
- 9.1.6 Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- 9.1.7 Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- 9.1.8 Review Council's draft annual financial report, focussing on:
- Accounting policies and practices;
 - Changes to accounting policies and practices;
 - The process used in making significant accounting estimates;
 - Significant adjustments to the financial report (if any) arising from the audit process;
 - Compliance with accounting standards and other reporting requirements;
 - Significant variances from prior years.
- 9.1.9 Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 9.1.10 Discuss with the external auditor the scope of the audit and the planning of the audit.
- 9.1.11 Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- 9.1.12 Review tendering arrangements and advise Council.
- 9.1.13 Review the annual performance statement and recommend its adoption to Council.
- 9.1.14 Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators
- Providing strategic advice, conducting and completing corporate governance and compliance audits to assess performance against the Council's corporate, financial and strategic plans.
 - Conducting investigations of any special cases of fraud within the organisation and monitoring the progress of any major law suits facing the Council.
 - Reviewing policies, procedures and controls having appropriate regard of information technology systems employed.
 - Monitoring the implementation of all due diligence audit recommendations and recommendations of the Audit Committee as adopted by the Council.
 - Review of key performance indicators for the Committee and the monitoring and reporting of performance against the identified measures to the Chief Executive Officer, Audit Committee and Council.

- 9.1.15 Provide advice to the Council, Chief Executive Officer and management as requested, including the development of policies and procedures.
- 9.1.16 Undertake special assignments as requested by the Chief Executive Officer.
- 9.1.17 Liaise with the external auditor and co-ordinate audit coverage.
- 9.1.18 Oversee internal audit work in accordance with the professional auditing standards, codes of conduct and ethics promulgated by organisations such as the Australian Society of Certified Practising Accountants, the Institute of Chartered Accountants in Australia and the Institute of Internal Auditors – Australia.
- 9.1.19 Financial audit work will take into consideration the extent to which the area concerned is already covered by the external auditor.
- 9.1.20 Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate. Oversee any subsequent investigations, including overseeing of the investigations of any suspected cases of fraud within the organisation.
- 9.1.21 Monitor the progress of any major lawsuits facing the Council.
- 9.1.22 Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's Terms of Reference.
- 9.1.23 Report to Council after each meeting, in the form of minutes or otherwise, and as necessary and provide an annual report to Council summarising the activities undertaken during the year.
- 9.1.24 The Audit Committee in conjunction with the Council and Chief Executive Officer should develop the Committee's performance indicators.
- 9.1.25 The Audit Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.
- 9.1.26 Review and assess the adequacy of management reporting to Council in terms of the quality, quantity and timing of information necessary to understand and report on Council's risks, operations and financial condition.

10. CONFLICT AND INTEREST PROVISIONS

- 10.1 Audit Committee members are subject to the provisions of section 76D (Misuse of Position) and section 79 (Conflict of Interest) of the Local Government Act.
- 10.2 Independent members of the Committee are also required to submit Primary or Ordinary Returns (section 81 Local Government Act).
- 10.3 In performing the role of a Committee members, a person must:
 - Act honestly;
 - Exercise reasonable care and diligence;
 - Not make improper use of their position; and

- Not make improper use of information acquired because of their position.

11. CREATION AND DISSOLUTION

11.1 By these Terms of Reference the Committee:

11.1.1 is established; and

11.1.2 has the responsibilities as set out in the Terms of Reference.

11.2 These Terms of Reference:

11.2.1 come into force immediately the common seal of Council is affixed to it;
and

11.2.2 remain in force until Council determines to vary or revoke it.

11.3 The Committee must be dissolved by a resolution of Council.

Dated: *[insert date of the Council meeting the ToR was endorsed, after the Council meeting]*

The Common Seal of Ballarat City Council)
was affixed by authority of the Council in the)
presence of:)

..... MAYOR/COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

**9.5. Audit Advisory Committee Meeting - 21 February
2018**

9.5.1. Minutes Audit Committee 21 February 2018



AUDIT ADVISORY COMMITTEE

MINUTES

21 February 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 21 FEBRUARY, 2018 AT 10:00AM

Justine Linley
Chief Executive Officer

MINUTES

ORDER OF BUSINESS:

PRESENT

Mr Rex Carland
Mr Shane Bicknell
Mr Noel Perry
Cr Grant Tillett

IN ATTENDANCE

Mr Remy Szpak (Financial Audit Manager, Victorian Auditor General's Office)
Mr Joshua Kapolice (Manager, Pitcher Partners)
Mr Jordan McFadden (Internal Auditor, Pitcher Partners)
Ms Justine Linley (Chief Executive Officer)
Mr Glenn Kallio (Director Business Services)
Ms Lorraine Sendall (Minutes)

APOLOGIES

Mr Michael Porter (Chair)
Cr Samantha McIntosh (Mayor)
Cr Belinda Coates

That the apologies be accepted.

Moved Mr Noel Perry
Seconded Mr Shane Bicknell

CARRIED

APPOINTMENT OF ACTING CHAIRPERSON

In the absence of the Chair, Mr Rex Carland took the Chair.

DECLARATION OF CONFLICT OF INTERESTS

Mr Perry advised that he is currently a Director on the Grampians Central West Waste & Recovery Board and that it should be noted in reference to Item 6 the Landfill Management Audit but there was no conflict of interest.

FRAUD CONTROL

No new issues to be reported.
The Committee was briefed on the Court proceedings of the IBAC case concerning former employee Lukas Carey.

CONFIRMATION OF MINUTES

That the minutes of the Audit Advisory Committee held on 29 November, 2017, as circulated, be adopted.

Moved Mr Noel Perry

Seconded Mr Shane Bicknell

CARRIED

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 the following matters, that may include matters that are Commercial in Confidence that may prejudice Council:-

Moved Cr Grant Tillett

Seconded Mr Shane Bicknell

CARRIED

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**AC570 VICTORIAN AUDITOR GENERAL'S OFFICE
RESULTS OF 2016/17 AUDITS: LOCAL GOVERNMENT
(RO – Glenn Kallio)**

SUMMARY

The Victorian Auditor General tabled a report in Parliament in November 2017 titled *Results of 2016/17 Audits: Local Government* and this report was provided to the Audit Committee for information only.

Mr Remy Szpak gave a brief outline on the report and changes and timelines planned for the next report.

A new format for the Financial Statements will be launched later this month and it was agreed that the Finance team will put together a shell populating last years figures for the Committee to be tabled at its June meeting.

**AC569 INTERNAL AUDIT REPORT – LANDFILL MANAGEMENT
(RO – Glenn Kallio)**

Mr Terry Demeo, Director Infrastructure and Environment and Mr Steve Van Orsouw, Executive Manager Operations and Environment entered the meeting.

SUMMARY

Mr Josh Kapolice and Mr Jordan McFadden, Internal Auditors, Pitcher Partners presented the recently completed internal audit report on Landfill Management and this was considered by the Committee.

RESOLUTION

That the report be received and the recommendations contained therein be adopted.

Moved Mr Noel Perry
Seconded Mr Shane Bicknell

CARRIED

AC571 DRAFT TERMS OF REFERENCE FOR AUDIT COMMITTEE
(RO – Glenn Kallio)

SUMMARY

This report provided for the endorsement of the Audit Advisory Committee, a revised, updated Internal Audit Terms of Reference.

The Internal Auditor will provide some examples on self assessment for the Committee to peruse.

Consideration be given to the Audit Committee making a presentation to Council and that the Committee meet with the Auditors immediately prior to the next audit committee meeting.

RESOLUTION

That the draft Internal Audit Advisory Committee Terms of Reference be endorsed by the Audit Advisory Committee.

Moved Mr Noel Perry
Seconded Mr Shane Bicknell

CARRIED

AC572 TENDERS – LOCAL CONTENT
(RO – Glenn Kallio)

SUMMARY

The Audit Committee at its meeting held on 29th November 2017 sought a report regarding tenders and quantifying the success of Ballarat based companies.

The report outlined to the Committee, Council's *Ballarat Industry Participation Program (BIPP)* and provided comprehensive lists of tenders awarded for 2016/17 outlining whether the successful tenderer was local according to its BIPP Statement.

RESOLUTION

That the report be noted.

Moved Cr Grant Tillett
Seconded Mr Shane Bicknell

CARRIED

AC573 SAFETY, RISK AND COMPLIANCE UPDATE REPORT
(RO – Glenn Kallio)

SUMMARY

Mr Cameron Montgomery, Executive Manager, Safety, Risk and Compliance, attended the meeting and answered questions from the meeting.

SUMMARY

This report updated the Audit Committee on Safety, Insurance, Risk and Compliance.

Mr Montgomery advised that a revised action/risk plan will be presented to the April Audit meeting.

RESOLUTION

That the report be received.

Moved Mr Noel Perry
Seconded Cr Grant Tillett

CARRIED

AC574 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.

RECOMMENDATION

That the report be noted.

Moved Cr Grant Tillett
Seconded Mr Shane Bicknell

CARRIED

GENERAL BUSINESS

MADE

It was advised that a report is to be considered by Council this evening.

RESOLUTION:

That the Committee resolves to come out of Section 89 and adopt the resolutions made therein.

Moved Mr Shane Bicknell
Seconded Cr Grant Tillett

CARRIED

There being no further business, the Chairperson declared the meeting closed at 11.35am

Confirmed this day of , 2017

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Chairperson

**9.6. Adoption of Revised City of Ballarat
Procurement Policy (Version 7)
9.6.1 Procurement Policy V 7.2 Final**



Procurement Policy

(Version 7.2)

Updated April 2018

Ratified TBA

BALLARAT CITY COUNCIL
Town Hall
Sturt St
Ballarat VIC 3350
Tel. 5320 5500

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2 DOCUMENT CONTROL INFORMATION

Policy Name	Procurement Policy
Business Unit	Finance
File Location	
Document status	Draft
Version	7.2
Version Date	April 2018
Next Review date	March 2019

3 DOCUMENT HISTORY

	Version	Date	Author
Initial Draft	7.00	28/02/2018	Trevor Harris
Review Draft	7.00	1/03/2018	Glenn Kallio
Review Draft	7.1	10/04/2018	Glenn Kallio
Final Draft	7.2	18/04/2018	Glenn Kallio
Approved			

Updates:-

Clause 8.1 Updated - Thresholds (also Clauses 9.3.2 and 9.3.3)

- Requirement for three written quotes - threshold raised from \$15,000 to \$25,000
- Requirement for one written quote for purchases over \$5,000 up to \$25,000 (three verbal quotes deleted)

Clause 10.1.1 added - Occupational Health & Safety (OH&S)

- Occupational Health & Safety Schedule updated to ensure a fair and impartial evaluation of compliance. Weightings added for each question (refer Appendix 3)

Clause 10.2 updated to include process for evaluation of Occupational Health & Safety

Definitions – Added definition of Emergency

4 POLICY STATEMENT

4.1 Intent

Ballarat City Council recognises that a procurement strategy and appropriate best practice contract and procurement principles, policies, processes and procedures, will enhance achievement of Council objectives such as socially responsible procurement, value for money, achieving innovation and providing best value services to the community.

In November 2008, amendments to the Local Government Act 1989 were passed which included a new section 186a that requires Council to 'prepare and approve a Procurement Policy'. A Procurement Policy must include any prescribed matter and Council must have regard to Ministerial Guidelines made under the section when preparing its policy. Council must review its procurement policy annually and make it available for public inspection.

4.2 Objectives

The objectives of this Policy are to:

- establish a procurement framework for Council to achieve value for money and continuous improvement in the provision of services for the community
- ensure that council resources are used efficiently and effectively to improve the overall quality of life of people in the local community;
- achieve compliance with relevant legislative requirements;
- achieve high standards of probity, transparency, accountability and risk management;
- give preference to the procurement of environmentally sustainable goods, services and works;
- give preference to the procurement of goods, services and works from within City of Ballarat and surrounding municipalities where price, quality, services standards and delivery is comparable to other suppliers

4.3 Statement

This policy encompasses all elements of the procurement of goods and services and requires compliance from Councillors, Special Committee members, Staff, Contractors, Consultants and other members as required by the Chief Executive Officer.

4.4 Legislative Compliance Standards

Council's procurement activities shall be carried out to the professional standards required by best practise and in compliance with the key legislative requirements including:

- Council's policies,
- Council's Code of Conduct
- Section 186 of the Act (Power to enter into Contracts)
- Section 186A of the Act (Procurement Policy)
- Section 3C of the Act (Objectives of a Council)

- Sections 208C of the Act (Best Value Principles)
- Sections 77A, 77B, 78, 78A to 78E, 79 79B to D, 80, 80A to C and 95 of the Act (Conflict of Interest)
- Section 98 of the Act (Delegations)
- Section 140 of the Act (Accounts and Records)
- The relevant provisions of the Competition and Consumer Act 2010

Council will adhere to all these provisions in all procurement matters consistent with the Victorian Local Government Best Practice Procurement Guidelines

4.5 Section 186 – Restriction on power to enter into contracts

(1) Before a Council enters into a contract for the purchase of goods or services, or for the carrying out of works, to the value of \$100 000 (or such higher amount as may be fixed by Order in Council) or more, it must—

(a) give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract; or

(b) give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.

(2) If a Council invites expressions of interest—

(a) it must register those expressions of interest; and

(b) when it is ready to enter into the contract, it must invite tenders from some or all of those who registered their interest in undertaking the contract (or the part of the project to which the contract relates).

4.5.1 Orders in Council (*Victorian Government Gazette - 7 August 2008 – 1908 G32*)

Local Government Act 1989

ORDER FIXING THE VALUE OF CONTRACTS FOR WHICH A PRIOR PUBLIC TENDER IS TO BE CONDUCTED BY LOCAL COUNCILS

Order in Council

The Governor in Council under section 186(1) of the **Local Government Act 1989** sets the value of –

- a) \$150,000 for contracts for the purchase of goods and services; and
- b) \$200,000 for contracts for the carrying out of works,

for which a Council must, before entering into the contract, give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract, or give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.

This Order comes into operation on the day it is made.

Dated 5 August 2008

Responsible Minister

RICHARD WYNNE MP

Minister for Local Government

RYAN HEATH

Clerk of the Executive Council

5 OWNER

The owner of this policy is the Chief Executive Officer. Enquiries regarding this policy should be directed to Council's Manager Revenue & Procurement Services.

6 DEFINITIONS

Term	Meaning
<i>Act (The):</i>	Local Government Act 1989 (as amended)
<i>Ballarat Industry Participation Program (BIPP)</i>	A program adopted by the Ballarat City Council which seeks to maximise the local content achieved through Council's procurement processes. On tenders where the value is \$250,000+, a local content statement which has been prepared by tenderers becomes applicable where the financial differential between parties finishes within 5% of each other in the financial criteria.
<i>Commercial in Confidence</i>	Information that, if released, may prejudice the business dealings of a party eg: discounts, rebates, profits, methodologies and process information. It is information provided for a specific purpose that is not to be used for any other purpose than set out in the initial document
<i>Conflict of Interest</i>	In Victorian local government, the law provides that a staff member holding a delegation or advising council or a special committee has a conflict of interest which they must disclose in writing when they have a personal or private interest of the type specified in the legislation
<i>Contract</i>	An agreement between two or more authorised persons on behalf of their organisations to perform or not perform a specific act/s that is enforceable in law. A contract may be verbal or written or inferred by conduct. A contract is to be distinguished from a 'contract pursuant to section 186 of the Local Government Act'
<i>Contract Documents</i>	Documents construed together as an instrument of contract. They may include terms & conditions, specifications, drawings, tender responses, delivery schedules and payment schedules
<i>Contract Management:</i>	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
<i>Contractor</i>	Respondent (person, firm etc) whose tender/quotation offer has been accepted by the council with or without modification
<i>Council Staff:</i>	Includes full time and part-time Council officers, and temporary employees, contractors and consultants while engaged by the Council.
<i>CSR Practices:</i>	Corporate Social Responsibility. Relates to Council's supply chain being ethical, knowledgeable, reputable and where possible supporting green and sustainable products.
<i>Emergency</i>	<ul style="list-style-type: none"> • Any urgent circumstance which may present a risk to public health and/or safety • The failure of a 'key service provider' • Significant damage to municipal building (where it is no longer safe)

	<ul style="list-style-type: none"> Major business disruptions such as an extensive IT failure resulting in a loss of services to the community
<i>Evaluation Criteria</i>	The criteria used to evaluate the compliance and/or relative ranking of tender responses. All evaluation criteria must be clearly stated in the request documentation
<i>Expression of Interest:</i>	A response to an open approach, usually by public advertisement, to the market requesting submissions from prospective suppliers interested in procurement. The list of potential suppliers who have provided expressions of interest may be used as the basis for conducting a select tender process
<i>Late Tender</i>	A late tender is one that it is not received in the Tender Box prior to the advertised closing date/time.
<i>Local Content</i>	<p>Defined as labour, materials, plant and supervision which are sourced from within the following municipalities:</p> <ul style="list-style-type: none"> Ararat Rural City Council, Ballarat City Council, Golden Plains Shire Council, Hepburn Shire Council, Moorabool Shire Council, Pyrenees Shire Council.
<i>Prepayment</i>	A payment made for goods/services prior to any works being undertaken
<i>Probity:</i>	A procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.
<i>Procurement:</i>	Procurement is the whole process of acquisition of goods, services and works. It can include planning, design, standards determination, specification writing, preparation of quotation and tender documentation, selection of suppliers, financing, contract administration, disposals and other related functions. This process spans the whole life cycle from initial concept through to the end of the useful life of an asset (including disposal) or the end of a service contract.
<i>Specification</i>	The statement which clearly and accurately describes the essential requirements for goods, services or works. It may also include the procedures by which it will be determined that the requirements have been met and performance required in a contract
<i>Standing Offer Agreement</i>	A contract that sets out rates for goods and services that are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.

<i>Sustainability:</i>	Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.
<i>Tender</i>	An offer in writing to supply goods and/or services, usually submitted in response to a public or selective invitation such as a Request for Tender
<i>Tender Opening Panel</i>	Will consist of three Council officers, ideally one of which should be a Senior Manager
<i>Tender Process:</i>	The process of inviting parties to submit a quotation or tender by public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer.
<i>Treatment of GST</i>	All monetary values stated in this policy include GST; unless specifically stated otherwise.
<i>Value for Money:</i>	Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including: <ul style="list-style-type: none"> • contribution to the advancement of the Council’s priorities, including the Ballarat Industry Participation Program; • non-cost factors such as fitness for purpose, quality, service and support; and cost-related factors including whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.
<i>Variance</i>	Is an alteration to the scope of works in a construction contract in the form of an addition, substitution or omission from the original scope of work.

7 PROCEDURE AND GUIDANCE NOTES

Effective Legislative and Policy Compliance and Control - Ethics and Probity

7.1 Requirement

This Policy represents the principles, processes and procedures that will be applied to the purchase of all goods, service and works by council. The scope of this Policy commences from when council has identified a need for procurement requirements. It continues through to the delivery of goods or completion of works or services.

This Policy will apply to Councillors, council staff and all persons undertaking procurement on council’s behalf and they are accountable for complying with all relevant procurement legislative and policy requirements.

7.2 Conduct of Councillors and Council staff

Councillors and members of staff (and all persons engaged in procurement on Council’s behalf) must exercise the highest standards of integrity in a manner able to withstand the closest possible scrutiny.

All members of staff have an overriding responsibility to act impartially and with integrity, avoiding conflicts of interest (Section 95 Local Government Act 1989).

In procurement matters:

- Treat potential and existing suppliers with equality and fairness;
- Maintain confidentiality of Commercial in Confidence matters and information such as contract prices and other sensitive information;
- Members of staff must disclose a direct or indirect interest (and the type of interest) before providing advice or reports (or any other matter) (Section 80C LGA)
- Council officers delegated Council powers or duties are prohibited from exercising those powers, duties or functions if they have conflicts of interest (Section 80B LGA).
- A Councillor must comply with the Primary Principle of Councillor Conduct and avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations. (Section 76BA LGA). Councillors (and members of audit committees) must disclose a conflict of interest (Section 79 LGA).
- Councillors must also comply with the Councillor Code of Conduct.
- Councillors must not improperly direct or improperly influence a member of council staff in the exercise of any power on/ in the performance of any duty or function. (Section 76E LGA)
- Members of staff must also comply with the Code of Conduct for Council Staff (Section 95AA LGA)
- All staff engaged in the evaluation of quotation or tender evaluation must adhere to this Policy and complete and lodge a Conflict of Interest Declaration and a Deed of Confidentiality.
- All Councillors and Staff must adhere to councils Gifts and Hospitality Policy in matters of procurement.

Councillors and staff members should make their interests known in any situation where it could be perceived that an interest might unduly influence them.

7.3 Tender Processes

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the *Act*.

7.4 Conflict of Interest

Councillors and Council staff shall at all times avoid situations in which private interest's conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council staff must not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest or holds a position of influence or power in a business undertaking tendering for the work.

The onus is on the Councillor and the member of Council staff involved being alert to and promptly declaring an actual or potential conflict of interest to Council.

7.5 Fair and Honest Dealing

During a public tender process, all prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained throughout the procurement process so that it can withstand public scrutiny.

The commercial interests of existing and potential suppliers must be protected.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

7.6 Accountability and Transparency

Accountability in procurement means being able to explain and evidence what has happened. The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this policy and related Council policies and procedures.

Additionally:

- The responsible Council staff must be able to account for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council;
- Where necessary, brief tenderers regarding the documented decision-making process, and
- All procurement activities are to leave an audit trail for monitoring and reporting purposes.

7.7 Gifts and Hospitality

No Councillor or member of Council staff shall, either directly or indirectly solicit or accept gifts or presents from any member of the public who is involved, either directly or indirectly, with any matter that is connected with the duties of the officer, or in which Council is interested.

Councillors and Council staff must exercise the utmost discretion in accepting hospitality from contractors or their representatives, or from organisations, firms or individuals with whom they have official dealings.

Councillors and Council staff should also avoid the ambiguous situation created by visiting the premises of a contractor, organisation, firm or individual uninvited and/or not on official business.

Offers of bribes, commissions or other irregular approaches from organisations or individuals (no matter how insubstantial the evidence available), must be promptly brought to the attention of the CEO.

7.8 Disclosure of Information

Information received by Council that is Commercial in Confidence must not be disclosed and is to be stored in a secure location. Councillors and Council staff are to protect, by refusing to release or discuss information to the extent that it is Commercial in Confidence.

This may include:

Information disclosed by organisations in tenders, quotation or during tender negotiations:

- Pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations,
- Councillors and Council staff are to avoid references to current or proposed contracts in discussion with acquaintances or outside interests,
- Discussion with potential suppliers during tender evaluations should not go beyond the extent necessary to resolve doubt on what is being offered by that supplier,
- At no stage should any discussion be entered into with any tendering party or its representative or agent that could have potential contractual implications prior to the contract approval process being finalised, other than authorised pre-contract negotiations.

7.9 Governance Structure

Council shall:

- Establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by Council.

Ensure that Council's procurement structure is flexible enough to purchase in a timely manner the diverse range of material, goods, works and services required by Council.

Ensures that prospective contractors and suppliers are afforded an appropriate opportunity to tender/quote;

- Encourages competition; and
- Ensures that policies that impinge on the purchasing policies and practices are communicated and implemented.

7.10 Methods of Purchasing

Council's standard methods for purchasing goods, services and works shall be by:

- Flexi-Purchase Card;
- Purchase order following a quotation process;
- Under contract following a tender process; or
- Where Council is satisfied that Value for Money requirements have been satisfied, under purchasing schemes including collaborative purchasing arrangements with other Councils and commercial schemes such as provided by Procurement Australia, the Municipal Association of Victoria and the State Government Purchasing Panel;
- Unless other arrangements otherwise authorised by Council or the CEO on a needs basis as required by abnormal circumstances such as emergencies.

Council may, at its discretion and based on the complexity and cost of the project, conduct one stage or multi-stage tenders. Typically, a multi-stage tender process will commence

with a registration of interest stage followed by a tender process involving the organisations selected as a consequence of the registration of interest stage.

A Council Director, Executive Manager or Manager may determine to seek **Expressions of interest** (Section 186(1) of the Act) where:

- there is likely to be many tenderers and tendering will be costly or the procurement is complex; and council does not wish to impose the costs of preparing full tenders on all tenderers
- there is uncertainty as to the willingness and/or interest of parties or vendors to offer the potential products or services or to undertake the proposed works
- The requirement is complex, difficult to define, unknown or unclear,
- The requirement is capable of several technical solutions
- The requirement is generally known but there is still considerable analysis, evaluation and clarification required (both of the objective and the solution).

An **Expression of Interest** process can be undertaken where determined by the CEO, a Director, Executive Manager or Manager and where Council advertises publicly

- the purpose and nature of the contract
- the date by which it will invite tenders.

Tenders and Expression of Interests should not be used to compensate for a lack of understanding as to a council's needs. If uncertain what is required; a simple **Request for Information** should be undertaken. A Request for Information may be undertaken for reasons which include establishing:

- the availability of technologies, products or service available in the market place to meet council needs
- whether proposed terms and conditions or deliverable expectations are acceptable in the market place
- whether proposed budgets are adequate to meet non-standard procurement needs – inadequate budgets should not become apparent when tenders are opened

A Request for Information should be used rather than a Request for Tender or Expression of Interest in order to improve understanding of needs, availability and likely costs.

A Request for Information will be undertaken similar to an Expression of Interest and advertised accordingly. Care must be taken when writing a specification for a Request for Information to ensure there is no commitment to purchase inadvertently included.

7.11 Responsible Financial Management

The principle of responsible financial management must be applied to all procurement activities. Accordingly, to give effect to this principle: the availability of existing funds within an approved budget, or source of funds, must be established prior to the commencement of any procurement action for the supply of goods, services or works.

Council staff must not authorise the expenditure of funds in excess of their financial delegation. Council staff that breach their delegated authority may face action under Council's Discipline and Termination Policy (the decision to initiate disciplinary action or

other action will be taken by the CEO based on a recommendation by the Director Business Services following consultation with the relevant Director or Executive Manager).

Council funds must be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

8 PROCUREMENT THRESHOLDS AND COMPETITION REQUIREMENT

Council will from time to time decide and publish in this policy clear guidelines for minimum spend competition thresholds. These will be dependent on the size and complexity of the proposed procurement activities.

8.1 Minimum Spend Competition Thresholds (Inclusive of GST)

Financial Thresholds (AUS\$ inc GST)	Requirements			
	Process Managed by	Market Engagement	Agreement Type	Documentation
< \$5,000	Business Unit	1 Verbal Quote	P-Order P-Card	Quotes must be Registered*
\$5,001 to \$25,000		1 Written Quote [#]		
\$25,001 to \$124,999		3 Written Quotes [#]		
\$125,00 to \$249,999	Procurement Unit	Tender	Contract	Evaluation Report
> \$250,000				Evaluation Report plus BIPP

*Quotes over \$25,000 must be registered in eBMS system

[#] A minimum of one of the three quotes **must be** obtained from a local supplier/provider wherever possible.

8.2 Threshold Margin

If a procurement budget is within 5% of the nearest threshold, then the greater threshold requirements must be adhered to. eg: Budget for item is \$119,000 (inc GST), then the requirement for 3 quotes is superseded by the requirement to Tender.

8.3 Payments

Payment for Works or Services will be made by the Principal on submission of Tax invoices by the Contractor in accordance with Council's payment policies.

Payment of all claims shall be subject to approval by the Principal's Authorised Officer that requested the works. All invoices shall be submitted in accordance with the Schedule of Rates forming part of the contract.

8.3.1 Prepayments

Prepayments for any goods/services cannot be made without the prior approval of the Director Business Services or the Chief Executive Officer

8.4 Use of Agents

Council encourages (when available) the services of a third-party agent such as MAV Procurement or Procurement Australia to undertake the Tender process on behalf of Council where it can be shown that Best Value for Money would be achieved.

The Act allows for councils to form groups for the procurement of goods, services or works with one member of the group, acting as an agent for the other councils, undertaking a single competitive process. Each of the members of this group are able to enter into a contract with the preferred service provider identified through this competitive process. Council encourages group tenders with surrounding municipalities, particularly where it can be shown that Best Value for Money would be attained.

When procurement is being planned, due diligence should be undertaken to evaluate if Best Value for Money can be achieved by using an Agent or a collective group tender.

Procurement Unit is to be notified when a third-party agent is appointed.

8.5 Total Cumulative spend

Care should be taken when reviewing the limits at 8.1 (above). In order to comply with the requirements of the Act where significant sums are spent in aggregate with one supplier or on one service, it is necessary to structure procurement proposals (as requests for tenders, quotations or prices) in order to achieve greatest value and supplier performance by leveraging this cumulative spend, rather than treating each discrete arrangement as a separate procurement exercise. Council has determined that the Cumulative expenditure to a supplier or for a specific product/service for a period of up to two years is to be taken into account unless the exemption is approved by the Chief Executive Officer.

For example, if council is spending \$70,000 on stationery items each year. Council determines that the optimum period for obtaining value for money is 2 years. The indicative value of the contract is \$140,000 and it is therefore subject to the legislative requirement to seek tender proposals through a public process.

Should the CEO consider that the nature of the requirement and the characteristics of the market are such that the public tender process would lead to a better result for the council, public tenders may be called for purchase of goods, services and works for which the estimated expenditure is below the thresholds set under this Policy.

In circumstances considered appropriate by the CEO, the thresholds under this policy for expenditure on goods and services or construction works relating to a specific project or contract, may be varied to align with values fixed under the Local Government Act 1989 (i.e. \$150,000 for goods and services and \$200,000 for carrying out of works).

8.6 Preferred Suppliers (Panel)

A Preferred Supplier is a contractor/company that has been appointed following an open Tender process. Preferred Suppliers cannot be appointed in any other manner. Unless specified during a tender process no minimum quantity of sales or turnover is guaranteed to a Preferred Supplier Panel member.

Benefits of appointing a Panel of Preferred Suppliers can include:-

- Savings in time and money
- Provide higher level of quality
- Faster turnaround times
- Increased confidentiality

Council's Preferred Suppliers should always be utilised whenever possible. A full list is available from the Intranet (BOB). When utilising Preferred Suppliers "best value for money" should always be the first consideration.

If a Preferred Supplier has provided a Schedule of Rates for services during the Tender process, there is no requirement to obtain three quotes; a direct appointment can be made. If a Schedule of Rates was not provided the quoting requirements outlined in Clause 8.1 must be adhered to. Any single purchase greater than \$125,000 must go to Tender.

9 DETERMINING THE PROCUREMENT VEHICLE

9.1 Tender

The acquisition of goods and services for which the estimated expenditure exceeds \$125,000, and carrying out of works for which the estimated expenditure exceeds \$125,000 must be undertaken by public tender.

9.2 Expression of Interest

An expression of interest is a two-step process. When the thresholds are met an Expression of Interest process does not replace the need to call tenders. It simply precedes the calling of tenders and generally seeks to constrain the number of, and focus the quality and detail, of tenders received. An Expression of Interest process is generally structured with the following components:

- overview of requirements
- invitation to submit
- criteria for evaluating
- form of (respondents form)

An expression of interest should be used in circumstances where –

- there is likely to be many tenderers, tendering will be costly or the procurement is complex
- there is uncertainty as to the interest of suppliers or vendors to offer the potential products or services or to undertake the proposed work

9.3 Quotations

Purchase of goods and services up to \$124,999 and works up to \$124,999 in a single contract or supply arrangement may be undertaken using the procurement by quotation method as described below. Payment for these purchases to your delegated financial authority may

either be by City of Ballarat Purchase Card or through Accounts Payable (A purchase order must be raised if using Accounts Payable).

9.3.1 Items of value up to \$5,000

To achieve best value for the City of Ballarat the seeking of verbal and/or written quotations is encouraged. As a minimum one verbal quotation should be obtained.

9.3.2 Items with a value – \$5,001 to \$25,000

One written quotation must be obtained

9.3.3 Items with a value – \$25,001 up to \$124,999.

Three written quotations to be obtained, one of the three quotes (as a minimum) must be obtained from a local supplier wherever possible. In the event that this is not possible the purchasing officer is to advise the Economic Development Unit so that supply gaps can be tracked.

Public advertising is not required but should be used when judged to be sufficiently advantageous to Council.

Quotations returned by the nominated closing date must be evaluated and a recommendation made in favour of the supplier offering the best value for money outcome. All Quotes over \$25,000 must be registered in the eBMS system.

Reasons for any non-conformance to this requirement must be documented and filed within Council's records system for audit purposes.

9.4 Insufficient Quotations

The situation may arise where insufficient quotations are received to satisfy the above requirements. This may occasionally occur where there are few suppliers for the goods, services or works being sought. In this case, the details of the contacted suppliers must be recorded in eBMS or recommendation and an appropriate comment recorded.

There may be occasions when only one quotation may be received. Such occasions would require approval of the Chief Executive Officer or the Director Business Services, and would generally be considered under the following circumstances:

- In the event of emergency works for safety reasons
- When there is only one known and reputable supplier.

10 TENDER EVALUATION

- Late tenders will not be accepted under any circumstances. ***CLARIFICATION*** If an electronic tender submission has been commenced using Tenderlink prior to the closing date/time, and the transmission is interrupted due to tender closing time; and the commencement of submission transfer can be verified by Tenderlink the submission will be deemed to be received
- A Tender evaluation panel will be established to evaluate each tender against the selection criteria and its composition will be determined by the respective Director or Executive Manager.
- Evaluation Panel must have a minimum of three members (minimum two Council staff) and may include external consultants who are specialist in the area
- The evaluation process must be robust, systematic and unbiased
- Once a preferred tenderer is selected negotiations may be conducted in order to obtain the optimal solution and commercial arrangements, providing they remain within the intent and scope of the tender. Such negotiations must be exhausted with one tenderer before beginning with another tenderer
- Tender evaluation panels will produce a written report of their evaluation using the appropriate prescribed template.
- Tender Evaluation must be updated in eBMS Tender & Contract Management System

10.1 Evaluation Criteria

To ensure the Best Value for Money outcome is achieved for Council; the Evaluation Criteria is based on individual project/procurement priorities and must be included in the Request for Tender documentation. The following Mandatory Evaluation Criteria must be included in all tender evaluations and for transparency reasons, must also be clearly identified in the Request for Tender documents:

Mandatory Criteria	Weight
Price	30%
Level of Local Content provided or likely to be provided in the event the Applicant is successful in the Tender <i>(updated May 2013)</i>	10%
The financial viability of the Applicant to ensure the completion of the delivery of the goods and services applicable to the Tender. Financial assessment is to be undertaken by an independent organisation appointed by Council	Pass/Fail

10.1.1 Occupational Health & Safety (OH&S)

OH&S is a mandatory evaluation criterion with a pass/fail weighting. The determination if a company meets the required standard is determined by the responses provided by the contractor from the information provided in the returned OH&S Schedule (Appendix 3).

In addition to the above Mandatory Criteria (40%) the Discretionary Criteria (60%) which is project specific must also be included in the Request for Tender documents. Evaluation Criteria must be justifiable and quantifiable.

10.2 Evaluation Process

1. Evaluation Panel to review OH&S Schedule to ensure conforming. If not conforming the submission will be considered to fail the mandatory requirements and will not be evaluated further
2. Evaluation Panel to review all submissions received and rate each submission based on the Mandatory (Price and Local Content) and Project Specific criteria
3. eBMS Tender & Contract Management System to be updated with Evaluation scores
4. Top two (2) submissions from previous step to have Financial Assessment undertaken – contact Procurement Unit or Finance Unit to organise
5. Result of Financial Assessment will be reviewed by Procurement and Finance Units and will be classified as either Pass or Fail
 - a. A pass indicates that the Financial Assessment has shown the financial ability of the applicant to provide goods/services
 - b. A fail indicates that the Financial Assessment has shown the inability of the applicant to provide goods/services
6. Dependant on the outcome of the Financial Assessment the Evaluation Panel will either finalise the evaluation process and proceed with relevant reporting, or, on the off chance Financial Assessment fail for the tested applicants; readdress the evaluation process
7. Financial Assessment should be completed prior to Recommendation being submitted to the Contracts Committee or Council. If not, recommendation will be “subject to positive Financial Assessment”
8. Due to the confidentiality of the Financial Assessment the documents will be held by the Procurement Unit electronically and not distributed.

The Financial Assessment process will add an additional five (5) to seven (7) working days to the evaluation process and is conducted by an independent external company, currently Corporate Score Card.

For projects where the same applicants submit and are awarded contracts; the Financial Assessment process would only need to be undertaken on an annual basis. An example of this would be road works/Infrastructure.

10.3 Non-Conforming Tenders

All tender submissions on receipt will be reviewed by the “Tender Opening Panel” to ensure that required schedules have been submitted.

A tender submission will be deemed non-conforming if:-

1. Required schedules have not been included or incomplete
2. Submission has not met specification requirements

A tender submission may be deemed as non-conforming during the Evaluation process, the evaluation panel should quarantine the submission and advise Procurement Unit for further review/confirmation.

Council may sometimes receive tenders which offer one or more alternatives where these were not sought in the tender documentation. Council should always be open to innovative proposals as they may offer excellent opportunities for improvements and are consistent with the legislative objectives for councils to achieve continual improvement. Tender documentation where innovative solutions are sought should specifically invite non-conforming tenders which council can consider along with all other tenders.

A Tenderer submitting a non-conforming tender shall fully detail the extent of any variance from the tender documents in tender Schedule headed “Statement of Conformance”. If the “Statement of Conformance” is not correctly completed the tender may not be further considered.

10.4 Ballarat Industry Participation Program (BIPP)

Where the value of a Tender for a Contract exceeds \$125,000¹, the Tender document is to include a requirement that all Applicants MUST complete a “BIPP” statement. A pro-forma BIPP Statement should be included within the Request for Tender documentation. It should be clearly noted that such BIPP Statements should be sealed within a separate envelope by the Applicant and firmly affixed to the Applicants submitted Tender documentation. If a Tender is submitted using Council’s electronic tender service - Tenderlink, the BIPP statement must be a separate document.

It is important to clearly outline within the Request for Tender documentation when a tender requires a BIPP Statement. The BIPP Statement will remain unopened by any Council officer until the Weighted Evaluation Score is determined by the Tender Evaluation Panel.

Only after the Weighted Evaluation Scores are calculated will the Tender Evaluation Panel evaluate the BIPP Statement of the Applicant with the highest Weighted Evaluation Score. Applicants should be clearly advised within the Request for Tender documentation that if they provide a BIPP Statement that is deemed unsatisfactory² by the Tender Evaluation Panel that regardless of their Weighted Evaluation Score their Tender may be rejected.

After evaluation of the BIPP; should the submission with the highest Weighted Evaluation score prove unsatisfactory and is rejected, the Evaluation Panel will then review other applicants BIPP submissions whose tender price is within five percent (5%) of the first

¹ Tenders over \$125,000 and up to \$249,999 need only complete the “Statement of Local Content” Schedule provided. Tenders exceeding \$250,000 must complete both the “Statement of Local Content” and the “BIPP Statement”

² Local Content was not addressed or not satisfactory

selected submission. If after this review the Evaluation Panel considers that the BIPP statement of an Applicant is of sufficient merit to warrant their selection over the Applicant that achieved the highest initial Weighted Evaluation score, then the Evaluation Panel may choose to award the tender to the successive submission.

10.5 Acceptance of Tenders:

The chairperson of the evaluation panel will:

- maintain detailed records of all commercial-in-confidence negotiations, if any occur
- obtain approval for public tenders according to the below Delegation of Authority Requirements.

10.6 Delegation of Authority Requirement

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quotation, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Procurement delegations ensure accountability and provide confidence to Council and the public that purchasing activities are dealt with at the appropriate level.

As such, Council has delegated responsibilities as detailed below relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotes and tenders and for contract management activities.

10.7 Delegations Reserved for the Council

10.7.1 Council Staff

Council shall maintain a documented scheme of procurement delegations, identifying the Council staff authorised to make such procurement commitments in respect of goods, services and works on behalf of Council and their respective delegations contained in financial delegation's policies:

- Acceptance of tenders;
- Acceptance of quotes;
- Contract term extensions (within authorised budget);
- Contract amendment (financial and non-financial);
- Appointment to register of pre-qualified suppliers;
- Flexi purchase Card purchases; and
- Procedural exceptions.

10.7.2 Delegations Reserved for the Council

Commitments and processes which exceed the CEO's delegation, and which must be approved by Council are:

- Signing and sealing of contract documents; and
- Tender recommendations and Contract approval for all expenditure over \$250,000 for goods and services and capital works in value.

10.8 Internal Controls

Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- More than one person is involved in and responsible for each transaction transparency in the procurement process;
- A clearly documented audit trail exists for procurement activities;
- Appropriate authorisations are obtained and documented;
- Systems are in place for appropriate monitoring and performance measurement.
- All persons engaged in procurement processes must diligently apply all internal controls.

10.9 Commercial Information

Procurement activities will be carried out in a way that supports Council staff in meeting their obligations - to ensure information of a commercially sensitive or confidential nature is obtained, stored, processed, published (where applicable) in an appropriate manner in accordance with the relevant Council guidelines.

11 TENDER/CONTRACT MANAGEMENT

11.1 Risk Management

Council will manage all aspects of its procurement processes in accordance with its adopted Risk Management Policy and in such a way that all risks are identified, analysed, evaluated, treated, monitored and communicated to the standard required by the law, in accordance with Australian Standards and council policy.

11.2 Health and Safety

To ensure the health and safety of our workers and visitors, procurement will be undertaken in accordance with requirements set out in the City of Ballarat Health and Safety Management System and approved policies (eg. HS-12 Contractor Management / HS-32 Chemical Management / HS-34 Plant & Equipment) and as required by the law.

11.3 Supply by Contract

The provision of goods, services and works by contract, potentially exposes the Council to risk. Council will minimise its risk exposure by measures such as:

- Standardising contracts to include current, relevant clauses;
- Requiring Bank Guarantees or Security Deposits where appropriate;
- Referring specifications to relevant experts;
- Requiring contractual agreement before allowing the commencement of work;
- Use of or reference to relevant Australian Standards (or equivalent); and
- Effectively managing the contract including monitoring and enforcing performance.

11.4 Contract Terms

All contractual relationships must be documented in writing based on standard terms and conditions.

Where this is not possible, approval must be sought from the Director Business Services. A request for such an approval should be supported with procurement and legal advice as relevant.

To protect the best interests of Council, terms and conditions must be settled in advance of any commitment being made with a supplier. Any exceptions to doing this expose Council to risk and thus must be authorised by the appropriate member of Council staff listed in the delegation's section above.

11.5 Endorsement

Council staff must not endorse any products or services. Individual requests received for endorsement must be referred to Director Level or above.

11.6 Dispute Resolution

All Council contracts shall incorporate dispute management and alternative dispute resolution provisions to minimise the chance of disputes escalating to legal action.

11.7 Contract Management

The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- Establishing a system reinforcing the performance of both parties' responsibilities and obligations under the contract; and
- Providing a means for the early recognition of issues and performance problems and the identification of solutions.

All Council contracts are to include contract management requirements.

Furthermore, contracts are to be proactively managed by the member of Council staff responsible for the delivery of the contracted goods, services or works to ensure Council receives value for money.

11.8 Variances

During the course of a contract there may be valid reason(s) when the contract needs to be varied; this variance to the contract normally comes with a cost. All claims for variances must be in writing and approved by the officer with delegated authority as set out in Clause 10.6. Any variance greater than ten percent (10%) of the original contract price must be authorised by the following, dependant on the initial approval:-

- Director
- Contracts Committee or Council

12 DEMONSTRATE SUSTAINED VALUE, INTEGRATION WITH COUNCIL STRATEGY

Council's procurement strategy shall support its corporate strategy, aims and objectives, including but not limited to those related to sustainability, protection of the environment, corporate social responsibility and meeting the needs of the local community such as:

- Feeling safe,

- Living in a clean and pleasant environment, and
- Receiving good quality well managed Council services that are Value for Money

12.1 Achieving Best Value for Money

The Council's procurement activities will be carried out on the basis of obtaining Best Value for Money. This means minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations. Lowest price is not the sole determinate of Best Value for Money.

12.2 Approach

This will be facilitated by:

- Developing, implementing and managing procurement strategies that support the coordination and streamlining of activities throughout;
- Effective use of competition;
- Using centralised contracts and Standing Offers Agreement where appropriate;
- Identifying and rectifying inefficiencies in procurement processes;
- Developing cost efficient tender process including appropriate use of e-solutions;
- Council staff responsible for providing procurement services or assistance within Council providing competent advice in terms of available products and agreements; and
- Working with suppliers to create relationships that are professional and productive, and are appropriate to the value and importance of the goods, services and works being acquired.

13 ROLE OF SPECIFICATIONS

Specifications used in quotations, tenders and contracts are to support and contribute to Council's Best Value for Money objectives through being written in a manner that:

- Ensures impartiality and objectivity;
- Encourages the use of standard products;
- Encourages sustainability;
- Eliminates unnecessarily stringent requirements; and
- Wherever possible specifies technical standards and requirements that are within the capabilities of local and other suppliers.

14 PERFORMANCE MEASURE AND CONTINUOUS IMPROVEMENT

Appropriate performance measures are to be established and reporting systems will be used to monitor performance and compliance with procurement policies, procedures and controls.

Procurement procedures, practices and costs will be benchmarked externally. Internal service standards will be agreed within Council and performance against these targets will be measured and reviewed regularly to support continuous improvement. The performance measurements developed will be used to:

- Highlight trend and exceptions where necessary to enhance performance;
- Improve the internal efficiency of the procurement process and where relevant the performance of suppliers;
- Facilitate relevant programs to drive improvement in procurement to eliminate waste and inefficiencies across key expenditure categories.

15 SUSTAINABILITY

Council is committed to achieving sustainability and ensuring it monitors and reports on Council activities and programs that have an impact on or contribute to the environment including but not limited to:

- Waste management,
- Recycling,
- Energy management,
- Emission management,
- Water conservation,
- Green building design, and
- Procurement.

15.1 Sustainable Procurement

Sustainable procurement is the acquisition of necessary goods and services that have least impact on the environment and human health, within the purchaser's capacity to do so.

The City of Ballarat recognises it has an implicit role in furthering sustainable development, through its procurement of goods, and services and works.

In addition, the City of Ballarat recognises the potential impact this spend has on the environment and where applicable will integrate sustainability, environmental and social issues into the procurement process. The Council aims to achieve this by:

- Taking into account the need to minimise emissions and reducing the negative impacts of transportation when purchasing goods and services
- Taking steps to minimise carbon dioxide and other greenhouse gas emissions through the detailed consideration of products and services procured
- Considering the environmental performance of all suppliers and contractors, and encouraging them to conduct their operations in an environmentally sensitive manner

- Considering the basic life cycle analysis of products to minimise the adverse effects on the environment resulting directly or indirectly from products
- Selecting products / services that have minimal effect on the depletion of natural resources and biodiversity
- Working more effectively with local suppliers to ensure they are encouraged to bid for the Council's business in line with the Procurement Policy
- Ensuring all relevant procurement contracts and tenders contain sustainability specifications as appropriate to the product or service being procured.

15.2 Environmental Purchasing³

Environmental purchasing is the inclusion of environmental factors in decisions on the purchase of products and/or services. It is sometimes called “green”, “sustainable” or “environmentally preferable” purchasing. The aim of considering environmental factors is to buy products or services that have less impact on the environment and human health than otherwise comparable products or services. Environmental purchasing can achieve a number of benefits:-

- reduce energy and water consumption (which can reduce costs)
- improve resource use efficiency
- reduce waste (which can reduce waste disposal costs)
- reduce environmental health impacts of products and services
- reduce pollution
- provide markets for new environmentally preferable products
- “close the loop” on recycling, improving the viability of recycling
- provide leadership to the community
- encourage industry to adopt cleaner technologies and produce products with lower environmental impacts

16 Support of Local Business

Council is committed to buying from local businesses where such purchases may be justified on Best Value for Money grounds.

Wherever practicable, Council will fully examine the benefits available through purchasing goods, services or works from suppliers/contractors within the Ballarat Region. Council will also seek from prospective suppliers/contractors where applicable what economic contribution they will make to the Ballarat region. All quotes should allow a ten percent (10%) evaluation allowance for local businesses.

³ Excerpt from the Commonwealth of Australia Environmental Purchasing Guide

16.1 Purchases \$25,000 to \$124,999

Council will endeavour to obtain a minimum of one of the three quotes for purchases between \$25,000 and \$124,999 from a local supplier. In the event that this is not possible, the purchasing officer will advise the Economic Development Unit so that supply gaps can be tracked and matched with future business opportunities.

16.2 Purchases over \$125,000

For purchases \$125,000 and above Council requires that a public tender process is undertaken. All 'Request for Tender' documents must include a Local Content Statement⁴ which is an abridged version of the BIPP statement. This allows tenderers to accurately calculate the local content of their tender. The Tender Evaluation Criteria Matrix⁵ will include a mandatory weighting of ten (10) percent for local content.

17 SOCIAL PROCUREMENT

Social procurement involves using procurement processes and purchasing power to generate positive social outcomes in addition to the delivery of efficient goods, services and works. For Local Government, social procurement builds on initiatives already undertaken by the sector in enhancing sustainable and strategic procurement practice, enabling procurement to effectively contribute to building stronger communities. Social procurement is a key mechanism by which to generate wider social benefits by providing a mechanism for linking and integrating social and economic agendas.

City of Ballarat supports social procurement when engaging local suppliers, contractors and/or service providers and would seek Ministerial Exemption when the required works provide value for money to Council and would be advantageous to any of the following:-

- Employment of disadvantage groups
- Employment of Apprentices
- Employment of recognised Youth Traineeships
- Employment of Youth labour
- Benefits to local community

18 DIVERSITY

Promoting equality through procurement can improve competition, Best Value for Money, the quality of public services, satisfaction among users, and community relations. It should be a consideration in every procurement project and reflect corporate commitment to diversity and equal opportunities wherever possible.

⁴ Appendix 1 – Schedule B “Statement of Local Content of Tender

⁵ Appendix 2 – Evaluation Matrix

19 APPLY A CONSISTENT AND STANDARD APPROACH

Council will provide effective and efficient commercial arrangements for the requisition of goods and services.

20 STANDARD PROCESSES

Council will provide effective commercial arrangements covering standard products and provision of standard services across Council to enable employees to source requirements in an efficient manner.

This will be achieved via establishing the following:

- Pricing where relevant;
- Processes, procedures and techniques;
- Tools and business systems (e.g. implementing the appropriate e-catalogue arrangements or e-sourcing arrangements);
- Reporting requirements;
- Application of standard contract terms and conditions.

21 PERFORMANCE INDICATORS

A list of performance indicators will be developed to measure procurement performance.

They will include criteria such as:

- The proportion of expenditure against corporate contracts;
- User and supplier satisfaction levels;
- Knowledge and skill of Council employees in procurement process;
- Level of compliance and understanding of Council procurement policies.

22 MANAGEMENT INFORMATION

Council seeks to improve its performance by capturing and analysing procurement management information in a variety of areas, including:

- Volume of spend;
- Number of transactions per supplier;
- Supplier performance;
- User satisfaction;
- Category management; and
- Green spend

Council will also use external sources of management information to assist with the procurement decision making process including:

- Benchmarking data;
- Information from professional bodies such as the Chartered Institute of Purchasing and Supply Australia;
- Supplier reports.

23 BUILD AND MAINTAIN SUPPLY RELATIONSHIPS

Council recognises that in order to achieve sustainable value, a strategic assessment of the appropriate 'channel to market' should be undertaken – whether to go to market on its own, participate in regional or sector aggregated projects or panels, access State Government panel agreements or other means. Council will consider supply arrangements that deliver the best value outcomes in terms of time, expertise, cost, value and outcome.

23.1 Developing and Managing Suppliers

Council recognise the importance of effective and open working relationships with its suppliers, and is committed to the following:

- Managing existing suppliers, via the appropriate development programs and performance measurements to ensure the benefits are delivered,
- Maintaining approved supplier lists,
- Developing new suppliers and improving the capability of existing suppliers where appropriate.

23.2 Supply Market Development

A wide range of suppliers should be encouraged to compete for Council work. The focus for new work need not always be with the larger more familiar businesses. Other types of organisations, offering business diversity include:

- Local businesses
- Green suppliers
- Small to medium sized enterprises
- Social enterprises
- Ethnic and minority business
- Voluntary and community organizations.
- Local Content.

23.3 Relationship Management

Council is committed to developing constructive long-term relationships with suppliers. It is important that Council identifies its key suppliers so that its efforts are focused to best effect. Such areas may include:

- Size of spend across Council;
- Criticality of goods / services supplier, to the delivery of Council's services;
- Availability of substitutes;
- Market share and strategic share of suppliers.

23.4 Communication

External communication is very important in ensuring a healthy interest from potential suppliers and partners to Council. The external website will provide:

- Information about Council and how to become an approved supplier,
- A list of existing and forthcoming contract opportunities, projected over a number of years,
- Guidelines for doing business with Council,
- Standard documentation used in the procurement process,

- Links to other relevant sites.

24 CONTINUAL IMPROVEMENT

Council is committed to continuous improvement and will review the procurement policy on an annual basis, to ensure that it continues to meet its wider strategic objectives.

25 COMPLIANCE RESPONSIBILITIES

- Council staff
- Councillors
- Special Committees
- Contractors

26 CHARTER OF HUMAN RIGHTS COMPLIANCE

Council will ensure that all of its procurement operations are fully consistent with the prescribed rights and responsibilities and that they respect the fundamental rights within the Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic).

27 REFERENCES AND RELATED POLICIES

Acts	Local Government Act 1989
Regulations	
Codes of Practice	Victorian Government Procurement Board, July 2010 Victorian Audit-General, Report Tendering and Contracting in Local Government, tabled in Parliament, 24 February 2010.
Guidance notes	DPCD: Circular No. 06/2006, Local Government Procurement and Capacity to Appoint Agents. DPCD Local Government Best Practice Procurement Guidelines, 2013 Social Procurement: A Guide for Victorian Local Government
Australian Standards	
Related Policies	Councillor Code of Conduct HR-07 Code of Ethics and Conduct Ballarat Industry Participation Program GV-04 Gift and Hospitality Policy

28 Appendix 1 – Statement of Local Content

SCHEDULE B

STATEMENT OF LOCAL CONTENT OF TENDER

Tenderers are required to accurately calculate the Local Content of their tender. These values shall be provided in percentage and monetary terms in the table below. Failure to do so will result in 0% weighting in the evaluation process.

Definitions:

“Local Content” is defined as labour, materials; plant and supervision which are sourced from within the the following municipalities:

- **Ararat Rural City Council**
- **Ballarat City Council**
- **Golden Plains Shire Council**
- **Hepburn Shire Council**
- **Moorabool Shire Council**
- **Pyrenees Shire Council**

“Other” is additional factors or content defined by attachment to this schedule deemed by the tenderer to support “Local Content”

<i>ITEM</i>	<i>PERCENTAGE OF LOCAL CONTENT</i>	<i>VALUE OF LOCAL CONTENT (excl. of GST)</i>
<i>Labour</i>	%	\$
<i>Materials</i>	%	\$
<i>Plant</i>	%	\$
<i>Supervision</i>	%	\$
<i>Other:-</i>		
	%	\$
	%	\$
	%	\$
	%	\$
	%	\$
	%	\$
	TOTAL	\$

29 Appendix 2 – Evaluation Matrix

Criteria	Score	Weighting	Weighted Score
1. Mandatory Criteria			
• Price	/ 30	30%	N/A
• The level of Local Content provided or likely to be provided in the event the Applicant is successful in the Tender	/ 10	10%	N/A
• The financial viability of the Applicant to ensure the completion of the delivery of the goods and services applicable to the Tender			Pass / Fail
• Occupational Health & Safety Compliance			Pass / Fail
TOTAL MANDATORY CRITERIA	/40	40%	N/A

30 Appendix 3 – Occupational Health & Safety Schedule

		YES	NO
1.1	Does your organisation have >\$20 Million Public Liability Insurance ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Where applicable to the works or services being provided does your organisation have Product Liability Insurance ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Where applicable to the services being provided, does your company have Professional Indemnity Insurance ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.4	Is your organisation WorkCover Certified ? If Yes, please provide a copy of Certificate of Currency	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Does the works being tendered for require High Risk Licences? If Yes, please provide copies.	<input type="checkbox"/>	<input type="checkbox"/>

		YES	NO
2.1	Do you currently have an accredited OH&S System to AS/NZS 4801, OHSAS 18001 or ISO 45001 ? If Yes, please provide a copy of your certification and evidence of most recent audit	<input type="checkbox"/> 15 Points	<input type="checkbox"/> 0 Points

If yes move to section 4

		YES	NO
3.1	MANDATORY - Do you have an Occupational Health & Safety Policy? If Yes, provide a copy of the policy	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.2	Do you have and use an OH&S Manual or Work Plan? If Yes, provide a copy of the front page and contents page	<input type="checkbox"/> 2.0 Points	<input type="checkbox"/> 0 Points
3.3	Do you use a SWMS (Safe Work Method Statement), JSA (Job Safety Analysis) or SOP (Safe Operating Procedure) for the proposed works? If Yes, please provide a copy.	<input type="checkbox"/> 1.5 Points	<input type="checkbox"/> 0 Points
3.4	Are records kept of operator training, inductions and competencies, such as licences and qualifications? If Yes, please provide a register of relevant qualifications and Licenses	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.5	Do you have and use procedures for identifying, assessing and controlling manual handling risks? If Yes, please provide a copy of procedure.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.6	Do you have and use procedures for storing and handling hazardous substances? This also includes office based substances. If Yes, please provide a copy of hazardous substance register.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.7	Do you have a Roles & Responsibility Plan? If Yes, please provide a copy.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.8	Is there a formal mechanism for OH&S consultation in your Organisation? If Yes, please provide a copy of recent OH&S minutes or toolbox meeting.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.9	Do you have and use procedures by which employees can report hazards? If Yes, please provide details below and a recent example.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points

3.10	When a hazard is identified, do you conduct a risk assessment of that hazard? If Yes, please provide a copy of your Risk Assessment form.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.11	Do you have an Incident Investigation Procedure and Incident Reporting form? If Yes, please provide a copy of each.	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points
3.12	Do you use Equipment inspection checklists? If Yes, please provide a copy of inspection checklist.	<input type="checkbox"/> 1.5 Point	<input type="checkbox"/> 0 Points
3.13	Do you use workplace inspection checklists? If Yes, please provide a copy of inspection checklist.	<input type="checkbox"/> 1.0 Point	<input type="checkbox"/> 0 Points
3.14	Does your business have and use any permit to work systems? <i>For example, hot works, electrical isolation and working at heights etc.</i> If Yes, please provide an example of a recent permit.	<input type="checkbox"/> 1.0 Point	<input type="checkbox"/> 0 Points
3.15	Do you have elected Health & Safety Representatives (HSR)? If so, please provide names(s) and details of initial training and any refresher training, if not listed in training register from 6.3	<input type="checkbox"/> 0.5 Point	<input type="checkbox"/> 0 Points

		Number	Points
4.1	Have you had any prosecutions for breaches of the OHS Act 2004 in the last 5 years? Detail:	0 1 2 3+	10 5 1 0
4.2	Have you had issued any enforceable undertakings in the last 5 years? Detail:	0 1 2 3+	10 5 1 0
4.3	Value of enforceable undertaking: \$	\$0-10,000 <\$50,000 <\$100,00 >\$100,000	10 5 1 0
4.4	How many improvement notices or prohibition notices have you had in the last 5 years: Number:	0-5 6-10 11-15 16-20 20+	10 9 8 7 5
4.5	How many notices in the last 5 years have you had that required you to cease work until issue was rectified: Number:	0 1 2 3+	10 5 1 0
		Total = X/10	

**9.7. Road Discontinuance - Unused Road in Golden
Point**

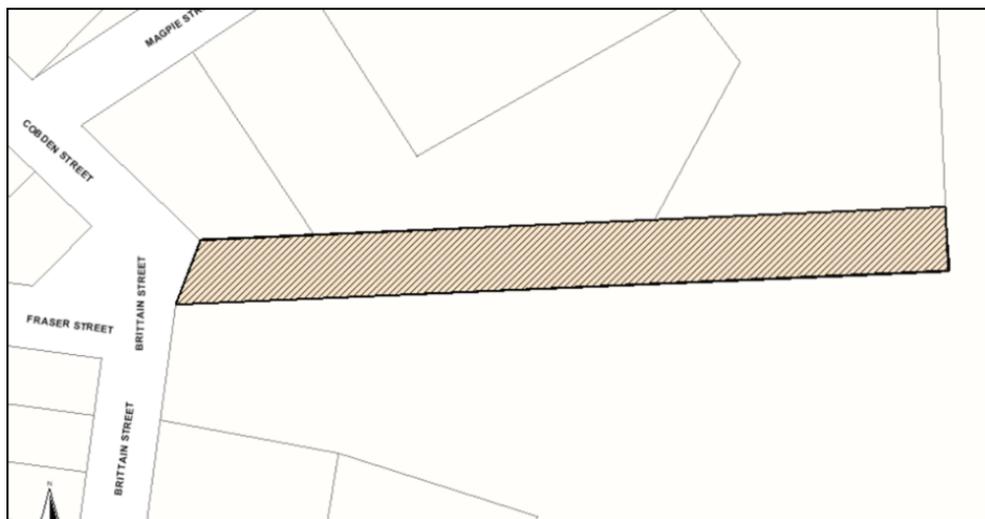
9.7.1. Notice Board 20-01-2018 T 82

PROPOSAL TO DISCONTINUE UNUSED ROAD RESERVE

Ballarat City Council ('Council') acting under section 206 and Schedule 10 Clause 3 of the Local Government Act 1989 (the Act), proposes to discontinue an unused road reserve, specifically, CA 2088, Township of Ballarat East which is shown hatched on the image below. In accordance with section 223 of the Act, any person wishing to make a submission on the proposal must do so initially in writing no later than Monday 19 February 2018. Submissions should be addressed to: Lani Smith, Place Names Officer, PO Box 655 Ballarat 3353

A person making a submission is entitled to request in the submission that they wish to appear in person, or to be represented by a person specified in the submission in support of the submission at a meeting of Council or its Committee on a date, time and place to be determined by Council. Any person making a written submission under section 223 of the Act is advised that all submissions and personal information in the submission will be handled by Council in accordance with the provisions of the Privacy and Data Protection Act 2014. All submissions will be considered in accordance with section 223 of the Act.

Following consideration of submissions, if any, Council may resolve to discontinue the road, part of the road, or not to discontinue the road. For further information contact Lani Smith on 5320 5500.



AUSTRALIA DAY FIREWORKS DISPLAY ROAD CLOSURES

The City of Ballarat Fireworks Display will get underway at Lake Wendouree from 9am on Friday 26 January.

The City of Ballarat advises Windmill Drive will be closed to traffic and parking from 12noon–10pm on Friday 26 January.

There will be no further parking restrictions around the Lake Wendouree precinct, but drivers are urged to take care when leaving the area.

The Ballarat Botanical Gardens and Lake Wendouree foreshore will be an alcohol-free zone from 3pm on the same day.

Lake Wendouree will also be closed to all water activities between 6–11.30pm.

For further information visit ballarat.vic.gov.au or contact 5320 5500.

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

City of Ballarat as the declared waterway manager for the Lake Wendouree hereby gives notice under section 208(2) of the Marine Safety Act 2010 (Vic) that the waters of the Lake Wendouree rowing course are prohibited to all persons and vessels not registered to take part in a specified event as part of the 2018 Lake Wendouree Rowing Victoria Regattas. The exclusion zone takes effect at times and dates detailed in the table below:

SCHEDULE OF EVENTS:

Event name	Date	Time
2018 Ballarat Regatta	20 January 2018	6am–5pm
2018 Wendouree Ballarat Regatta	3 February 2018	6am–5.30pm
2018 Wendouree Ballarat Regatta	4 February 2018	6am–5.30pm
2018 Head of the Schoolboys Regatta	17 February 2018	7am–6pm
2018 Rowing Victoria State Championship Regatta	3 March 2018	6am–6pm
2018 Rowing Victoria State Championship Regatta	4 March 2018	6am–6pm

TENDERS

Tender documents can be obtained from www.tenderlink.com/ballarat or by contacting City of Ballarat Customer Service Centre on 5320 5500.

Tender No	Tender Description	Closes
2017/18-153	Replacement of mechanical services unit (chiller) to City of Ballarat Phoenix Building	12 noon 31/01/2018
2017/18-175	Reconstruction McAuley Drive, Brown Hill	12 noon 31/01/2018

9.8. De registration of MADE

9.8.1. De Registration of MADE Form

BALLARAT CITY COUNCIL
ABN 37 601 599 422

By being signed by the authorised persons
for and on behalf of Ballarat City Council:

.....
Director

.....
Director/Secretary

9.9. Councillor Expense Entitlements Policy
9.9.1. Councillor Expenses Entitlement Policy 2018



Councillor Expenses Entitlement Policy

**P&I – Gov – 01
Innovation and
Organisational
Improvement**

**BALLARAT CITY COUNCIL
Town Hall
Sturt St
Ballarat VIC 3350
Tel. 5320 5500**

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DOCUMENT CONTROL

Policy Name	Councillor Expense Entitlement Policy
Business Unit	Innovation and Organisational Improvement
File Location	Trim
Document status	Adopted
Version	6.1
Version Date	February 2017 <u>May 2018</u>
Next Review date	February 2020 <u>May 2020</u>

DOCUMENT HISTORY

	Version	Date	Author
Initial Draft	1.00	26 July 2006	Council
Approved	2.00	12 Sep 2007	Council
Review Draft	3.00	Sep 2010	Annie De Jong
Review Final	4.00	Oct 2010	Annie De Jong
Approved	4.00	10 Nov 2010	Council Resolution
Review	4.1	20 May 2010	Annie De Jong
Adopted	4.1	22 June 2011	Council Resolution
Review	5	December 2013	Annie De Jong
Approved	5	29 Jan 2014	Council Resolution (R014/14)
Review	5.1	April 2014	Annie De Jong
Adopted	5.1	14 May 2014	Council Resolution (R136/14)
Review	6.1	15 Feb 2017	Cameron Duthie
Adopted	6.1	8 March 2017	Council Resolution (R84/17)
<u>Review</u>	<u>7.1</u>	<u>April 2017</u>	<u>Cameron Gray</u>

2 POLICY STATEMENT

Intent:-

This policy provides a broad overview of how a Council can provide assistance to its Councillors in carrying out their duties and functions.

The *Local Government Act 1989* provides for the reimbursement of “necessary out of pocket expenses” incurred while performing duties as a Councillor.

Objectives:

To establish the entitlements for a Councillor to have necessary out of pocket expenses incurred while performing duties as a Councillor either reimbursed or paid by Council.

Compliance with the Local Government Act 1989 (as amended) Section 75, 75A, 75B and 75C.

75 **Reimbursement of expenses of Councillors**

(1) A Council must reimburse a Councillor for expenses if the Councillor—

(a) applies in writing to the Council for reimbursement of expenses; and

(b) establishes in the application to Council that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.

(2) In this section, **duties as a Councillor** means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

75A **Reimbursement of expenses of members of council committees**

A Council may reimburse members of council committees for necessary out-of-pocket expenses incurred while performing duties as a committee member.

75B **Councillor reimbursement policy**

(1) A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.

(2) A policy adopted by Council under this section must be consistent with—

(a) the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide; and

(b) the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.

(3) A Council must keep a copy of the policy adopted and maintained under this section available for inspection at the office of the Council.

75C **Resources and facilities for Councillors**

A Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed for the purposes of this section.

Policy Principles:

The following general principles underpin this policy:

- Councillor expenses are those costs necessarily incurred by Councillors (out-of-pocket) or on behalf of Councillors for the purpose of Council business.
- The basic test that will be applied to determine whether or not an expense is lawfully incurred is whether the expenditure is “necessary” to complete duties as a Councillor

- When claiming out-of-pocket expenses, original receipts or supporting documentation must be provided to support claims.
- Claims for expenses other than those included in this document should be referred to the Chief Executive Officer or delegate.
- Any costs incurred by a Councillor which are not covered specifically within the Guidelines will not be met, unless the Councillor has received prior authorisation from the Council or, if delegated to do so, from the Chief Executive Officer.
- As part of Council's commitment to open and transparent governance and to meet the requirements of the *Local Government Act and Local Government (Planning and Reporting) Regulations 2014*, details of expenses incurred by Councillors are made public on an annual basis. The regulations outline the Councillor expense categories which form the basis of the reporting. All registers related to interests, travel and gifts that relate to this policy will be kept and made available as required.
- Councillors will be provided with the reports on Councillor expenses at least 14 days prior to publication to review and seek clarification where required.
- Councillors shall be given an opportunity to reimburse Council for any expenditure incurred on non-Council related business. Where a Councillor chooses to reimburse Council, reimbursement should occur within 14 days of the report being published.
- All expense claims must be lodged within three (3) months of expenses being incurred. At the end of the financial year all claims must be received no later than one month after the financial year. Any claims received after this time will require a council resolution to pay in the current financial year.

3 OWNER

The owner of this policy is the Chief Executive Officer. All enquiries regarding this policy should be initially directed to Innovation and Organisational Improvement.

4 APPLICABILITY

The Policy applies to all Councillors of the Ballarat City Council.

5 PROCEDURE AND GUIDANCE NOTES

Annually as part of the budget process an amount will be set for reimbursement of councillor expenses.

Note this is separate to the annual allowance remuneration set out in Section 74 of the *Local Government Act 1989*, which is set by the State Government.

Councillor expenses are specified for the following purposes.

5.1 TRAVEL AND RELATED EXPENSES

Upon the completion and forwarding of a travelling claim form to Council (Appendix 3), travelling expenses will be paid to Councillors under the following circumstances:

- To attend Council and Special Council meetings and meetings of Committees of Council;
- To attend formal briefing sessions and civic or ceremonial functions convened by Council or the Mayor;
- To attend meetings scheduled by Council;
- To attend meetings necessary for the Councillor to exercise a delegation given by Council;
- To attend a meeting, function or undertake other official duties as a representative of Council or the Mayor;
- To attend meetings of community groups, organisations and statutory authorities to which the Councillor has been appointed Council's delegate or is authorised by Council to attend, but the reimbursement by Council is to be diminished by however much the Body pays travelling expenses directly;
- To attend an inspection of a street, property or area or to discuss with any person any matter related to Council business, and/or to carry out activities in the capacity of a Councillor;
- To attend discussions with Council officers on any matters relating to the city;
- To attend meetings or to participate in delegations or deputations to which the Councillor has been appointed as a representative of Council or the Mayor;
- When Councillors are travelling interstate the mode of transport is to be determined on the advice of the Chief Executive Officer based on the most cost and time effective form of transport;
- Claims are to be submitted monthly to Council using the Claim Form for Councillors (Appendix 3).
- Accommodation and related expenses required for attendance at seminars, conferences or attendance at functions will be included in expense entitlement for Councillors.

The rate of reimbursement of motor vehicle expenses shall be based on the rates set out in the Australian Taxation Act for reimbursement of employees' use of vehicles for business purposes.

In the case where Council business is carried out before or after travelling to the normal place of business, the normal kilometres travelled to and from the normal place of work shall be excluded from the number of kilometres claimed.

The minimum details required for the claiming of travelling expenses are:

- Date
- Time
- Starting Point
- Destination
- Purpose of business
- Starting kilometres
- Ending kilometres
- Kilometres claimed

5.2 INTERSTATE AND INTERNATIONAL TRAVELING EXPENSES

As part of their duties the Mayor and Councillors may be required to undertake interstate and international travel on behalf of Council. Representation of Council at national and international levels is an important part of developing, communicating and implementing Council policy.

The following provides guidance regarding interstate and international travel:

- Traveling expenses associated with conference airfares, accommodation and taxi is available.
- The reimbursement requires the CEO's authorisation prior to payment.
- Councillors wishing to attend Professional Development and Training opportunities overseas must seek approval of Council for the cost of attending, including Incidental Costs, at a Council meeting.
- All other international and all interstate travel proposed to be undertaken by a Councillor during their duties requires prior approval by the Chief Executive Officer and must be within budget and directly relate to the Council Plan objectives.
- A post travel report is required for all approved international travel undertaken
- Others accompanying Councillors (such as spouses, children, partners) to conferences or other events, travel and attend at their own expense.
- Travel must be undertaken in the most cost-effective manner and all travel plans must consider appropriate Occupational Health and Safety.
- Any time occupied in other than authorised Council business is not to be included in the calculation of any expenses to be paid;
- Where travel is by flight within Australia, the standard form of travel will be economy class.
- Where travel is by flight outside of Australia, the standard form of travel will be premium economy class.
- Claims will only be paid on the basis of the actual form of transport used in the form of reasonable allowances towards or reimbursement of necessary out of pocket expenses;

5.3 PROFESSIONAL DEVELOPMENT

Councillors will be reimbursed for attendance at courses, seminars and conferences and associated fees and materials.

All professional development must relate to the duties of Councillor and comply with the '*Councillor Professional Development*' Policy.

Use of this allowance requires the Chief Executive Officer and Mayor's authorisation prior to attendance and payment.

5.4 STATIONARY

Council shall, upon request, provide Councillors with standard stationary held or obtained generally for the organisation's requirements.

The stationary may include, but not necessarily be limited to, paper, business cards, writing implements, writing pads, envelopes and the like.

Requests for stationary should be made to the Civic Support team.

5.5 MEMBERSHIPS

Councillors will be reimbursed for payment of memberships. Memberships must relate to the duties of a Councillor.

This requires the CEO's authorisation prior to reimbursement.

5.6 Protective Clothing

Council shall, upon request, lend/purchase for Councillors items of protective clothing required to assist in carrying out the duties of the Councillor.

All purchases must be approved by the CEO.

5.7 ATTENDANCE BY SPOUSE/PARTNER AT SEMINARS, CONFERENCES AND CIVIC FUNCTIONS

Where a Councillor is attending a conference or seminar, Council will only fund the Councillor.

Where a Councillor's partner is named on an invitation to attend an event with the Councillor the spouse/partner will be funded under this policy. This requires the CEO's authorisation prior to payment or reimbursement.

The spouse/partner of any Councillor is to be invited to any functions hosted by the Mayor and/or Chief Executive Officer at the expense of Council.

5.8 CHILD CARE EXPENSES

Council will reimburse the cost of child care expenses incurred by Councillors for their immediate family necessarily incurred under the following circumstances:

- To attend Council and Special Council meetings and meetings of Committees of Council;
- To attend formal briefing sessions and civic or ceremonial functions convened by Council or the Mayor;
- To attend meetings scheduled by Council;
- To attend meetings necessary for the Councillor to exercise a delegation given by Council;
- To attend a meeting, function or undertake other official duties as a representative of Council or the Mayor;
- To attend meetings of community groups, organisations and statutory authorities of which the Councillor has been appointed Council's delegate or is authorised by Council to attend, but the reimbursement by Council is to be diminished by however much the Body pays any expenses directly;
- To attend an inspection of a street, property or area or to discuss with any person any matter related to Council business, and/or to carry out activities in the capacity of a Councillor;
- To attend discussions with Council officers on any matters relating to the city; and
- To attend meetings or to participate in delegations or deputations to which the Councillor has been appointed as a representative of Council or the Mayor.

Reimbursement is however, subject to the following conditions:

- The hourly rate a Councillor will be reimbursed for child care expenses is the current rate charged at our Occasional Child Care Centre. If the work is after normal business hours then the appropriate time and half or double time will be paid;
- Each child care expense claimed shall be substantiated by a receipt from the caregiver showing the dates and times care was provided, and the Councillor shall provide reasons why the care was needed on each occasion;
- Child care costs are not eligible for reimbursement if paid for a child cared by a person who normally or regularly lives with the Councillor;

- Claims are to be submitted on a monthly basis;
- All claims for reimbursement are to be supported by a completed claim form (Appendix 2) and forwarded to Council

5.9 COMMUNICATION EXPENSES

Councillors shall be provided with communication equipment which may include:

- Mobile Phone
- Laptop computer
- Tablet

This equipment will have internet connection to ensure that they can adequately and efficiently perform their duties as a Councillor. This is outlined in the Councillor Communication Equipment Policy.

Council will meet the purchase, initial installation, maintenance costs, connection fees, rental charges and all Council business call charges. All accounts for such equipment will be in the names of the Ballarat City Council.

All equipment/services provided by Council is deemed for Council business and minimal personal use will be applied. Accounts will be paid by Council and an audit conducted every six (6) months on usage fluctuations.

Minimal personal use is defined as telephoning\emails\social media to home or family members while undertaking the duties as a councillor.

Excessive personal use of a Council provided communication equipment is to be reimbursed to Council.

Where a Councillor has opted to move their personal mobile phone number to Council's account and use the phone for personal calls, the Councillor must validate Council use and private use on that phone.

Councillors will be provided with a Broadband internet connection of appropriate size. Where usage is over this limit an invoice will be sent to the Councillor. The Councillor will reimburse Council for these expenses.

Councillors will be required to sign a statement confirming that the use of the mobile phone, Internet is for Council business with minimal personal use and there is no reimbursement applicable to Council. This form is in appendix 4.

Where a councillor has opted to use their personal device for council business as per the Councillor Communication Equipment Policy, the following shall apply:

- Councillors are entitled to reimbursement of council business related communication expenses.
- Councillors will provide itemised records for reimbursement of expenses or

- Councillor will provide details of legitimacy of communication expenses that relate to council business expenses.

5.10 OTHER EXPENDITURE

Any expenditure not specified in this policy as expenditure for which a Councillor is entitled to be reimbursed or paid by Council shall be the responsibility of the Councillor, except where the Council resolves otherwise.

~~5.11 GENERAL PROVISIONS~~

~~5.12 RECEIPTS~~

~~5.13 REPORTING~~

~~5.14 TIMEFRAME~~

6 COMPLIANCE RESPONSIBILITIES

The Policy aligns with the requirements outlined in the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

7 CHARTER OF HUMAN RIGHTS COMPLIANCE

It is considered that this policy does not impact on any human rights identified in the Charter of human Rights Act 2007.

8 REFERENCES AND RELATED POLICIES

	Include - Name, Reference and location of reference
Acts	Local Government Act 1989
Regulations	Local Government (Planning and Reporting) Regulations 2014
Codes of Practice	Councillor Code of Conduct
Guidance notes	
Australian Standards	
Related Policies	Councillor Communication Equipment Policy Gift and Hospitality Policy Councillor Professional Development Policy

9 APPENDIX

APPENDIX 1

CLAIM FORM FOR COUNCILLORS

NAME: Cr.....

ADDRESS:

.....

DATE SUBMITTED:/...../.....

DATE	DETAILS OF EXPENSES	AMOUNT	RECEIPT ATTACHED (YES/NO)
	TOTAL \$		

I certify that the costs claimed for reimbursement have been incurred by me while performing my duties as a Councillor of the City of Ballarat.

I confirm that I have no Conflict of Interest to disclose in accordance with the Local Government Act 1989 (as amended)

Signature:



APPENDIX 2.

CLAIM FORM FOR CHILD CARE EXPENSES FOR COUNCILLORS

Name: Cr.....

Date Submitted:/...../.....

Itemised receipts to be attached.

Date of Care	Time of Care	Child Care Provider	Nature of Council Business	Amount Claimed

I certify that the costs claimed for reimbursement have been incurred by me while performing my duties as a Councillor of the City of Ballarat.
I confirm that I have no conflict of Interest to disclose in accordance with the Local Government Act 1989 (as amended).

Signature:



APPENDIX 3.

COUNCILLOR TRAVEL REIMBURSEMENT FORM

Date of Travel	Vehicle Reg Number	Start Location	Start Time	Finish Time	Reason for Council Business	Starting ODO Reading	Ending ODO Reading	Kilometres Claimed

I certify that the travel claimed for reimbursement has been incurred by me while performing my duties as a Councillor of the City of Ballarat. I confirm that I have no Conflict of Interest to disclose in accordance with the Local Government Act 1989 (as amended).

Name:

Signature:

9.10. Outstanding Questions

9.10.1. QT14/18 and QT15/18 - Mr Paul Murphy

PO Box 655
Ballarat Vic 3353
AUSTRALIA

Telephone: 03 5320 5500
Facsimile: 03 5333 4061



Date: 21 March 2018

Our Ref: QT14/18 & 15/18

Your Ref:

Enquiries: (61) 03 5320 5730

Direct Email: jeffjohnson@ballarat.vic.gov.au

Mr Paul Murphy



Dear Paul,

**RE: RESPONSE TO QUESTIONS RAISED AT COUNCIL MEETING 14 MARCH 2018
QT14/18 and QT15/18**

Thank you for raising your two questions at the Council meeting held 14 March 2018.

Firstly, you asked; 'Why were there no Eureka descendants on the board of MADE (Museum of Democracy at Eureka) or among patrons?'

The selection process and composition of the membership is managed by the MADE Board not Council. Council is required to endorse the appointment of each Board member and is guided by the recommendation of the MADE Board.

Secondly you asked; 'If Malcolm Turnbull's new building laws mean that the Eureka Flag cannot be displayed on government construction sites, why is his wife Lucy Turnbull a patron of MADE? We are asking Lucy Turnbull to stand down as a patron of MADE.'

Again, as with MADE Board members, the selection of the MADE Patron is solely managed and decided by the MADE Board. This may also be a matter best taken up with the MADE Board.

I trust this provides the clarity you requested.

Yours sincerely

A handwritten signature in blue ink, appearing to read "A. Lush".

Angelique Lush
Director Development and Planning

9.10. Outstanding Questions

9.10.2. Outstanding Question Time Items

Outstanding Question Time Items

Meeting	Status	Requested	Question	Officer Responsible	Response
14/03/2018 QT14/18	Closed	Mr Paul Murphy Middle Park	Why were there no Eureka decedents on the board of MADE (Museum of Democracy at Eureka) or among patrons?	Angelique Lush Director Development and Planning	Ms Angelique Lush provided a written response to Mr Murphy (see attached)
14/3/2018 QT15/18	Closed	Mr Paul Murphy Middle Park	If Malcolm Turnbull's new building laws mean that the Eureka Flag can not be displayed on government construction sites, why is his wife Lucy Turnbull a patron of MADE? We are asking Lucy Turnbull to stand down as a patron of MADE.	Angelique Lush Director Development and Planning	Ms Angelique Lush provided a written response to Mr Murphy (see attached)
4/4/2018 QT17/18	Open	Mr Frank Williams Invermay Park	My question relates to the Capital works program in Heinz lane. In relation to two capital work projects in the North Ward, why is the City of Ballarat removing an existing footpath, that was perfectly sound, 1 metre to the south and the gutter 25cm to the North in Invermay Park? All other footpaths in the Invermay area are in the middle of the nature strip. This footpath was in alignment and now it's not.	Terry Demeo Director Infrastructure and Environment	Taken on notice.
4/4/2018 QT18/18	Open	Mr Frank Williams Invermay Park	Why did City of Ballarat realign the Cambridge and Forest Street footpath for the third time in three years?	Terry Demeo Director Infrastructure and Environment	Taken on notice.

**10.1. Live Streaming of Ordinary and Special Council
Meetings**

10.1.1. Cr Coates - Notice of Motion



COUNCILLORS NOTICE OF MOTION FORM

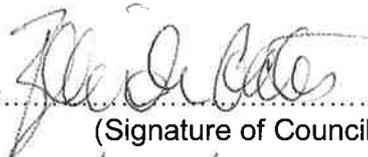
(In accordance with Division 4, Clause 34, Ballarat City Council Local Law No. 18 – Meeting Procedure Local Law)

TO: Chief Executive Officer – City of Ballarat
FROM: Cr. Belinda Coates
DATE: 19 April 2018

I hereby give notice that at the Ordinary Meeting of Council on 2nd May 2018 I will propose the following motion:

THAT Council:

1. resolves to live stream all Ordinary and Special Council Meetings, with the exception of any matters considered In Camera; and
2. requests that the Chief Executive Officer to make all arrangements that are necessary to commence the live streaming of Ordinary and Special Council Meetings as soon as practicable.

Signed: .....
(Signature of Councillor)

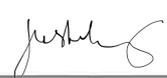
Dated: 19/04/18

Extracts from Local Law 18 – Meeting Procedure.

34 Councillors may propose Notices of Motion

- 34.1 Prior to a Council Meeting, Councillors wanting to include a matter on the Agenda, must complete a Councillor’s Notice of Motion form.
- 34.2 A Notice of Motion form must be signed by the Councillor, and be lodged with the Chief Executive Officer 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. Provided this is done not less than one working day before the agenda is provided to the Councillors and the public. e.g. Received by 4 pm the Thursday before Friday delivery to Councillors.
- 34.3 The Chief Executive Officer may reject any Notice of Motion which is vague or unclear in intention, but must:
- 34.3.1 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
 - 34.3.2 notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.
- 34.4 The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the material accompanying the Agenda.
- 34.5 The Chief Executive Officer must cause all Notices of Motion to be numbered, dated and entered in the Notice of Motion book in the order in which they were received.
- 34.6 Except by leave of Council, each Notice of Motion, before any Council Meeting, must be considered in the order in which they were received by the Chief Executive Officer.
- 34.7 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.
- 34.8 If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

Office Use Only

Notice Received	Date
Notice accepted / rejected by CEO (please circle)	Date:-  Signature:- 
Notice Given To Councillors	Date:- Signature:-
Date of Meeting	
Notice Number	