

Wangaratta Rural City Council
Major Council Policy Consultation Local
Law

No. 4 of 2015

TABLE OF PROVISIONS

Clause	Page
PART 1 – INTRODUCTION	1
1 Title	1
2 Objectives	1
3 Authorising Provision	2
4 Commencement and End Dates	2
5 Definitions and Notes	2
PART 2 – MAJOR COUNCIL POLICIES	4
6 Power to make or change a Major Council Policy	4
7 Procedure to make or change a Major Council Policy	4
8 Existing policies	7
9 Consultation with affected persons	7
10 Other consultation requirements	7
PART 3 - AVAILABILITY OF MAJOR COUNCIL POLICIES	8
11 Availability and accessibility of Major Council Policies	8
SCHEDULE 1	10
SCHEDULE 2	18

Wangaratta Rural City Council
Major Council Policy Consultation Local
Law

No. 4 of 2015

PART 1 – INTRODUCTION

1 Title

This Local Law will be known as the "Major Council Policy Consultation Local Law".

2 Objectives

The purpose of this Local Law is to:

- (a) prescribe the procedure to be followed before determining, making, amending, modifying or revoking a Major Council Policy;
- (b) ensure transparency and accountability in Council decision making;
- (c) enhance governance of the municipal district and the local community;
- (d) promote taking into account the diverse needs of the local community in decision making; and
- (e) provide for the peace, order and good government of the municipal district.

3 Authorising Provision

This Local Law is made under section 111(1) of the *Local Government Act 1989*.

4 Commencement and End Dates

This Local Law—

- (a) commences on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the municipal district; and
- (b) ends on the 10th anniversary of the day on which it commenced operation.

5 Definitions and Notes

- (1) In this Local Law, unless the context or subject-matter indicates otherwise:
 - "Act"* means the *Local Government Act 1989*;
 - "Council"* means Wangaratta Rural City Council;
 - "Major Council Policy"* means any policy which Council has determined, by reason of its importance, to be a Major Council Policy under clause 6. Major Council Policy transparently sets out Council's position on an issue or set of issues to guide decision-making and the exercise of power in respect of decisions that impact on the lives and wellbeing of residents, ratepayers, visitors and businesses. Major Council Policies are likely to include policies regarding funding of capital works, allocation of community resources, allocation of Council grant funding, management

PART 1 – INTRODUCTION

of Council risks as well as policies related to Councillors, Councillor support arrangements, committees of Council and Councillor conduct;

"Major Council Policy proposal" includes any proposed action to determine that a policy is or is no longer a Major Council Policy or to make, amend, modify or revoke a Major Council Policy. A Major Council Policy proposal does not include any proposed change consisting only of minor amendments;

"Minor amendments" means changes to a policy of an insubstantial, administrative or minor editorial nature, and does not alter its purpose or outcomes or impact on related policies or stakeholders to whom the policy applies. Minor amendments include, but are not limited to, format and typographical improvements, updating the titles of positions and organisational units, and changes to the responsible officer, authorising officer and review date;

"person" includes a body corporate, such as a company or incorporated association;

"policy" includes a policy, procedure, code and protocol (however described), whether already made or proposed. Policy sets out an official position of Council establishing the key principles and provisions that govern decision-making processes;

"public notice" has the same meaning as in section 3(1) of the Act; and

"Schedule" means a schedule to this Local Law.

- (2) Introductions to Parts, headings and notes are explanatory notes and do not form part of this

PART 2 – MAJOR COUNCIL POLICIES

Local Law. They are provided to assist understanding.

PART 2 – MAJOR COUNCIL POLICIES

Introduction: This Part is concerned with the determination, making, amendment, modification and revocation of Major Council Policies.

6 Power to make or change a Major Council Policy

- (1) Council may prepare and approve a policy for or with respect to any act, matter or thing in respect of which Council has a function or power under the Act or any other Act.
- (2) Council may determine that a policy is or is no longer a Major Council Policy.
- (3) Council may make, amend, modify or revoke a Major Council Policy.

7 Procedure to make or change a Major Council Policy

- (1) Before Council resolves a Major Council Policy proposal it must comply with the following procedure.
- (2) In relation to the Major Council Policy proposal, Council must prepare—
 - (a) a proposed Major Council Policy; and
 - (b) a Major Council Policy Impact Statement in the form set out in Schedule 1 setting out explanatory information to assist consultation with the community.

PART 2 – MAJOR COUNCIL POLICIES

- (3) Council must give a public notice, and publish on Council's internet website a notice, of the Major Council Policy proposal stating—
- (a) the Major Council Policy proposal; and
 - (b) the nature, purpose and rationale of the Major Council Policy proposal; and
 - (c) that a copy of the proposed Major Council Policy and an impact statement can be obtained from the Council office during ordinary business hours and from Council's internet website; and
 - (d) that any person has a right to make a submission about the proposal; and
 - (e) the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published, and details of how a submission can be submitted; and
 - (f) that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;
- (4) Council must ensure that—
- (a) a copy of the proposed Major Council Policy; and
 - (b) a Major Council Policy Impact Statement in the form set out in Schedule 1 setting out explanatory information to assist consultation with the community —

PART 2 – MAJOR COUNCIL POLICIES

are available for inspection at, and obtainable from, the Council office during ordinary business hours and on Council's internet website.

- (5) If a request has been made under sub-clause 7(3)(f), Council must—
- (a) provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of Council or of a committee determined by Council; and
 - (b) fix the day, time and place of the meeting; and
 - (c) give reasonable notice of the day, time and place of the meeting to each person who made a request;
- (6) If the committee determined under sub-clause 7(5)(a) is not responsible for making the decision in respect of which the submissions have been made, the committee must provide a report on its proceedings, including a summary of hearings, to the Council;
- (7) Council or the special committee responsible for making the decision must—
- (a) consider all the submissions made under this clause and any report made under sub-clause 7(6); and
 - (b) notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

PART 2 – MAJOR COUNCIL POLICIES

- (8) If Council fails to comply with any requirement imposed by sub-clause 7(2), 7(3) 7(4), 7(5), 7(6) or 7(7) it is Council's intention that any decision to—
- (a) determine that a relevant policy is or is no longer a Major Council Policy; or
 - (b) make, amend, modify or revoke a relevant Major Council Policy
- is legally ineffective.

8 Existing policies

In the case of a policy already made which is referred to in Schedule 2, Council will be deemed to have made that policy as a Major Council Policy in compliance with sub-clauses 7(2), 7(3) 7(4), 7(5), 7(6) and 7(7).

9 Consultation with affected persons

Nothing in this Local Law prevents Council from consulting individually with any person whose interests are likely to be materially affected by any proposal to determine that a policy is or is no longer a Major Council Policy or to make, amend, modify or revoke a Major Council Policy.

10 Other consultation requirements

Nothing in this Local Law applies if, by or under the Act or any other Act, Council must follow a specified form of consultation (including but not limited to giving notice to the public and inviting submissions) before determining that a policy is or is no longer a Major Council Policy or making, amending, modifying or revoking a Major Council Policy.

PART 3 - AVAILABILITY OF MAJOR COUNCIL POLICIES

Introduction: This Part is concerned with ensuring that Major Council Policies are available and accessible.

11 Availability and accessibility of Major Council Policies

Council must ensure that a copy of every Major Council Policy—

- (1) is available for inspection at the Council office during the Council office's ordinary business hours;
- (2) can be purchased on demand at the Council office during the Council office's ordinary business hours; and
- (3) is published on Council's internet website—
 - (a) from the date the Major Council Policy comes into operation; and
 - (b) in a consolidated and up-to-date form.
- (4) A failure to comply with sub-clauses 11(1), 11(2) or 11(3) does not—
 - (a) constitute a failure to make the Major Council Policy available; or
 - (b) affect the validity of the Major Council Policy.

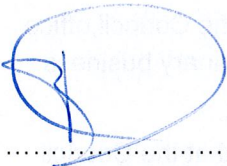
Major Council Policy Consultation Local Law
No. 4 of 2015

PART 3 - AVAILABILITY OF MAJOR COUNCIL POLICIES

The Common Seal of)
WANGARATTA RURAL CITY)
COUNCIL was hereunto)
affixed in the presence of:)



Alisa HoxAdministrator

Chief Executive Officer

SCHEDULE 1

Clause 7(2)

FORM OF MAJOR COUNCIL POLICY IMPACT STATEMENT



Major Council Policy Impact Statement

[Name or other identification of proposed Major Council Policy]

Council provides the following information to the community in respect of the proposed Major Council Policy.

PART A - General

Background

[This section should include the general context of the Major Council Policy proposal, for example, whether the Major Council Policy is new or the proposal results from the expiration of an existing Major Council Policy.]

A brief outline of the process used to achieve the draft Major Council Policy proposal, who was involved; the timeline etc. should be inserted here.]

Objectives

[In this section include comment about how the Major Council Policy proposal impacts the achievement of the primary objective of Council, endeavouring to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions, by having regard to one or more of the following facilitating objectives:

- *promoting the social, economic and environmental viability and sustainability of the municipal district;*
- *ensuring that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;*

- *improving the overall quality of life of people in the local community;*
- *promoting appropriate business and employment opportunities;*
- *ensuring that services and facilities provided by the Council are accessible and equitable;*
- *ensuring the equitable imposition of rates and charges; or*
- *ensuring transparency and accountability in Council decision making.]*

PART B - Major Council Policy proposal overall

[The contents of this part will vary according to the conclusions reached by Council. If specific findings are made in respect of some provisions, these might best be reported in Part C against that provision. Similarly, if there are specific exceptions – for example, a problem addressed by the Major Council Policy is of great community interest so Council proposes to report on success more frequently – that might be addressed specifically in Part C.

Measures of success of the Major Council Policy proposal

[Set out clear indicators by which Council will measure the success of, and the ongoing need for, the Major Council Policy for example, reduction in complaints, reduction in instances of problem, reduction in cost, improvement in accessibility or equity, improvement in business and employment opportunities etc.

Set out the frequency with which success will be measured and reported on to the community].

Legislative context

[Identify existing legislation on any issue covered by the Major Council Policy proposal and clarify how the proposal interacts with that legislation. That is, while the legislation and Major Council Policy proposal may address the same topic, they deal with different aspects.

Major Council Policy should not be created unnecessarily.

Council needs to ensure that a Major Council Policy does not duplicate, overlap, contradict or is inconsistent with existing legislation.]

Risk assessment

[The results of any risk assessment (that is, a report) undertaken should be attached. The risk management objective should be to achieve balance between the risk reduction and the economic and social costs of reduction.

To the extent that the risk assessment report addresses issues, reference can be made in this table rather than reiterating the risk assessment report.

A Major Council Policy proposal is an ideal opportunity to use a risk management approach to prioritise the risks sought to be addressed. This approach assesses if a problem exists, if the problem is a Council problem that impacts on the achievement of Council's policy objectives, if response to the problem is required, if a Major Council Policy is the best way of dealing with the problem and if a Major Council Policy is likely to be effective.

Risk management techniques will also help assess whether the proposed treatment of the risk, that is, the Major Council Policy will be effective in terms of economic cost, which includes the cost of imposition on the community and the cost of administration, in terms of social cost, for example, the restriction of freedom versus the community benefit and in terms of any other criteria adopted.]

Policy approach adopted

[A brief explanation of the policy approach adopted by Council should be given and whether that approach is consistent throughout all materials relied on by Council. Consistency should be assessed in regards to any of the ways in which the administration and application of a Major Council Policy is undertaken, including:

- *incorporation of standards, codes and guidelines;*
- *exercise of discretions;*
- *conditions attached to decisions;*
- *exemptions;*
- *requirement to give public notice of applications; and*
- *enforcement.*

Whether the approach adopted is consistent with neighbouring and like Councils should be addressed here.]

Least burden / greatest advantage test

[Council must ensure that the policy approach it adopts involves the least burden or the greatest advantage to its community.

Policy interventions often come at a cost. The impact statement obliges assessment of the benefit of the Major Council Policy proposal against the burden imposed. If that burden is greater than the benefit, alternatives should be considered including reconsidering the need to intervene at all.

Measuring the net benefit of a Major Council Policy proposal requires all of the costs and benefits to be taken into account. In assessing the positive impacts of a Major Council Policy proposal consider questions like these:

Major Council Policy Consultation Local Law
No. 4 of 2015

Schedule 1

- *Does the Major Council Policy proposal result in a better or wider range of Council services, even though they might come at a greater cost?*
- *Will the Major Council Policy proposal result in improved competition, lower prices, availability of better products, improved productivity or the creation of new jobs?*
- *Does the resultant reduction in risk or improvement in safety of the Major Council Policy proposal have an economic benefit that will be felt in the community? Is the benefit likely to be immediate or will it only emerge over the long term? Have these benefits been modelled and have the models been independently reviewed or tested?*
- *Who does the Major Council Policy proposal benefit? Are the benefits real, tangible and meaningful or are they unimportant to the affected groups?*
- *Are there windfall gains to any group that need to be noted? Are the identified benefits distributed fairly or are there equity issues to be considered?*
- *Does the Major Council Policy proposal represent such a significant saving to Council that business and the community will regard the costs as worth bearing?*

Costs are those that arise from lost time, compliance burdens, inconvenience, delay, foregone opportunity or threats to competitiveness.

Businesses can be impacted by Major Council Policy. Impacts include the administrative cost of complying with Major Council Policy requirements such as a grant, training package or in many cases, simply supplying statistics to Council, as well as the cost to business of changing products or services as a result of Major Council Policy requirements.

- *What kind of businesses? How many are there? What industries are they in? Where are they based?*
 - *How many people do they employ and how long have they been in business? What products or services do they deliver?*
 - *Are they represented by an industry association? How likely is it that any new costs will simply be passed on to consumers?*
 - *How well prepared are the business owners to cope with new requirements?*
 - *Are there special burdens on small business arising from the fact they often lack the required specialist legal, accounting or HR skills in-house? Are the regulatory costs disproportionately burdensome on small business? Does*
-

the analysis adequately take into account the different impacts on small businesses of different sizes, types and locations?

Community organisations can be subject to impacts. Council is a significant source of funding and influence on their activities, and burdens can flow from grant and other funding conditions including paperwork and other activity associated with applying for, administering and reporting on the use of grants.

- *What sectors do they operate in? Are they large or small?*
- *What kinds of activities do they undertake? Do they deliver services on behalf of government?*
- *Are they represented by a peak body?*

Individuals and households experience the impacts of red tape directly and indirectly, including increased compliance effort. The approach of Council officers, whether in day-to-day dealings with the public or the design and delivery of services, can impose a range of costs on people who deal with Council.

- *Who are the people or households affected? How many are there?*
- *Why are they affected? Will the burden fall on those who can least afford it?*
- *What type of households do they live in? Where do they live and work?*
- *How old are they? Are there cultural issues you need to take into consideration?*
- *What understanding do they have of the policy issue you are dealing with?*
- *Are they organised into any representative entity?]*

Restriction of competition

[The results of a review in accordance with National Competition Principles should be attached.

If the Major Council Policy proposal is likely to restrict competition, the impact statement must demonstrate benefits that outweigh the costs and that no alternative means of achieving the same objective is available. Consideration must be given to whether the Major Council Policy proposal will:

- *affect existing firms differently, altering competitive relations between them in a way that would reduce the intensity of competition in the market as a whole?*
 - *restrict entry for certain new businesses? What is the likely degree of this restriction and is it likely to significantly reduce competitive pressures in the longer term?*
-

- *result in changes to:*
 - *the ability of businesses to provide a good or service?*
 - *requirements for a licence or permit as a condition of operation?*
 - *the ability of some types of firms to participate in Council procurement?*
- *raise prices by imposing new costs on businesses?*
- *alter the ability of businesses to advertise or market their products?*
- *place limits on:*
 - *the ability of consumers to decide from whom they can purchase goods or services?*
 - *the mobility of customers to move between suppliers of goods or services by imposing high 'switching' costs?*
 - *information available to consumers that decreases their ability to choose effectively between competing businesses?]*

Permits

[If the proposed Major Council Policy has a generic provision dealing with permits, this section should be used to briefly explain: why permit conditions are required, why any conditions are not spelled out, the process by which conditions will be determined, and if conditions vary from neighbouring or like Councils, why that is the case.]

[If the proposed Major Council Policy has permit requirements within specific provisions, a similar explanation should be provided in Part C against each provision.]

Fees

[Significant differences between the level of fees to be adopted by Council (if set out in the Major Council Policy proposal) and those of neighbouring or like Councils should be explained either here or in the comparison section.]

Comparison with neighbouring and like Councils

[Council should detail those Councils whose policies have been compared, the points of comparison and the result of the comparison.]

Charter of Human Rights

[The results of a review for compatibility with the Charter of Human Rights should either be set out here or attached. The results should specify whether any rights are engaged and justify any limitation on rights.]

Consultation

[There are many reasons to consult in advance of a policy decision. Common courtesy is one; not to mention being confident something important hasn't been missed in the analysis. Other reasons include:

- *Understanding the attitudes and likely reactions of the people affected;*
- *Making sure every practical and viable policy alternative has been considered;*
- *Confirming the accuracy of the data on which Major Council Policy proposal was based;*
- *Ensuring there are no implementation barriers or unintended consequences;*
- *Making sure that people know that their opinions count on matters that affect them.*

This section of the impact statement must:

- *Explain the purpose and objectives of consultation;*
- *Outline a plan for conducting the most efficient and meaningful consultation;*
- *Explain who should be consulted—and who does not need to be consulted; and*
- *Summarise the major topics to be covered and what issues might be raised.*

The results of consultation should be set out here including:

- *the response(s) obtained as a result of community consultation and any adjustments made to the proposed Major Council Policy as a result; and*
- *Council's reply to submissions received.]*

Part C –Major Council Policy proposal specific provisions

Part(s) of the Major Council Policy

[Include a section for each specific provision.

Operative policy provisions only, that is, introductory, preliminary or explanatory provisions do not need to be addressed unless the explanation helps in understanding. Where provisions within a part deal with a related issue, it may be more appropriate to address the part as a whole rather than the individual provisions.]

Description

[The purpose of this listing is to identify the relevant provision of the proposed Major Council Policy, not reiterate it.]

The issue the provision is intended to address

[Articulating the issue will help with accurate drafting.

Differentiate between the fact giving rise to the issue and the issue itself.]

Description of the problem

[Why is it a problem? What is the evidence? How big a problem? For example, how many ratepayers inconvenienced, cost to Council (ratepayers), etc. Who causes the problem?]

Council objective

[Why is it a Council problem? A number of objectives may be involved: protection of Council assets, safety of public, public amenity. A reasonably specific objective is to be preferred. Words such as 'amenity' or 'safety' should be sufficiently qualified to relate them to a specific objective.]

Where is Council's objective set out?

[The objective may be set out in the Council Plan, or a policy document, or the results of a risk assessment that has been adopted by Council, etc.]

How does proposed Major Council Policy provision help achieve objectives?

[Will it remove an impediment? Is it a direct solution – for example, requiring a notice or permit so Council can exercise control?]

SCHEDULE 2

Clause 8

**EXISTING POLICIES DEEMED TO BE MAJOR COUNCIL
POLICIES**

Charters of Advisory Committees

Agriculture and Agribusiness

Arts, Culture and Heritage

Audit

Place Naming

Sport and Recreation

Wangaratta Unlimited Board

Youth Council

Charters and Delegations of Special Committees

Bowmans-Murmungee Memorial Hall and Tennis Reserve

Carboor Soldiers Memorial Hall & Recreation Reserve

Edi Upper Hall & Recreation Reserve

Eldorado Memorial Hall

Everton Hall & Sports Complex

Friends of Lacluta

Milawa Public Hall and Park

Moyhu Soldiers Memorial Hall

Myrree Soldiers Memorial Hall

North Wangaratta Sports Reserve

Old Murmungee Hall

Oxley Shire Hall
Wangaratta Showgrounds
Whitfield Recreation Reserve
Whorouly Public Hall
Whorouly Memorial Park

Policies

Annual Meeting of Council
Appointment of Acting Mayor
Appointment to Committees of Council
Asset Management
Australia Day Event and Awards
Community Access and Inclusion Charter
Community Amenity (Amendment) Local Law No. 1 - Local
Laws Policies
Community Grants
Community Hire of Public Facilities
Community Loans
Councillor Code of Conduct
Election Period Caretaker Arrangements
Facility Maintenance
Fraud Control
Gifts, Benefits & Hospitality
Human Rights Charter
Information Privacy
National Competition Policy - Wangaratta Indoor Sports &
Aquatic Centre

Policy for Equity and Access for People with Disabilities

Procurement

Professional Development for Councillors

Register of Interests Returns

Reimbursement of Expenses for Councillors and Members of
Council Committees

Reserve and Sports Ground User Charges Pricing

Risk Management

Sale of Council Land

Waste Charge

