

MANNINGHAM

## **COUNCIL MEETING**

# **MINUTES**

<b>Date:</b>	<b>Tuesday, 20 April 2021</b>
<b>Time:</b>	<b>6:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

INDEX

1 OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT ..... 2

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE ..... 2

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST ..... 2

4 PUBLIC QUESTION TIME ..... 3

    4.1 H Jurcevic, Templestowe Lower..... 3

    4.2 S Conisbee, Templestowe Lower..... 3

    4.3 J Conisbee, Templestowe Lower ..... 4

    4.4 D Bannister, Bulleen..... 4

5 RECEIPT OF RECOMMENDATIONS FROM THE COMMUNITY PANEL..... 6

6 COUNCILLOR GIFT POLICY..... 12

7 AMENDMENT TO MAV STATE COUNCIL MOTION ..... 30

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**MANNINGHAM CITY COUNCIL  
MINUTES OF THE COUNCIL MEETING  
HELD ON 20 APRIL 2021 AT 6:00PM  
IN COUNCIL CHAMBER, CIVIC CENTRE  
699 DONCASTER ROAD, DONCASTER**

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The meeting commenced at 6:07pm.

**PRESENT:** Councillor Andrew Conlon (Mayor)  
Councillor Anna Chen (Deputy Mayor)  
Councillor Deirdre Diamante  
Councillor Geoff Gough  
Councillor Michelle Kleinert  
Councillor Carli Lange  
Councillor Tomas Lightbody  
Councillor Laura Mayne  
Councillor Stephen Mayne

**OFFICERS PRESENT:** Chief Executive Officer, Mr Andrew Day  
Director City Planning & Community, Mr Angelo Kourambas  
Director Shared Services, Mr Philip Lee  
Director City Services, Ms Rachelle Quattrocchi  
Corporate Counsel and Group Manager Governance & Risk,  
Mr Andrew McMaster  
Group Manager People and Communications, Ms Kerry  
Paterson  
Group Manager Community Programs, Ms Lee Robson

## **1 OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

## **2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

There were no apologies.

## **3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**

The Chairperson asked if there were any written disclosures of a conflict of interest submitted prior to the meeting and invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no disclosures made.

## 4 PUBLIC QUESTION TIME

### 4.1 H Jurcevic, Templestowe Lower

- Q1 Why on several occasions, the last being at the Community Vision 2040 forum, are we told that there is 'no money' to purchase community buses which would assist in connecting isolated and lonely community members to Council's community event initiatives? Council stages events endeavouring to connect the community, would you agree that without the means of getting to these events people remain disconnected, isolated and lonely?

*Mr Angelo Kourambas, Director City Planning and Community thanked Ms Jurcevic for her question and responded that Council is very aware that transport is a critical and important issue across the whole community and that far better public transport services are needed. Mr Kourambas noted later this year, officers will be reviewing the Integrated Transport Plan that guides Council's advocacy to the State Government on public transport provision around the municipality. Public transport is primarily a responsibility of the State Government but the Integrated Transport Plan will enable Council to suggest improvements and to advocate for any changes to improve the bus network to benefit residents.*

*Mr Kourambas acknowledged that Council currently has three community transport buses that serve older adults to assist them to get to activity centres and support them to lead as independent lives as possible. The service caters for those who have been assessed as having the greatest need. Officers are currently reviewing this service and preparing information about future directions for community transport consideration by Council this year.*

- Q2 Where do Council's priorities lie with regards to Community connectedness and how does Council propose to be an all-inclusive Council in physically connecting communities?

*Mr Angelo Kourambas, responded that 'a connected and inclusive community' is a key goal in the Council Plan. He also noted that this was identified as a key priority by the Community Panel. Council delivers a wide range of services and programs to support this goal.*

*By way of example, Mr Kourambas highlighted the work undertaken by Council during the recent lockdowns where the community increasingly embraced local parks, gardens, trails and activity centres as places to meet and connect. He noted Council invested significant resources to enable this to happen and encourage people to connect.*

### 4.2 S Conisbee, Templestowe Lower

- Q1 In its current form (Macedon Square) how will access, for example, in front of shops 3, 5, 9 and 11 Macedon Road be kept clear and safe?

*Mr Angelo Kourambas, Director City Planning and Community thanked Mr Conisbee for his question and responded that Council Footpath trading and activity makes a positive contribution to the character and vitality of shopping centres and is generally supported by Council.*

*Mr Kourambas noted however that these activities are required to provide clear, safe and unobstructed access for pedestrians of all abilities and at all times in accordance with Council's Footpath Trading Guidelines. The guidelines require the walkway to be at least 1.5m wide to provide for unobstructed movement of pedestrians. Along the kerb any furniture or displays must not be closer than 0.6m from the kerb to allow car doors or the overhang of cars. This is controlled via a local law permit process and Council officers periodically check to ensure compliance with these requirements.*

- Q2 How will the number of people gathering around plant and food stalls, for example, in front of shops 3, 5, 9 and 11 Macedon Road be controlled to maintain safe footpath and car parking bay access?

*Mr Kourambas advised that Council does support outdoor trading provided it complies with the guidelines. The number of customers is not regulated unless it becomes a serious public safety issue. Mr Kourambas stated that he is aware the area is quite popular and the issue raised and would be happy to attend the site to ensure compliance with the guidelines.*

#### **4.3 J Conisbee, Templestowe Lower**

- Q1 With the upgrade of Macedon Square has the function of an outdoor market been considered? If so, will the upgrade design allow for an outdoor market area with safe and accessible footpaths and car parking bays.

*Mr Angelo Kourambas responded that yes, this has been considered. He also advised that proposed upgrade is currently being reviewed in light of significant community and trader feedback. Mr Kourambas further noted that pedestrian amenity and safety, improved traffic circulation and parking and an improved shopping experience have been key considerations in the concept designs to date.*

- Q2 If the answer to question is positive, what consideration in the upgrade design has been allowed for if the current outdoor market type shops don't last, the shops change function in the future and an outdoor market area is no longer required?

*Mr Angelo Kourambas advised that Council does regulate these activities through a local law permit system and permits are reviewed as circumstances change. If a shop changes in the future, the permit will lapse and a new permit will need to be obtained. He noted that Council's aim is to create vibrant and attractive places that support a wide range of activities and businesses.*

#### **4.4 D Bannister, Bulleen**

- Q1 With an average of 2.5 cars per dwelling what provision for parking is required on site, in any multi density development?

*Mr Angelo Kourambas, Director City Planning and Community thanked Ms Bannister for her question and responded that the Manningham Planning Scheme requires one car space for a dwelling with one or two bedrooms, or two car spaces for any dwelling with three or more bedrooms. He noted that this is a state-wide standard and not unique to Manningham.*

*In terms of visitor car parking, Mr Kourambas advised that one visitor car space is required for every 5 dwellings in a development unless the site is along the principal public transport network such as Doncaster and Manningham Roads. Mr Kourambas noted again that this is a state government planning provision.*

Q2 What percentage of green space (not inclusive of paving, driveway or decking) per lot is required?

*Mr Kourambas responded that this is a state government requirement in Manningham's planning scheme that is consistent across metropolitan Melbourne. He advised that for multi-unit developments the standard varies depending on the size and zoning of the land. As a general guide, private open space has to be anywhere between 40 and 50 square metres per dwelling depending on where the development is located. In addition, between 25 and 35 percent of the land also needs to be designed as garden area.*

**MOTION**

**MOVED:** CR GEOFF GOUGH  
**SECONDED:** CR ANNA CHEN

In accordance with sub rule 63.1 of the Governance Rules, Council resolves to permit Community Panel members Louise Keramaris and Rob Fletcher to address Council prior to consideration on Item 5 - Receipt of Recommendations from the Community Panel.

**CARRIED**

## **5 RECEIPT OF RECOMMENDATIONS FROM THE COMMUNITY PANEL**

File Number: IN21/185  
Responsible Director: Chief Executive Officer  
Attachments: Nil

### **EXECUTIVE SUMMARY**

*The new Local Government Act 2020 states that Councils must adopt a community engagement policy that includes deliberative engagement to inform the development of major strategic documents (the Community Vision, Council Plan, Asset Plan, and Long-Term Financial Plan).*

*Council implemented a deliberative engagement process and convened a Community Panel over four sessions between 17 – 28 March 2021. Over the four sessions (20 hours), a representative panel of 40 community members weighed up information, data and evidence, and developed a Community Vision and twelve recommendations to inform Council's major strategic documents. These were informally handed over to Council at the conclusion of the final session.*

*The Community Vision and recommendations are to be formally received at this Council meeting (Tuesday 20 April). Following this, and in line with Council's Community Engagement Policy and 'promise' to the Community Panel, a response from Council will be prepared to inform the Community Panel and the community of the outcome.*

**COUNCIL RESOLUTION**

**MOVED:** CR CARLI LANGE  
**SECONDED:** CR MICHELLE KLEINERT

**That Council:**

- A. note the Community Panel’s Community Vision.**
- B. note the Community Panel’s recommendations for Council’s major strategic documents.**
- C. note that a response to the Community Panel is to be prepared and made publicly available.**

**SUSPENSION OF STANDING ORDERS**

**MOVED:** CR STEPHEN MAYNE  
**SECONDED:** CR MICHELLE KLEINERT

In accordance with sub rule 38.1 of the Governance Rules, Council resolves that standing orders be suspended to enable full discussion on this item without the constraints of formal meeting procedure.

CARRIED

**RESUMPTION OF STANDING ORDERS**

**MOVED:** CR GEOFF GOUGH  
**SECONDED:** CR CARLI LANGE

In accordance with sub rule 38.4 of the Governance Rules, Council resolves that standing orders be resumed.

CARRIED

**THE SUBSTANTIVE MOTION WAS PUT AND CARRIED UNANIMOUSLY**

*The Mayor adjourned the meeting at 7:08pm to speak with members of the Community Panel. The meeting resumed at 7:19pm.*

**2. BACKGROUND**

- 2.1 The new *Local Government Act 2020* states that Councils must adopt a Community Engagement Policy that includes deliberative engagement to inform the development of major strategic documents (the Community Vision, Council Plan, Asset Plan, and Long-Term Financial Plan).
- 2.2 Council convened a deliberative Community Panel over four sessions between 17 – 28 March 2021. A representative panel of 40 community members weighed up information, data and evidence, and deliberated on recommendations for Council’s major strategic documents.



- 2.3 The Community Panel developed a Community Vision and recommendations to Council. These were informally handed over to Council at the conclusion of the final session.
- 2.4 The Community Vision and recommendations are to be formally received at this Council meeting, and in line with Council's Community Engagement Policy, a response from Council is to be prepared to inform the Community Panel and the community of the outcome.

### 3. DISCUSSION / ISSUE

- 3.1 To meet the requirements of the new *Local Government Act 2020*, a deliberative community engagement process was implemented to inform the development of the Community Vision and recommendations to Council for its major strategic documents (Community Vision, Council Plan, Asset Plan, and Long-Term Financial Plan). Several aspects of this process are outlined below.
- 3.2 An open registration of interest process was held in February 2021, inviting community members to register their interest to join the deliberative Community Panel. This process was underpinned by an extensive communications campaign to support opportunities for a broad range of community members to get involved.
- 3.3 Following best practice in deliberative engagement, our Community Panel members were randomly selected through a stratified process. This process was undertaken to limit any selection bias and to ensure the Community Panel members were representative of the diverse Manningham community (in terms of where they live, age, gender, and more). This was based on the most recent census data available.
- 3.4 Four sessions were held with the Community Panel between 17 March and 28 March 2021 (20 hours in total). In total, 40 Community Panel members participated in the entire process. Independent consultants were engaged to facilitate the Community Panel sessions.
- 3.5 Council's deliberative engagement 'promise' to the Community Panel was developed based on Council's Community Engagement Policy, including its engagement principles, and the IAP2 public participation spectrum: *The Vision you share with us will guide our strategic planning. If we make any changes to your Vision, we will tell you why. Council will give weight to, and incorporate your deliberations to the greatest extent possible in our strategic plans. We will report back to you about the outcome, and where a recommendation is not implemented, we will provide a response and explanation to the panel.*
- 3.6 Over the 20 hour period, Community Panel members participated in a range of activities to develop recommendations to Council. This involved several learning opportunities (hearing from external population expert speakers, Council staff, and the provision of a range of data from broader community engagement processes). A mix of individual reflections, smaller group activities, and whole-group discussions were facilitated across the four sessions, where the Community Panel weighed up multiple perspectives and deliberated on priorities for Council to focus on. These processes led to the development of recommendations for Council's strategic documents and the Community Vision.

- 3.7 At the end of the final session, the Community Panel handed over their Community Vision and recommendations to the Mayor and Councillors present:
- 3.7.1 Community Vision: Manningham is a peaceful, inclusive and safe community. We celebrate life with its diverse culture, wildlife and natural environment. We are resilient and value sustainable and healthy living, a sense of belonging, and respect for one another.
  - 3.7.2 Recommendation 1: Plan for new developments responsibly. Maintain principles of protecting our environment, green and open space, environmentally sustainable (through use of materials) and maintaining a balance of city and country
  - 3.7.3 Recommendation 2: Provide ways for people to connect: inter and intra-generational connections, in the physical/built environment and online, deliver events, festivals, markets and activities, provide infrastructure (paths, trails, street furniture), accessible transport options.
  - 3.7.4 Recommendation 3: Communications, marketing, and advertising to support awareness of initiatives/services/activities/programs (particularly local) to connect our community, and on the environment
  - 3.7.5 Recommendation 4: Plan for equitable and accessible services and infrastructure for prominent issues (such as mental health and social isolation): Council to consider the specific identified needs of ALL our community including young people, older people, culturally and linguistically diverse, people with a disability and those not engaged in community. Decision making on evidence-based data on population growth, trends, and community input
  - 3.7.6 Recommendation 5: Consider core principles of biodiversity and protecting wildlife in all that we do
  - 3.7.7 Recommendation 6: Partner, support, develop relationships with library, community groups, neighbourhood houses, volunteering groups to deliver on outcomes
  - 3.7.8 Recommendation 7: Educational and awareness programs/workshops/classes (including environment, mental health, family violence, for our CALD community, skills sharing) to support a connected and healthy community and waste management, compost, climate changes and biodiversity.
  - 3.7.9 Recommendation 8: Celebrate and promote our arts and culture to support a healthy community and local economy
  - 3.7.10 Recommendation 9: Expand or better utilise our current facilities (e.g. stadiums) or spaces (e.g. reserves), or develop new facilities. These facilities to become community hubs, with activities and events for all
  - 3.7.11 Recommendation 10: Advocate to government and business on environmental issues

- 3.7.12 Recommendation 11: Support local businesses (where they demonstrate alignment with our community values, provide services to the community, or are partnering with local community organisations and services)
- 3.7.13 Recommendation 12. Council to measure and demonstrate success of its services, and achievement of social, environmental and economic outcomes against community need. Set targets and report back on environmental progress
- 3.8 Following the informal receipt of the recommendations and Community Vision from the Community Panel by the Mayor on the 28 March, work commenced to consider the Panel's guidance for the 2021-2025 Council Plan and 2040 Community Vision. It is anticipated that Council's response will be ready for the Council Meeting on 27 April, so that officers can work on progressing potential actions for the Council Plan 2021-2025 and supporting material for the Community Vision 2040.
- 3.9 The Community Vision and recommendations are to be formally received and noted at this Council meeting.
- 3.10 To uphold Council's promise to the community panel, and in line with Council's Community Engagement Policy, Council will note and consider the Vision and recommendations, before reporting back to the Community Panel about the outcomes of the decision-making process.

#### 4. COUNCIL PLAN / STRATEGY

The deliberative engagement component is aligned to our current Council Plan goals of:

- 1.2 – A connected and inclusive community;
- 5.2 – A Council that values citizens in all that we do, and
- The action item: Communication and engagement that encourages community participation in decision making.

Furthermore, these activities are connected to the legislated requirements in the *Local Government Act 2020* (to conduct deliberative engagement to inform the development of Council's major strategic documents).

#### 5. IMPACTS AND IMPLICATIONS

The implementation of a deliberative engagement process has several impacts and associated outcomes for both Council decision makers and the community:

- Meets the legislated requirements in the *Local Government Act 2020*
- Engages the community in Council decision-making
- Increases level of public participation in Council decision-making processes.

**6. IMPLEMENTATION****6.1 Finance / Resource Implications**

Implementation (of upcoming communication and engagement activity for this deliberative engagement process) will be managed within the existing budgets.

**6.2 Communication and Engagement**

In line with Council's Community Engagement Policy and the 'promise' to the Community Panel, Council is to report back to the Community Panel participants and the broader community about the deliberative Community Panel process, the outcomes, and provide a response to the Community Panel's Vision and recommendations. This response is to be prepared and made publicly available.

Following the preparation of draft strategic documents (containing any recommendations that may be endorsed or implemented by Council), the Community Panel and the wider community will be made aware of the opportunity for public comment and will be invited to share feedback.

**6.3 Timelines**

Receipt of Community Panel recommendations will occur at the 20 April Council meeting. Following this, Council's response to the Community Panel will be prepared and made publicly available. Following this process, draft strategic documents will then be prepared and made available for public comment, prior to being endorsed by Council.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

## 6 COUNCILLOR GIFT POLICY

File Number: IN21/184  
Responsible Director: Corporate Counsel and Group Manager Governance & Risk  
Attachments: 1 Councillor Gift Policy [↓](#)

### EXECUTIVE SUMMARY

*The Local Government Act 2020 (the Act) requires a Council to adopt a Councillor Gift Policy by 24 April 2021. In keeping with the Council's recently adopted Public Transparency Policy and the Act's public transparency principles, the policy proposes that Councillors declare the receipt of certain gifts, benefits or hospitality in a publicly available Gift Register and report twice a year to the Audit and Risk Committee to monitor the type and volume of gifts received.*

### COUNCIL RESOLUTION

**MOVED: CR GEOFF GOUGH**  
**SECONDED: CR CARLI LANGE**

**That Council endorse the Councillor Gift Policy shown at Attachment 1 to this report.**

**CARRIED**

## 2. BACKGROUND

- 2.1 Section 138 of the *Local Government Act 2020* (the Act) requires a Council to adopt a Councillor Gift Policy by 24 April 2021. Prior to the commencement of this section, there was no legal requirement for a Council to adopt a gift policy.
- 2.2 The Act requires the gift policy to include procedures for the maintenance of a gift register and any matters prescribed in the regulations.
- 2.3 The Councillor Gift Policy shown at attachment 1 establishes guidelines for the acceptance of gifts, benefits and hospitality by Councillors and members of Delegated Committees in accordance with the provisions of the Act and regulations.

## 3. DISCUSSION / ISSUE

- 3.1 Central to preserving public confidence in Council is the expectation that Councillors are not unduly influenced, or perceived to be influenced, by their relationships with others. The acceptance of gifts, benefits or hospitality can create the perception that a Councillor or the Council's integrity has been compromised.

- 3.2 The Act provides that a Councillor must not accept, directly or indirectly, a gift for their benefit which is equal to or exceeds the gift disclosure threshold (\$500) unless they know the name and address of the person making the gift and the Councillor reasonably believes this information to be true.
- 3.3 The Act is silent on how to treat gifts below the gift disclosure threshold and empowers the Council to establish a framework for the receipt and treatment of all gifts through a Councillor Gift Policy.
- 3.4 In keeping with Council's Public Transparency Policy and the Act's public transparency principles, the Councillor Gift Policy proposes that gifts above the value of \$20 be registered and recorded in a gift register which will be publicly available on Council's website.
- 3.5 The Policy sets out a number of overarching policy principles to guide the process for accepting, declining and recording the receipt of gifts, benefits and hospitality.
- 3.6 In order to mitigate any perception of impropriety the policy encourages Councillors to politely decline any offer of a gift, benefit or hospitality irrespective of value. Where this is not possible, the Policy provides guidance on how the gift is to be treated.
- 3.7 The Policy differentiates between gifts that are of a token nature (inconsequential with a value up to \$50) and those gifts that are not token in nature (gifts with a value of more than \$50). It is proposed that gifts of a token nature may be retained by a Councillor and recorded in the gift register where the gift value is more than \$20.
- 3.8 The Policy is to be read in conjunction with the Act, Regulations, relevant Council policies and the Councillor Code of Conduct.

#### **4. COUNCIL PLAN / STRATEGY**

- 4.1 This report supports the Council plan theme 5 - A well governed Council - Goal: 5.1 a financially sustainable Council that manages resources effectively and efficiently.

#### **5. IMPACTS AND IMPLICATIONS**

- 5.1 Councillors will be required to complete a gift registration form for gifts with a value above \$20 which are received in their official capacity as a Councillor.

#### **6. IMPLEMENTATION**

- 6.1 Finance / Resource Implications

There are no financial impacts. Management of the Gift Register and disclosure Forms will be undertaken within existing operational resources.

**6.2 Communication and Engagement**

To ensure transparency and accountability the Councillor Gift Register will be a public facing document available on Council's website. The Gift Register will also be reported to the Audit and Risk Committee twice per year.

**6.3 Timelines**

The Local Government Act 2020 requires Council to have a Councillor Gift Policy approved by 24 April 2021.

**7. DECLARATIONS OF CONFLICT OF INTEREST**

7.1 No officers involved in the preparation of this report have any general or material conflict of interest in this matter.



## Policy Register

### Councillor Gift Policy

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Policy Classification	-	<b>Governance</b>
Policy N°	-	<b>POL/</b>
Policy Status	-	
Responsible Service Unit	-	<b>Governance</b>
Authorised by	-	<b>Council</b>
Date Adopted	-	<b>20 April 2021</b>
Next Review Date	-	<b>30 April 2023</b>

*This policy is part of a suite of policies adopted by Council or the Executive Management Team (EMT).*

*New or replacement policies can be created and developed within Service Units but can only be added to Council's Policy Register by Strategic Governance following the approval of the policy by Council or the EMT.*





**Policy Register  
Councillor Gift Policy**

## Contents

<b>PURPOSE</b> .....	<b>3</b>
<b>SCOPE OF POLICY</b> .....	<b>3</b>
<b>POLICY STATEMENT</b> .....	<b>4</b>
1. Gifts, Benefits and Hospitality .....	4
2. Gifts received on behalf of Council .....	5
3. Hospitality .....	6
4. Anonymous gifts .....	6
5. Conflict of Interest.....	7
6. Attempts to Bribe .....	7
7. Procurement and Tender Processes .....	8
8. Regulatory Processes.....	8
9. Biannual Personal Interest Returns .....	8
10. Disclosure Procedure .....	8
11. Gift Register.....	9
12. Training.....	9
13. Administrative Updates.....	9
<b>RESPONSIBILITY</b> .....	<b>9</b>
<b>DEFINITIONS</b> .....	<b>10</b>
<b>RELATED POLICIES</b> .....	<b>12</b>
<b>RELATED LEGISLATION</b> .....	<b>12</b>
<b>SUPPORTING RESEARCH AND ANALYSIS</b> .....	<b>12</b>
<b>DOCUMENT HISTORY</b> .....	<b>12</b>



## Policy Register Councillor Gift Policy

### PURPOSE

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The *Local Government Act 2020* (the Act) requires a Council to adopt a Councillor Gift Policy. The policy must include procedures for the maintenance of a gift register and any matters prescribed in the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations).

This policy establishes guidelines for the acceptance of gifts, benefits or hospitality by Councillors and members of Delegated Committees. The giving and receiving of gifts, benefits and hospitality from a person or organisation may result in a potential conflict of interest or breach of the Act. The objective of this policy is to limit the number of gifts made or accepted and to promote public confidence in the integrity of Council.

In keeping with Council's Public Transparency Policy and the Act's public transparency principles, Councillors will publicly declare certain offers and the acceptance of certain gifts, benefits or hospitality. This policy contains procedures for the maintenance of a gift register which will be published on Council's website.

### SCOPE OF POLICY

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This policy applies to all gifts, benefits or hospitality offered to, or received by, Councillors and members of Delegated Committees in exercising their role. A reference to a Councillor in this policy is to be read as a reference to a member of a Delegated Committee.

This policy is to be read in conjunction with the Act, the Regulations, relevant Council policies and the Councillor Code of Conduct.

In applying this policy and in accordance with section 12.4 of the Councillor Code of Conduct, Councillors will take all reasonable steps to ensure that their immediate family members (parents, spouse, children and siblings) do not receive gifts, benefits or hospitality of any kind that may give rise to the appearance of being an attempt to gain favourable treatment by the Councillor.



**Policy Register  
Councillor Gift Policy**

## **POLICY STATEMENT**

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### **1. Gifts, Benefits and Hospitality**

Central to preserving public confidence in Council is the expectation that Councillors are not unduly influenced, or perceived to be influenced, by their relationships with others when conducting the business of Council and/or acting as a representative of Council.

Councillors may be exposed to a range of circumstances where different types of gifts, benefits or hospitality may be offered. This policy sets out the process for accepting, declining and recording offers of gifts, benefits and hospitality.

#### **Guiding Policy Principles**

Councillors commit to:

- Complying with all legislative and policy obligations in relation to gifts, benefits and hospitality.
- Politely decline in the first instance any offer of a gift, benefit or hospitality, irrespective of value.
- Appropriately manage gifts, benefits and hospitality to avoid potential, actual or perceived conflicts of interest.
- Avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from Councillors or Council.
- Not solicit, demand or request gifts, benefits or hospitality for themselves or any other person, by virtue of their position.
- Not accept monetary gifts (or gifts that can be easily converted to monetary value such as gift cards) of any value (fully disclosed election donations excluded).
- Refuse gifts, benefits and hospitality that may adversely affect the Councillor's or Council's standing or bring them into disrepute.
- Ensure any gifts, benefits and hospitality that is offered is provided for a legitimate business purpose, furthering the business goals, policy objectives and priorities of Council and within reasonable community expectations.
- Report any incidences where a bribe and/or cash is offered in accordance with Manningham's Public Interest Disclosure Procedures.



## Policy Register Councillor Gift Policy

A gift offer is either token or a non-token in nature.

### 1.1 Token Gift

A token gift, benefit or hospitality is offered as a courtesy or is of inconsequential or trivial value (up to \$50) to both the person making the offer and the individual receiving the offer. Such gift would not be reasonably perceived within or outside the Council as influencing a Councillor or Council or raising an actual, potential or perceived conflict of interest. Examples of token gifts include a box of chocolates, homemade goods, a small souvenir, a cup of coffee.

If the combined total value of token gift offers in the past 12 months from the same individual or organisation exceeds \$50 then it becomes a non-token gift.

Whilst not encouraged, Councillors may accept token gift offers. Token gifts with a value of more than \$20 must be recorded in the Gift Register.

### 1.2 Non-token Gift

A non-token gift, benefit or hospitality is offered with a value of more than \$50.

Non-token gift offers must be politely declined in the first instance. If a non-token gift is to be accepted, it must be managed in accordance with this policy.

- 1.3 A gift can be any item of value — money, voucher, entertainment, travel, commodity, services, property — that a person or organisation provides.
- 1.4 All non-token gifts, benefits and hospitality received must be recorded in the Gift Register.
- 1.5 When deciding whether to accept a gift, benefit or hospitality, Councillors should give consideration to the GIFT test and HOST test shown at Attachments 1 & 2.

## 2. Gifts received on behalf of Council

- 2.1 Councillors may be involved in conferences, community, cultural or industry events where official gifts are presented or exchanged.
- 2.2 Clause 12.5 of the Councillor Code of Conduct provides that any gifts received on behalf of Council become the property of Council. For transparency and accountability purposes, these gifts will be recorded in the Gift Register with a notation to this effect.
- 2.3 Where a gift is offered in a public forum and refusal would be obviously discourteous or acceptance would not cause any potential, perceived or actual conflict of interest, the gift may be accepted and referred to the CEO and/or Group Manager Governance and Risk to determine the appropriate course of action.



## Policy Register Councillor Gift Policy

### 3. Hospitality

3.1 From time to time, Councillors may receive invitations of hospitality to attend various functions and events. Hospitality is considered a gift unless the hospitality was reasonable and attendance at the function or event was in an official capacity in your role as Councillor.

3.2 Hospitality is considered reasonable if it is of a standard and type that an independent observer would consider appropriate and not excessive.

#### Examples

##### Reasonable hospitality:

- a modest working lunch at another organisation's premises
- a cup of coffee at a café (unless a conflict of interest exists)

##### Unreasonable hospitality:

- a 'fine dining' working lunch
- an offer of a free spot at an industry golf day

3.3 It is the responsibility of Councillors to be attentive to the cumulative value of any such offers and their associated perceptions of favouritism or conflicts of interest.

3.4 This policy does not apply to attendance and participation at Council funded or sponsored events, where the full cost of hospitality is paid by Council.

### 4. Anonymous Gifts

4.1 In accordance with section 137 of the *Local Government Act 2020*, a Councillor must not directly or indirectly accept a gift for their benefit where the amount or value is equal to or exceeds the gift disclosure threshold, unless—

4.1.1 the Councillor knows of or is given the name and address of the person making the gift; and

4.1.2 the Councillor reasonably believes that the name and address provided are true.

4.2 If for any reason a Councillor finds themselves in possession of a gift and they do not know the name and address of the person who gave the gift, the Councillor can dispose of the gift to Council within 30 days to avoid committing an offence under the Act.

4.3 A Councillor who is found guilty of breaching section 137 of the Act must pay to the Council the amount or value of the gift accepted.



## Policy Register Councillor Gift Policy

### 5. Conflict of Interest

- 5.1 The *Local Government Act 2020* and Manningham's Governance Rules set out the framework for identifying and disclosing conflicts of interest.
- 5.2 Councillors are prohibited from accepting a gift that creates a conflict of interest (actual, potential or perceived).
- 5.3 Councillors should be aware that any gift, benefit or hospitality in the amount of \$500 or more received from one source over a five year period will give rise to a conflict of interest.
- 5.4 Councillors must disclose all conflicts of interest in accordance with the provisions of the Act and Manningham's Governance Rules.
- 5.5 Councillors may seek advice from the CEO or other appropriate officers if they need assistance determining if they have a conflict of interest, but must take full responsibility to identify, manage and disclose any conflicts of interest.
- 5.6 If a Councillor identifies that they have a conflict of interest with a gift, benefit or hospitality received they must complete a Disclosure of Conflict of Interest Form in addition to the Gift Disclosure Form and forward it to the Group Manager Governance and Risk to record in the register.

### 6. Attempts to Bribe

- 6.1 A Councillor who receives an offer of a gift, benefit or hospitality they believe is an attempt to bribe must refuse the offer. It is important that the Councillor act immediately to minimise any potential for negative consequences, by taking the following steps:
  - terminate the interaction with the person making the offer;
  - report the matter to the CEO to place on record your refusal of the offer;
  - lodge a public interest disclosure in accordance with Manningham's Public Interest Disclosure Procedures.
- 6.2 A Councillor who believes another person within the Council may have solicited or been offered a bribe which they have not reported, must notify the CEO or report the matter in accordance with Manningham's Public Interest Disclosure Procedures.



## Policy Register Councillor Gift Policy

### 7. Procurement and Tender Processes

- 7.1 Councillors are prohibited from accepting any gifts, benefits or hospitality from a current or prospective supplier made during a procurement or tender process by a person or organisation involved in the process.
- 7.2 Where a gift is received or there are irregular approaches from suppliers, Councillors are required to notify the Mayor and CEO to record their refusal and any action.

### 8. Regulatory Processes

- 8.1 Where a regulatory process is underway such as a planning permit application, a Councillor is prohibited from accepting any gift, benefit or hospitality from any individual or group that may be involved with the regulatory activity.

### 9. Biannual Personal Interest Returns

- 9.1 Details of any gifts received in the period since lodging a Personal Interest Return, where the value equals or exceeds the gift threshold must be declared in Biannual Personal Interests Returns in accordance with the requirements of the Act.

### 10. Disclosure Procedure

- 10.1 Councillors must record the receipt of a gift, benefit or hospitality using the following procedure:
- In the interests of transparency and to assist with monitoring the frequency and nature of gifts, all gifts, benefits and hospitality received, above the value of \$20, must be recorded in the Gift Register.
  - Within 5 business days of the offer complete a Gift Registration Form and forward to the Councillor Support Team for recording in the Gift Register.
  - The following details are to be included —
    - Councillor's name; and
    - date gift, benefit or hospitality was received; and
    - a detailed description of the gift, benefit or hospitality received; and
    - the value of the gift, benefit or hospitality, or where the value is unknown, an approximate value; and
    - the name of the person or organization that provided the gift, benefit or hospitality; and
    - if a non-token gift has been received on behalf of Council, a notation that it is the property of the Council.



## Policy Register Councillor Gift Policy

### 11. Gift Register

11.1 The Gift Register will be maintained by the Governance team and reported to the Audit & Risk Committee every 6 months.

11.2 The Gift Register will be made publicly available on Council's website.

### 12. Training

12.1 Council will ensure that all Councillors and members of Delegated Committees receive induction and refresher training regarding the principles, accountabilities and requirements of this policy.

### 13. Administrative Updates

13.1 From time to time, circumstances may change leading to the need for minor administrative amendments to this policy. Where an update does not materially alter this policy, such a change may be made administratively.

13.2 Examples of minor administrative amendments include changes to names of Manningham Council departments or a minor amendment to legislation that does not have material impact on the policy position.

13.3 Where any change or update may materially change the intent of this policy, it must be considered by Council.

## RESPONSIBILITY

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Day to day operation of the policy will over seen by the Group Manager Governance and Risk or their delegate.

Responsibility rests with individual Councillors to ensure all reportable gifts are disclosed for inclusion in the Gift Register.





**Policy Register  
Councillor Gift Policy**

## DEFINITIONS

Term	Definition
Benefit	Something that is of value to the receiver, such as invitations to sporting, cultural or social events, access to discounts and loyalty programs, honorary memberships, accommodation or leisure holidays or other advantage offered to an individual, their friend, associate or relative. The value of a Benefit may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.
CEO	Chief Executive Officer of Manningham City Council including any person acting in this role.
Conflict of interest	<p>A general or material conflict of interest as defined in the Act. The conflict may be:</p> <p><b>Actual:</b> there is a <b>real conflict</b> between an employee's public duties and private interests.</p> <p><b>Potential:</b> a Councillor has private interests that <b>could conflict</b> with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.</p> <p><b>Perceived:</b> the public or a third party could form the view that a Councillor's private interests could improperly influence their decisions or actions, now or in the future.</p>
Council	Manningham City Council
Family Member	A spouse or domestic partner of the relevant person, a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the relevant person or of their spouse or domestic partner; or any other relative that regularly resides with the relevant person.
Gift	<p>Defined in section 3 of the Act as:</p> <p>"any disposition of property otherwise than by will made by a person to another person without consideration in money or money's worth or with inadequate consideration, including—</p> <ul style="list-style-type: none"> <li>(a) the provision of a service (other than volunteer labour); and</li> <li>(b) the payment of an amount in respect of a guarantee; and</li> <li>(c) the making of a payment or contribution at a fundraising function;"</li> </ul>



## Policy Register Councillor Gift Policy

Term	Definition
Gift Disclosure Threshold	\$500 or a higher amount or value prescribed by the Regulations.
Hospitality	Is the friendly reception and entertainment of guests. Hospitality may range from free light refreshments at a business meeting to discounted expensive restaurant meals, sponsored travel or offers of subsidised accommodation.
Non-token gift	A gift, benefit or hospitality worth more than \$50.
Official capacity	A Councillor is acting in an official capacity if they are exercising their powers or performing their responsibilities under the Act and their attendance at the event or function is related to providing good local governance for the municipality.
Policy	<i>Councillor Gift Policy</i>
Public Duty	The responsibilities and obligations that a Councillor has to members of the public in their role as a Councillor.
Register	<i>Gift Register</i>
Regulations	<i>Local Government (Governance and Integrity) Regulations 2020</i>
Gift Register	A public record of all declarable gifts, benefits and hospitality.
The Act	<i>Local Government Act 2020</i>
Token Gift	<p>A gift, benefit or hospitality offered as courtesy or is inconsequential or trivial in value (&lt; \$50) to both the person making offer and the individual. Such a gift would not be reasonably perceived within or outside the Council as influencing a Councillor or Council or raising an actual, potential or perceived conflict of interest (excludes cumulative offers valued at \$50 or more from the same source over a 12 month period).</p> <p>In the event that a gift might reasonably be perceived to influence, or appear to influence the recipient, it cannot be defined as a token gift.</p>
Value	Means the face value or estimated retail value.



## Policy Register Councillor Gift Policy

### RELATED POLICIES

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Manningham Councillor Code of Conduct  
Manningham Council Governance Rules  
Council Expenses Policy  
Public Interest Disclosure Procedures

### RELATED LEGISLATION

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*Local Government Act 2020*  
*Local Government (Governance and Integrity) Regulations 2020*  
*Public Interest Disclosures Act 2012 (Vic)*

### SUPPORTING RESEARCH AND ANALYSIS

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Victorian Public Sector Commission Gifts, Benefits and Hospitality Resource Suite  
Local Government Victoria – Draft Conflict of Interest Guide (2020)  
Engage Victoria Resources  
Victorian Government Department of Health and Human Services Gifts, Benefits and Hospitality Policy (GIFT Test table, HOST Test table and Quick Guide Flow Chart)

### DOCUMENT HISTORY

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<b>Policy Title:</b>	Councillor Gift, Benefits and Hospitality Policy
<b>Responsible Officer:</b>	Senior Governance Advisor
<b>Next Review Date:</b>	30 April 2023
<b>To be included on website?</b>	Yes

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°



**Policy Register  
Councillor Gift Policy**

**ATTACHMENT 1**

The **GIFT** test is a good reminder of what to think about when deciding whether to accept or decline an offer of a gift, benefit or hospitality.

<b>G</b>	<b>Giver</b>	<p><i>Who is providing the gift, benefit or hospitality and what is their relationship to me?</i></p> <p>Could the person or organisation benefit from a decision I make?</p>
<b>I</b>	<b>Influence</b>	<p><i>Are they seeking to influence my decisions or actions?</i></p> <p>Has the gift, benefit or hospitality been offered to me publically or privately?</p> <p>Does its timing coincide with a decision I am about to make?</p>
<b>F</b>	<b>Favour</b>	<p><i>Are they seeking a favour in return for the gift, benefit or hospitality?</i></p> <p>Has the gift, benefit or hospitality been offered honestly? Would accepting it create an obligation to return a favour?</p>
<b>T</b>	<b>Trust</b>	<p><i>Would accepting the gift, benefit or hospitality diminish public trust?</i></p> <p>How would the public view acceptance of this gift, benefit or hospitality?</p> <p>What would my colleagues, family or associates think?</p>



**Policy Register  
Councillor Gift Policy**

**ATTACHMENT 2**

The **HOST** test is a good reminder of what to think about when deciding whether to provide an offer of a gift, benefit or hospitality.

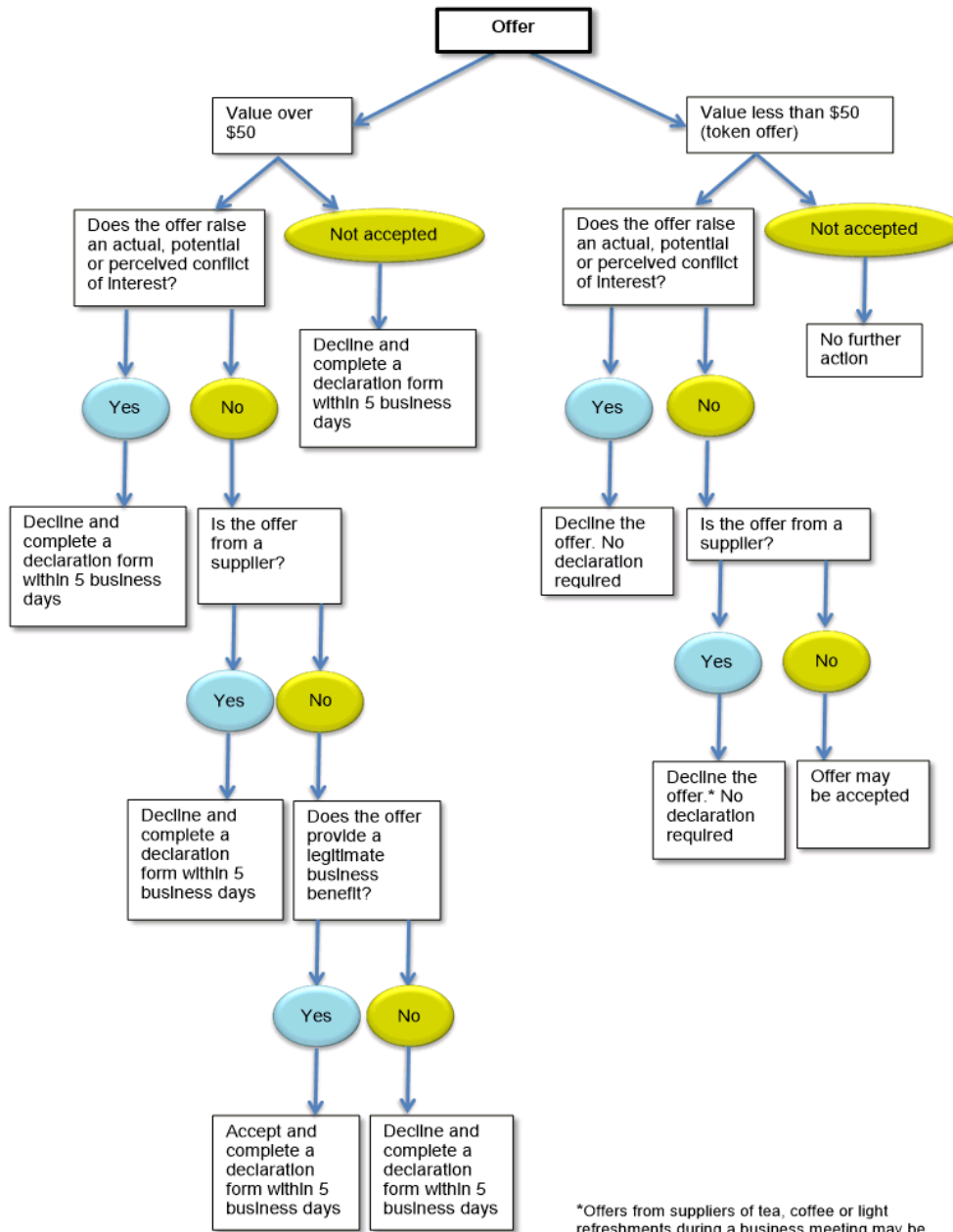
<b>H</b>	<b>Hospitality</b>	<i>To whom is the gift, benefit or hospitality being provided?</i> Will recipients be external business partners, or individuals of the host organisation?
<b>O</b>	<b>Objectives</b>	<i>For what purpose will hospitality be provided?</i> Is the hospitality being provided to further the conduct of official business? Will it promote and support government policy objectives and priorities? Will it contribute to staff wellbeing and workplace satisfaction?
<b>S</b>	<b>Spend</b>	<i>Will public funds be spent?</i> What type of hospitality will be provided? Will it be modest or expensive, and will alcohol be provided as a courtesy or an indulgence? Will the costs incurred be proportionate to the benefits obtained?
<b>T</b>	<b>Trust</b>	<i>Will public trust be enhanced or diminished?</i> Could you publicly explain the rationale for providing the gift or hospitality? Will the event be conducted in a manner which upholds the reputation of the public sector? Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?



**Policy Register  
Councillor Gift Policy**

**Quick Guide Flow Chart**

**ATTACHMENT 3**



## 7 AMENDMENT TO MAV STATE COUNCIL MOTION

File Number: IN21/191  
Responsible Director: Chief Executive Officer  
Attachments: 1 Amended MAV State Council Motion [↓](#)

### EXECUTIVE SUMMARY

*At the 23 March 2021 Council meeting, Council endorsed a motion for submission to the MAV State Council meeting to be held on Friday 21 May 2021.*

*The motion has since been refined and is now presented to Council for formal endorsement prior to notifying the MAV of the amendments.*

### COUNCIL RESOLUTION

**MOVED: CR STEPHEN MAYNE**  
**SECONDED: CR TOMAS LIGHTBODY**

**That Council:**

**A. endorse the amended MAV State Council motion shown at Attachment 1;  
and**

**B. endorse an addition to the MAV State Council motion which reads:**

***‘That the MAV State Council endorses the model of member councils exploring taking over the ownership and/or management of not-for-profit clubs with poker machines in Victoria, preferably by way of clubs gifting land and buildings to councils for the ongoing benefit of the broader community.’;***

**C. incorporate a copy of the amended motion and the rationale for the motion in the minutes as an attachment to this report;**

**D. submit the motion to the MAV by Friday 23 April 2021.**

### PROCEDURAL MOTION

**MOVED: CR ANNA CHEN**  
**SECONDED: CR DEIRDRE DIAMANTE**

That Councillor Geoff Gough be permitted an extension of time to speak in accordance with sub rule 34.6 of the Governance Rules.

CARRIED

**THE SUBSTANTIVE MOTION WAS PUT AND CARRIED**

**2. BACKGROUND**

- 2.1 The next MAV State Council meeting will be held on Friday 21 May 2021. Councils are invited to submit motions of state-wide significance to local government for consideration at the meeting.

**3. DISCUSSION / ISSUE**

- 3.1 Council, at its meeting on 23 March 2021, endorsed a motion for submission to the MAV State Council meeting.
- 3.2 The motion and background endorsed at the meeting have since been refined and an amended motion is now presented for formal endorsement prior to notifying the MAV of the amendments to Council's submitted motion.
- 3.3 The amendments are not material in nature, however a formal Council resolution is required to amend the motion on record. The amendments to the motion are outlined below:

## Amended Motion

That MAV explores the feasibility of extending its current sector wide procurement offerings to include:

1. Large scale importation of electric vehicles for the benefit of all Victorian councils;
  2. Production and distribution of free weekly, fortnightly, monthly or quarterly newspapers in light of the significant increase in LGA news deserts across Victoria following the decision by News Corp last year to cease printing most of its suburban and regional newspapers across Australia;
  3. Banking services, particularly in light of multiple Big Four branch closures post the lockdowns which have been led by CBA, the clear market leader in the provision of banking services to Victorian councils.
- 3.4 The amended motion incorporates additional feedback from Councillors and is presented to Council for formal endorsement. If endorsed, the MAV will be notified of the amendments to the motion previously submitted.

**4. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.



**MANNINGHAM CITY COUNCIL MAV STATE COUNCIL MOTION****MOTION**

That MAV explores the feasibility of extending its current sector wide procurement offerings to include:

1. Large scale importation of electric vehicles for the benefit of all Victorian councils;
2. Production and distribution of free weekly, fortnightly, monthly or quarterly newspapers in light of the significant increase in LGA news deserts across Victoria following the decision by News Corp last year to cease printing most of its suburban and regional newspapers across Australia;
3. Banking services, particularly in light of multiple Big Four branch closures post the lockdowns which have been led by CBA, the clear market leader in the provision of banking services to Victorian councils.

**BACKGROUND****Electric Vehicles**

Electric car take-up rates in Australia are close to the lowest in the developed world. This is partly because it is cost-prohibitive for many individual consumers and small institutions to purchase electric vehicles. Significant economies of scale could potentially be achieved if MAV co-ordinated a bulk buying electric vehicle purchasing exercise for Victorian councils.

**Newspaper services**

Australia's biggest newspaper company, News Corp, ceased printing most of its suburban and regional newspapers last year, creating an increased number of news deserts across metropolitan Melbourne and adding to the already large number of news deserts in small towns across Victoria. A free press is pivotal for the functioning of democracy, driving accountability for elected officials and informing the community about local events and governance. Some of News Corp's Leader Newspapers suburban titles were retained in a limited online form, but a majority of the journalists covering council issues were retrenched or redeployed. Where there is interest from a council to resurrect a print version of their defunct Leader newspaper, a cornerstone advertising contract would be the obvious starting point. MAV is best placed to enter into negotiations with News Corp and any other newspaper provider to try and secure positive outcomes for MAV members concerned about the impact of news deserts on their operations. One option might be MAV buying or being paid to take on a 49% stake in Leader Newspapers on the condition that print services were resumed in the metropolitan council areas where there was demand and interest.

**Banking services**

CBA is the clear market leader in terms of providing banking services to Victorian councils, a position it inherited with the purchase of State Bank of Victoria in 1992. Approximately 50 of Victoria's councils have awarded individual banking contracts to CBA but there is no central co-ordination of the banking contracts. Australia's biggest bank also has the largest Victorian branch network currently, although it has closed more than 10 Victorian branches since March 2020, initially as a temporary COVID measure and then permanently. Despite the move away from cash and to online banking, bank branches remain important traffic drivers in local activity centres. CBA did not consult with councils about the various recent closures, even where they held the banking contract with council, such as at City of Manningham where the Lower Templestowe branch at Macedon Square was closed after almost 40 years as a State Bank and then a CBA branch. There is a potential opportunity for MAV to lead a centralised negotiation with CBA and other competitors for banking services which could also include requirements for the retention of a certain number of branches across Victoria. This issue should also consider the findings of the recent Hayne Royal Commission into the banks, which led an increasing number of Australian institutions to cease dealing with the Big Four banks. Instead, many bank customers have opted to instead seek banking services from more ethical alternative providers who aren't making \$40 billion a year in pre-tax profits like the Big Banks do whilst offering an often poor and over-priced product to clients, including many Victorian councils.

**Manningham City Council MAV State Council Motion****Ownership and/or management of not-for-profit clubs with poker machines**

That MAV State Council endorses the model of member councils exploring taking over the ownership and/or management of not-for-profit clubs with poker machines in Victoria, preferably by way of clubs gifting land and buildings to councils for the ongoing benefit of the broader community.

**Background**

Whilst the problem is far more pronounced in NSW and Queensland, a large number of not for profit clubs in Victoria operate poker machines on privately owned land and use profits from poker machines to fund the delivery of sporting facilities and other services across the state.

The biggest example is RSL Victoria which has approximately 50 sub-branches operating almost 3000 poker machines which drain approximately \$260 million a year from Victorian gamblers in venues that are primarily owned by veterans but have arguably been hijacked by the poker machine industry.

City of Manningham recently bought the pokies-free Templestowe RSL for \$1.25 million and leased it back to the RSL for 20 years based on an inflation adjusted rental starting at \$35,000 per year. As requested and agreed by both parties, the lease agreement precludes the Templestowe RSL ever accommodating poker machines and the sale has enabled the sub-branch to pay off its bank debt and pursue its future with more than \$1 million in the bank.

This is a model which could be pursued by councils across the state with the aim being to reduce the size of poker machines losses in not-for-profit clubs which have been running at approximately \$900 million per year before COVID hit.

There are a number of clubs which operate poker machines on council owned land under lease arrangements but the majority of club pokies revenues are derived from club owned buildings. There is nothing stopping councils requesting these clubs to gift or sell their facilities to councils, which could then implement management strategies to remove or significantly cut the dependence on poker machine revenue to fund sporting facilities.

It is core business for councils to spend ratepayer funds building, maintaining and operating community facilities and if pokies clubs wants to hand over their assets to councils or sell them at a discounted price, it could be attractive for both parties and the wider community.

If you don't ask you don't get, so if MAV State Council endorses this motion, it could lead to some attractive property transactions for councils and fewer community losses on poker machines operated by not-for-profit clubs.

And if Victorian councils pioneered this model, it could then be rolled out in NSW and Queensland which are so badly captured by the pokies industry that some regional areas have more sporting facilities owned by pokies clubs than the local council.

The meeting concluded at 7:47pm

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Chairperson  
CONFIRMED THIS 27 APRIL 2021