

**Local Government Victoria**

*Level 14*

*1 Spring Street*

*Melbourne Victoria 3000*

**Application for Ministerial Approval for the Exercise of Entrepreneurial Powers**

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| **Name of Entrepreneurial Venture\*:** |  |
| **Council:** |  |
| **Individual or Lead:** | Individual  Lead on behalf of a group of Councils |
| **Contact Officer:** |  |
| Name: |  |
| Title: |  |
| Telephone: |  |
| E-mail: |  |
| **Chief Executive Officer:** |  |
| Name: |  |
| Signature: |  |
| **Date:** |  |

*\* For the purposes of this application, the Entrepreneurial Venture is also referred to as the Enterprise.*

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| **1. Outline** |  |
| 1.1 Enterprise Description:  *Provide a brief description about the Enterprise including its aim/purpose. If necessary, append any other relevant background information.* |  |
| 1.2 Enterprise Location:  *If applicable, provide the location of the Enterprise, for example, the street address.* |  |
| 1.3 Enterprise Participants:  *Provide details of all the other parties proposing to participate in the Enterprise, if any. Include all other Council participants irrespective of the level of their individual Value of Enterprise. Also include all non- Council participants.* | Other Council Participants:    Non-Council Participants: |
| 1.4 Date of Council/s Approval:  *Provide the date/s the Council’s gave its/their ‘In Principle’ approval for the Enterprise. Also provide a copy of the resolution of the Council/s.* |  |
| 1.5 Council/s seeking Approval:  *If this application is an application on behalf of a group of councils, identify the type of Ministerial approval that each of the participating councils will require by ticking the appropriate boxes, i.e. Minister for Local Government# and if necessary, the Treasurer.* | Councils: Type of Approval  Minister*#*  Treasurer  Minister*#*  Treasurer  Minister*#* Treasurer  Minister*#* Treasurer  Minister*#* Treasurer |

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| **1. Outline** |  |
| 1.6 Value of Enterprise: | Lead Council: |
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| *Provide the ‘Value of the Enterprise’ for all* |  |
| *council participants. Refer to the Guidelines*  *for further information. Also provide details* | Other Councils: |
| *about the contribution (capital and recurrent)* |  |
| *of the other non-council participants.* | : |
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| **Aggregate** |
| **Value of Enterprise:** |
| Contribution of non-Council Participants: |
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| : |
| 1.7 Key Timelines:  *Provide details of any critical timelines or deadlines that may have been set by the Council/s for the Enterprise.* |  |
| 1.8 Exemptions Sought:  *Provide details of any exemptions that are being sought from the Local Government Act 1989, the section/s and the rationale for seeking the exemption/s.* |  |

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| **2. Structure** |  |
| 2.1 Form of Enterprise under section 193(1): | 1. Corporation, Incorporated Association, Trust, Partnership, Other Body, etc; 2. Subscribe for or otherwise acquire or dispose of shares in or debentures or other securities of, a corporation; 3. Company Limited by Guarantee; 4. Subscribe for or otherwise acquire and dispose of units in a trust; 5. Acquire and dispose of an interest in a partnership or other body; 6. Partnership, union of interest, joint venture, etc. |
| 2.2 Enterprise Legal Structure: | Pty Ltd Company  Company Limited by Guarantee Company with Limited Liability Incorporated Association Partnership  Incorporated Joint Venture Unincorporated Joint Venture Union of Interest  Trust  Profit Share Arrangement Other, please specify: |
| 2.3 Name of the Enterprise:  *Provide the name by which the Enterprise will be known. This will include the legal and trading name of the Enterprise, if any.* |  |
| 2.4 Membership Structure:  *Describe the membership structure of the Enterprise and the roles of each of the participants in the Enterprise.* |  |
| 2.5 Directors Details:  *Provide details for all of the Directors/Board Members proposed for the Enterprise. Also outline their responsibilities as well as any indemnities to be provided by the Council.* |  |
| 2.6 Voting Rights:  *Provide details of the voting rights of the Council/s as well as those of the other non- council participants.* |  |

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| **3. Governance** |  |
| 3.1 Monitoring the Enterprise:  *Provide details of the process the Council/s will put in place to monitor the overall performance of the Enterprise.* |  |
| 3.2 Performance Assessment:  *Provide details of the system for the assessment of the performance of the Enterprise.* |  |
| 3.3 Protection of Council’s Interests:  *Provide details of how the Council/s will protect its/their interests in the Enterprise.* |  |
| 3.3.1 Details of provisions that address conflicts of interest:  *Provide details of the process for the disclosure, recording and monitoring of conflicts of interest including pecuniary interests of Directors, Members of the Board of Management of the Enterprise, staff of the Enterprise, Councillors, and Council staff.* |  |
| 3.3.2 Details of provisions that address public liability and business risk insurance:  *If applicable, provide details of provisions made for insurance to cover public liability and business risk.* |  |
| 3.3.3 Global Borrowing:  *Provide details of the borrowing powers of the Enterprise and how the Council/s will account for these for Loan Council purposes.* |  |
| 3.3.4 Investments:  *Outline how the investments of the Enterprise will be monitored bearing in mind the requirements of section 143 of the Local Government Act 1989.* |  |

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| **3. Governance** |  |
| 3.3.5 Ability of the Council/s to monitor liabilities incurred by the Enterprise:  *Outline how liabilities, including contingent liabilities, of the Enterprise will be monitored.* |  |
| 3.4 Public Accountability  *Provide details of how the Council/s will report on the performance of the Enterprise to ratepayers and other key stakeholders, for example as part of the annual report of the Council/s.* |  |

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| **4. Assessment** |  |
| 4.1 Assessment Documents:  *Provide details of the documents/reports the Council/s referred to and relied upon in making the decision to proceed with the Enterprise. A copy of the Risk Assessment Report must be appended to this Application and where the Value of Enterprise (or the aggregate thereof) is $1 million or more, a Business Case must also be appended.* |  |
| 4.2 Risk Assessment Report:  (0 *Key areas of Coverage*)  *Identify the key areas assessed in the Risk Assessment Report. Refer to the Guidelines for a more detailed description of these key areas.* | Fit with Council Plan Appropriateness of Legal Structure  Determination of ‘Value of Enterprise’ Governance Arrangements  Project Management Feasibility/Viability of Enterprise Risk Aversion/Management  Performance Management/Measurement Compliance with Commonwealth/State Legislation  Accountability Framework Community Consultation Other, please specify: |
| 4.3 Details of the ‘Suitably Qualified Person’ who prepared the Risk Assessment Report:  *Provide details of the ‘Suitably Qualified Person’, including his/her qualifications, expertise, and experience relevant to the Enterprise. Append any additional information considered relevant.* |  |
| 4.4 Details of any Consultant/s engaged to provide expert or specialist advice on the Enterprise:  *Provide details of each of the Consultants engaged, including their qualifications, expertise, and experience relevant to the Enterprise.* |  |
| 4.5 Business Case  *A business case must be prepared where the Value of Enterprise (or the aggregate thereof) is $1 million or more. Describe how the Business Case substantiates the case for the participation of the Council/s in the Enterprise.* |  |

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| **5. Planning & Finance** |  |
| 5.1 Business Planning Documents:  (0 Documents Appended)  *Refer to the Guidelines and Explanatory Notes for a more detailed description of the types of documents that should be appended.* | Business Plan Financial Statements Other, please specify: |
| 5.2 Sources of Finance  *Describe the sources of any funds that the council/s will be contributing towards the Enterprise.* |  |
| * 1. Summary of Financial Implications to the Council:   *Refer to the Explanatory Notes for a more detailed explanation.*   * + - Exposure:     - Safeguards:     - Return to Council:     - Borrowing/Debt Servicing:     - On-Going Costs:     - Security:     - Indemnities:     - Other: |  |

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| **6. Non-Council Participants** | ***Provide information for each of the non-council participants in the Enterprise.*** |
| 6.1 Name and Full Details of the non-Council Participants:  *Provide details of each of the non-council participants.* |  |
| 6.2 Description of their Operations:  *Provide a brief description of the business and operations of each of the non-council participants.* |  |
| 6.3 Legal Structure:  *Specify the type of legal structure of each of non-council participants.* |  |
| 6.4 Directors/Principal Officers:  *State the full names of the current Directors/Board Members and Principal Officers of each of the non-council participants and if there are any legal impediments to their participating in the Enterprise.* |  |
| 6.5 Background/Experience:  *Provide details of any previous dealings with each of the non-council participants and their relevant experience in relation to the Enterprise.* |  |

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| **7. Non Financial Implications** |  |
| 7.1 Employment:  *Outline any employment opportunities that may be generated by the Enterprise.* |  |
| 7.2 Environmental:  *Provide details of any environmental factors that have been addressed or may need to be addressed by the Council/s, the non- Council participants or that will be addressed by the Enterprise.* |  |
| 7.3 Social:  *Outline details of any social factors or opportunities that may be generated by or through the Enterprise.* |  |
| 7.4 Tourism Potential:  *Provide details of any potential tourism benefits that may flow from the Enterprise.* |  |
| 7.5 Educational Potential:  *Outline details of any educational opportunities that may be generated by the Enterprise.* |  |
| 7.6 Other:  *Provide any other non-financial information that is considered relevant.* |  |

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| **8. Documentation** |  |
| 8.1 Check List: | Constitution of Enterprise Statement of Purpose Memorandum of Association Articles of Association  Rules for an Incorporated Association Partnership Agreement  Joint Venture Agreement Heads of Agreement Memorandum of Understanding Trust Deed  Risk Assessment Report Business Case Business Plan  Financial Statements Independent Consultants Reports  Public Consultation (Submissions, EES, etc) Government Department Consultation Statutory Approvals  Other, please specify: |