



Glenelg Shire Council

Notice of Meeting & Agenda

Ordinary Council Meeting – Tuesday 25 August 2020

Notice is hereby given that an Ordinary Council Meeting will be held in the Council Chamber, Glenelg Shire Municipal Offices, 71 Cliff Street, Portland commencing at **7.00pm** on the above date for the purpose of transacting the business on the attached Agenda, together with such other business as the Chairperson may permit.

A handwritten signature in black ink, appearing to read 'Greg Burgoyne', is positioned above the name and title.

GREG BURGOYNE
Chief Executive Officer

Date of Issue: Thursday 20 August 2020

Invited: Mayor, Councillor Anita Rank
Deputy Mayor, Councillor Chrissy Hawker
Councillor Robert Halliday
Councillor Alistair McDonald
Councillor Karen Stephens
Councillor Geoff White
Councillor Gilbert Wilson
Chief Executive Officer, Mr Greg Burgoyne
Director Corporate Services, Mr David Hol
Director Assets, Ms Edith Farrell
Acting Director Community Services, Ms Ann Kirkham

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AGENDACR ANITA RANK - MAYOR1. PRESENT:2. OPENING PRAYER:

Lord, we ask you for your blessing upon Council, direct and prosper its deliberations to the advantage of Thy Glory, and the true welfare of the people whom we serve.

3. ABORIGINAL ACKNOWLEDGEMENT:

On behalf of this Glenelg Shire Council, I respectfully acknowledge the traditional lands and waters of the Gunditjmarra, Bunganditj Jardwadjali people and their respective culture heritages. I acknowledge the elders past and present here at today's gathering and through them, to all Aboriginal people.

Aboriginal and Torres Strait Islander People provide an important contribution to Australia's cultural heritage and identity. We respectfully acknowledge the Aboriginal and Torres Strait community living throughout the Glenelg Shire and the contribution they make to the Glenelg Shire's prosperity and wellbeing.

4. RECEIPT OF APOLOGIES:5. CONFIRMATION OF MINUTES:Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 28 July 2020, as circulated, be confirmed.

6. DECLARATIONS OF CONFLICT OF INTEREST:Conflict of Interest

In accordance with Section 130 (1-8) of the Local Government Act 2020, there is an obligation for Councillors and Officers to declare a conflict of interest in a matter that could come before Council.

Disclosure of Conflict of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

7. QUESTION TIME:7.1 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN IN WRITING OR PREVIOUSLY TAKEN ON NOTICE:

7.2 QUESTIONS FROM THE GALLERY:

***To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.*

8. PRESENTATIONS:

9. NOTICES OF MOTION:

10. DEPUTATIONS:

11. PETITIONS:

12. COMMITTEE REPORTS:

13. ASSEMBLY OF COUNCILLOR RECORDS:

13.1 ASSEMBLY OF COUNCILLORS RECORDS 16 JULY 2020 – 13 AUGUST 2020 (INCLUSIVE)

Director: David Hol, Director Corporate Services

Executive Summary

In accordance with the *Local Government Act 1989* (to be repealed on 24 October 2020 under the new *Local Government Act 2020*) Assembly of Councillors records (including records of those titled as committees) must be reported to the next 'practical' Ordinary Council meeting and recorded in the minutes of that meeting. The objective of submitting the Assembly of Councillors (including records of those titled as committees) records to Council meetings is to ensure public transparency in Council decision making processes.

Recommendation

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 16 July 2020 – Thursday 13 August 2020 (inclusive).

Background/Key Information:

The Chief Executive Officer must ensure that a written record is kept of every Assembly of Councillors records (including records of those titled as committees).

Circular L97 advises that Assembly of Councillors records “*only needs to be a simple document that records:*

- *the names of all Councillors and staff at the meeting;*
- *a list of the matters considered;*
- *any conflict of interest disclosed by a Councillor; and*
- *whether a Councillor who disclosed a conflict left the room.*

The circular also advises that: “*The record is not required to be in the form of minutes. The recommended approach is to record the “matters” discussed, by listing the headings of the matters. In some cases, meetings may be considering a single matter...*”

The circular further advises that: “*This does not mean that the record cannot be reported to the Council in the form of minutes. In Councils where it is established practice for minutes of advisory committees to be tabled at Council meetings, the minutes will be sufficient for the purpose if they include the required information, including disclosures.*

13.1 ASSEMBLY OF COUNCILLORS RECORDS 16 JULY 2020 – 13 AUGUST 2020 (INCLUSIVE)

(continued)

The legislative requirement became effective from the 24 September 2010.

This report covers the period from Thursday 16 July 2020 – Thursday 13 August 2020 (inclusive). All Assembly of Councillors records (including records of those titled as committees) held during this period must be included.

The following assembly of Councillors records (including records of those titled as committees) held during the period specified above have been received from the relevant Departments/Units:

- Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 21 July 2020 (DocSetID: 2721264);
- Meeting Record of the Tourism Advisory Committee meeting held on Tuesday 28 July 2020 (DocSetID: 2726545);
- Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 28 2020 (DocSetID: 2721265);
- Assembly of Councillors – Councillors Briefing session meeting held Tuesday 28 July 2020 (DocSetID: 2723251);
- Assembly of Councillors – Councillors and CEO Briefing meeting record held on Friday 31 July 2020 (DocSetID: 2725099);
- Assembly of Councillors – Councillors and CEO Briefing meeting held on Tuesday 4 August 2020 (DocSetID: 2725100);
- Assembly of Councillors – Councillors and CEO Briefing meeting held on Tuesday 11 August 2020 (DocSetID: 2726644);
- Assembly of Councillors – Councillors Workshop meeting held on Tuesday 11 August 2020 (DocSetID: 2726727); and
- Meeting Record of the Glenelg Mara Quorin Aboriginal Advisory Committee held on Wednesday 12 August 2020 (DocSetID: 2726984).

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

The purpose of this report is to ensure compliance with the *Local Government Act 1989*. References include:

13.1 ASSEMBLY OF COUNCILLORS RECORDS 16 JULY 2020 – 13 AUGUST 2020 (INCLUSIVE)

(continued)

- Section 3(1) – Definition of “Assembly of Councillors”;
- Section 80A – Requirements for an assembly of Councillors; and
- Section 3(1) – Definition of “advisory committee”.

c. Consultation and/or communication processes implemented or proposed

This report has considered the requirements of the Victorian Charter of Human Rights and Responsibilities.

d. Financial and Resource Implications and Opportunities

The cost of preparing the monthly reports on Assembly of Councillors records (including records of those titled as committees) is another compliance cost imposed by the state government and is an indirect cost within the corporate governance unit salaries and on cost budget.

Separate Circulations – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation</i>	<i>ECM</i>
1.	Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 21 July 2020	2721264
2.	Meeting Record of the Tourism Advisory Committee meeting held on Tuesday 28 July 2020	2726545
3.	Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 28 July 2020	2721265
4.	Assembly of Councillors – Councillors Briefing session meeting held Tuesday 28 July 2020	2723251
5.	Assembly of Councillors – Councillors and CEO Briefing meeting record held on Friday 31 July 2020	2725099
6.	Assembly of Councillors – Councillors and CEO Briefing meeting held on Tuesday 4 August 2020	2725100
7.	Assembly of Councillors – Councillors and CEO Briefing meeting held on Tuesday 11 August 2020	2726644
8.	Assembly of Councillors – Councillors Workshop meeting held on Tuesday 11 August 2020	2726727
9.	Meeting Record of the Glenelg Mara Quorin Aboriginal Advisory Committee held on Wednesday 12 August 2020	2726984

14. MANAGEMENT REPORTS:

14.1 COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

CEO: Greg Burgoyne, Chief Executive Officer

Executive Summary

The purpose of this report is to enable Council to consider the Councillor and Chief Executive Officer Leave of Absence Register.

Recommendation

That Council approve the Councillor and Chief Executive Officer Leave of Absence Register presented as a confidential circulation under Section 89(2) of the *Local Government Act 1989*.

Background/Key Information:

In accordance with Section 66B of the *Local Government Act 1989* Councillors are entitled to take Leave of Absence.

Section 66B of the *Local Government Act 1989* states:

66B Leave of Absence of a Councillor

- (1) If a Councillor is required to take leave of absence under this Act, the Councillor:
 - (a) may continue to be a Councillor but must not perform the duties of functions of a Councillor during the period of leave;
 - (b) remains entitled to receive a Councillor allowance unless this Act otherwise provides;
 - (c) is not entitled to be reimbursed for out-of-pocket expenses during the period of leave;
 - (d) must return all Council equipment and materials to the Council for the period of leave if the Council requires.
- (2) If a Mayor is required to take a leave of absence under this Act, the Mayor is, for the duration of the leave, to be considered as incapable of acting under section 73(3) and subsection (1) applies to the Mayor as if the Mayor were a Councillor only.

Section 69(1)(g) of the *Local Government Act 1989* states:

S69 Extraordinary vacancies

- (1) An extraordinary vacancy is created if the office of a Councillor becomes vacant because the Councillor:

14.1 COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

(g) is absent from 4 consecutive ordinary meetings of the Council without leave obtained from the Council.

(2) The Council must not unreasonably refuse to grant leave.

(3) A Councillor is not to be taken to be absent from an ordinary meeting of the Council –

(a) unless a meeting of the Council at which a quorum is present is actually held; or

(b) while any proceeding for ouster from office of the Councillor is pending.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Section 66 of the *Local Government Act 1989*.

Section 69 *Local Government Act 1989*.

c. Consultation and/or communication processes implemented or proposed

Councillors are required to submit Leave of Absence requests in writing to the Chief Executive Officer.

The Chief Executive Officer is required to submit his Leave of Absence requests in writing to Council through the Councillor and Chief Executive Officer Leave of Absence Register.

A register will be held by the Chief Executive Officer and reported monthly to Council.

d. Financial and Resource Implications and Opportunities

Nil.

14.1 COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

Separate Circulation – Confidential

The separate circulation listed in the table below is Confidential in accordance with Local Government Act 2020:

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	Relevant Grounds Under Section 3(1) (a-l) of the Act	ECM
1.	Councillor and Chief Executive Officer Leave of Absence Register	Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;	2725447

14.2 2019–2026 GLENELG TOURISM STRATEGY ANNUAL PROGRESS REPORT

CEO: Greg Burgoyne, Chief Executive Officer

Executive Summary

This report provides Council with an overview on the progress of the 2019-2026 Glenelg Tourism Strategy, as per the Council resolution made at the 28 May 2019 Ordinary Council Meeting.

Recommendation

- 1. That Council note the Tourism Strategy Implementation Plan as separately circulated.**
- 2. That Council endorse the Tourism Advisory Committee to continue to oversee the Tourism Strategy Implementation Plan.**
- 3. That an annual report is provided to Council in 2021 outlining the progress associated with the Glenelg Tourism Strategy 2019-2026.**

Background/Key Information:

In 2018, Council's Tourism Advisory Committee reviewed the 2015-2018 Tourism Strategy and developed the framework for renewed Glenelg Tourism Strategy 2019-2026.

At the 28 May 2019 Ordinary Council Meeting, Council resolved the following relating to the Tourism Strategy:

1. That Council endorse the Glenelg Tourism Strategy (2019 – 2026).
2. That officers complete the development of an Implementation Plan related to the key direction areas of the Tourism Strategy.
3. That the Tourism Advisory Committee have oversight of the Implementation Plan.
4. That an annual report is provided to Council outlining the progress associated with the Glenelg Tourism Strategy.

The development of the Implementation Plan was completed during May 2019 and the Tourism Advisory Committee have regularly reviewed this plan. A review of the priorities within the Implementation Plan was completed by the Tourism Advisory Committee in June 2020. This review realigned the actions within the Implementation Plan taking into consideration the changes in the Tourism sector as a result of Covid-19.

14.2 2019–2026 GLENELG TOURISM STRATEGY ANNUAL PROGRESS REPORT

(continued)

a. Council Plan Linkage and Policy Context

Growing Glenelg – Sustaining and growing a diverse economy and social prosperity.

Connecting Glenelg – Connecting people, places and spaces.

Liveable Glenelg – Embracing inclusive, health, sustainable and diverse cultures

Creative Glenelg – Creative, inspired, forward thinking and action orientated.

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Not applicable.

c. Consultation and/or communication processes implemented or proposed

Ongoing reviews of the Tourism Strategy Implementation Plan will be undertaken by Council's Tourism Advisory Committee.

d. Financial and Resource Implications and Opportunities

The implementation of the Glenelg Tourism Strategy has been undertaken within the current Council budget.

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Tourism Strategy Implementation plan progress as at 28 July 2020	2720629

14.3 STRATHDOWNIE DRAINAGE AREA – ADOPTION SPECIAL CHARGE 2020-2021

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to report on the submissions received for the proposed Strathdownie Drainage area Special Charge for 2020/2021 and to recommend that the Special Charge be declared.

Recommendation

That Council declare a Special Charge for the properties located in the constituted Strathdownie Drainage Area for the 2020/2021 Financial Year:

- a. That the Special Charge be declared for defraying any expenses incurred in relation to the operation, maintenance, improvement, and administration of the Strathdownie Drainage Area which Council considers is of special benefit to those persons required to pay the Special Charge.**
- b. That the total estimated revenue in 2020/2021 Financial Year from the Special Charge be \$16,000.00.**
- c. That the Special Charge be due and payable by the 30 September 2020.**
- d. That the rate of ten per cent (10.0%) be specified as the rate of interest set by Council for the purposes of Section 172(2) of the *Local Government Act 1989* and further, that this rate be effective and so set until a new rate of interest is set in accordance with Section 172(2) of the *Local Government Act 1989*.**

Background/Key Information:

The Strathdownie Drainage Area Advisory Committee was established by Council on 22 November 2016. The Strathdownie Drainage Area Advisory Committee is responsible for providing advice to Council on the setting of annual drainage charges and the operation, maintenance and development of the Strathdownie drainage area.

The drainage area contains 173 assessments and covers an area of approximately 51,620 hectares.

At the Council meeting held on Tuesday 23 June 2020, Council resolved to give notice of its intention to consider the declaration of a Special Charge for the properties located in the constituted Strathdownie Drainage area for the 2020/2021 financial year. The Proposed Special Charge will raise \$16,000.00.

14.3 STRATHDOWNIE DRAINAGE AREA – ADOPTION SPECIAL CHARGE 2020-2021

The Special Charge will be calculated by averaging the special charge over the combined Capital Improved Values (CIV) of properties in the Strathdownie Drainage Area. The CIV of an individual assessment is adjusted to reflect the % ownership of the area that falls within the Strathdownie Drainage Area.

Under Sections 163(1A) and 223 of the *Local Government Act 1989* (the Act), any person wishing to make a written submission in relation to Council's proposal to make a declaration of a Special Charge had until 5.00 pm on Friday 31 July 2020 to do so, no written submissions were received.

a. Council Plan Linkage and Policy Context

Liveable Glenelg – Environmental and sustainability issues for farming.

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Sections 163(1A) and 223 of the *Local Government Act 1989*.

Section 172(2) of the *Local Government Act 1989*.

c. Consultation and/or communication processes implemented or proposed

This process was subject to a formal Section 223 process of the *Local Government Act 1989*

d. Financial and Resource Implications and Opportunities

The administration of the special charge is within normal operating budgets and resources.

14.4 DELEGATIONS UPDATE - LOCAL PORT OF PORTLAND AS WATERWAY MANAGER

Director: David Hol, Director Corporate Services

Executive Summary

A review has been undertaken to the *Port Management Act 1995*, and *Port Management (Local Port) Regulations 2015* and the *Marine Safety Act 2010*, this is to ensure staff members have the correct delegation under the most recent updates.

Recommendation

That Council:

- 1. Adopt the Instruments titled Delegation from Waterway Manager (Glenelg Shire Council) to Members of Council staff for Council's role as Waterway Manager and Instrument of Delegation from the Port Manager to Members of Staff;**
 - a. That the Instruments referred to in (1) come into force immediately when the common seal of Council is affixed to the Instruments; and**
 - b. The duties and functions set out in the Instrument referred to in (1) must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 2. That Council note that the Instrument of Sub-Delegation from Local Port of Portland Manager to Members of staff for Council's role as Local Port Manager has been amended and will come into force when it is signed by the Chief Executive Officer on Wednesday 25 August 2020.**

Background/Key Information:

Section 11 of the *Local Government Act 2020* enables Councils to delegate to Council Committees and Staff a diverse range of powers, duties or functions to facilitate the effective and efficient management and operation of municipalities. The Glenelg Shire Council, together with a number of other Victorian municipalities, subscribes to the Maddock's Lawyers Delegations and Authorisations update service.

This review is based on the Maddock's proforma documents with appropriate alterations identified by each Director and their staff.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

**14.4 DELEGATIONS UPDATE - LOCAL PORT OF PORTLAND AS WATERWAY
MANAGER**

(continued)

b. Legislative, Legal and Risk Management Considerations

Section 11 of the *Local Government Act 1989* provides that a Council may by instrument of delegation delegate any power, duty or function of a Council under this Act or any other Act.

The paper is provided to ensure that Council's delegations and authorisations comply with current legislative and organisational requirements and will enable those staff with delegations and authorisations to legally continue to undertake their duties and to deliver Council services.

c. Consultation and/or communication processes implemented or proposed

Council staff listed in the schedule contained in the various Instruments of Delegation were provided with a copy of the draft delegations and authorisations and invited to provide comment prior to finalisation.

Documents are available for staff, and Councillors can view the Delegations prior to being adopted at the Ordinary Council Meeting.

d. Financial and Resource Implications and Opportunities

Resources for preparation and coordination of regular delegation reviews are allowed for within the Corporate Services department and any relevant department.

14.5 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – COUNCIL EXPENSES POLICY

Director: David Hol, Director Corporate Services

Executive Summary

Section 41 of the *Local Government Act 2020* (the Act) Council Expenses Policy, replaces section 75B of the *Local Government Act 1989*, Councillor Reimbursement Policy.

Much like the previous Act, a Council Expenses Policy, under the new Act, outlines the procedures and policy for reimbursement of out-of-pocket expenses of Councillors and Members of Delegated Committees.

Recommendation

That Council adopt the Council Expenses Policy in accordance with Section 41 of the *Local Government Act 2020*.

Background/Key Information:

The *Local Government Act 2020* (the Act) received Royal Assent on 24 March 2020 and will be implemented over four stages.

The following are the key deliverables under the Act by 1 September 2020.

- Governance Rules;
- Expense Policy;
- Delegated Committee and Asset Committees;
- Audit and Risk Committee and Charter; and
- Public Transparency Policy.

To be compliant with the new Act, the Council Expenses Policy needs to:

- Apply to both councillors and members of delegated committees (s 63);
- Include reimbursement of childcare costs and;
- Provide for reimbursement of costs to expenses incurred by those who are carers within the meaning of section 4 of the *Carers Recognition Act 2012*.

14.5 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – COUNCIL EXPENSES POLICY

(continued)

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Section 41 of the *Local Government Act 2020*.

c. Consultation and/or communication processes implemented or proposed

Although the Council Expenses Policy did not require community consultation, in addressing the Overarching Governance Principles, it was decided to consult the community to ensure transparency in its decision making.

Consultation was subsequently undertaken with the Glenelg Shire community members through Your Say Glenelg.

d. Financial and Resource Implications and Opportunities

The direct costs incurred in accordance with this Policy are included in the 2020/2021 Council Budget. The indirect costs of staff time to administer the Policy are included in the salary budgets for the Chief Executive Officer's Department – Council Support.

Separate Circulation – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Draft Council Expenses Policy	815362

14.6 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – PUBLIC TRANSPARENCY POLICY

Director: David Hol, Director Corporate Service

Executive Summary

Section 57 of the new *Local Government Act 2020* requires Council to adopt and maintain a Public Transparency Policy. The Policy must give effect to the transparency principles within the Act and describe the ways in which Council information is to be made publicly available.

Recommendation

That Council adopt the Public Transparency Policy as per the *Local Government Act 2020*.

Background/Key Information:

The new *Local Government Act 2020* has moved from a prescriptive based Act to a principles-based Act and received Royal Assent on 24 March 2020. The Act will be implemented over four stages.

The following are the key deliverables under the Act by 1 September 2020.

- Governance Rules;
- Expense Policy;
- Delegated Committee and Asset Committees;
- Audit and Risk Committee and Charter; and
- Public Transparency Policy.

Section 57 of the new *Local Government Act 2020* requires Council to adopt and maintain a Public Transparency Policy. The Policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct and how council information is made publicly available.

The policy gives effect to the Public Transparency Principles in section 58 of the Act outlining that Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act, or if the public availability of the information would be contrary to the public interest.

The Policy has strong links to Freedom of Information Legislation and identifies a number of documents, publications and website information that will be made publicly available, including but not limited to:

14.6 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – TRANSPARENCY POLICY

- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Grant application, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy;
- Relevant technical reports and / or research that informs decision making;
- Records associated with capital works, engineering and the road network;
- Records of work associated with public events and cultural programs;
- Records of maintenance of parks, gardens, public facilities, street features and amenities;
- Records of administration and enforcement of local laws and acts; and
- Records of land transfers, subdivisions and the history of use of land, roads and lanes.

Public awareness of the availability of Council information will be facilitated when circumstances permit

A draft documented was distributed for community consultation in July 2020. As a result of the feedback, some minor administrative changes were made.

The final draft of the Public Transparency Policy is now presented for Council adoption in accordance with the Act.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Section 57 of the Local Government Act 2020 requires Council to adopt and maintain a Public Transparency Policy on or before the 1 September 2020.

c. Consultation and/or communication processes implemented or proposed

A public consultation process was undertaken through Your Say Glenelg to provide feedback.

d. Financial and Resource Implications and Opportunities

The financial and resources for the development of the Public Transparency Policy is contained within current operating budgets.

14.6 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – TRANSPARENCY POLICY*Separate Circulation – Non-Confidential*

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	ECM
1.	Draft Glenelg Shire Council Public Transparency Policy	2714384

14.7 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – AUDIT AND RISK COMMITTEE

Director: David Hol, Director Corporate Service

Executive Summary

The new *Local Government Act 2020* outlines the requirement for all Councils to establish an Audit and Risk Committee as well as to prepare and adopt an Audit and Risk Committee Charter.

In addition to these requirements, this report also provides for Council to appoint the members to the Audit and Risk Committee and confirms the allowance for the Chairperson and Independent Members for the remainder of the Council term.

Recommendation

That Council,

- 1. Establishes an Audit and Risk Committee in accordance with section 53 of the *Local Government Act 2020*.**
- 2. Approves the Audit and Risk Committee charter.**
- 3. Appoints the following persons as Independent Members of the Audit and Risk Committee:**
 - a. _____
 - b. _____
 - c. _____
 - d. _____
- 4. Appoints the Mayor, Cr Stephens and Cr McDonald as Council representatives to the Audit and Risk Committee.**
- 5. Sets the allowance for the Independent Members as \$ for the Chairperson and \$ for the remaining independent Members.**

Background/Key Information:

The new *Local Government Act 2020* has moved from a prescriptive based Act to a principles-based Act and received Royal Assent on 24 March 2020. The Act will be implemented over four stages.

The following are the key deliverables under the Act by 1 September 2020.

- Governance Rules;
- Expense Policy;
- Delegated Committee and Asset Committees;
- Audit and Risk Committee and Charter; and

147.7 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – AUDIT AND RISK COMMITTEE

(continued)

- Public Transparency Policy.

The Audit and Risk Committee is required to be established under section 53 of the *Local Government Act 2020* (the Act) and is an advisory committee to Council. In accordance with the definition of the Act the Audit and Risk Committee is not a delegated committee.

The Glenelg Shire Council Audit and Risk Committee is a skill-based group and where independent members will possess a range of skills and significant expertise in financial management and public sector management. The committee plays an important role in providing oversight of Glenelg Shire Councils governance, risk management and internal control practices.

The Audit and Risk Committee's role is to monitor, review and advise the Council on matters of accountability and internal control affecting the operations of the Council. The Audit and Risk Committee also exists to assist the Council in discharging its responsibilities for monitoring financial management and reporting, maintaining a reliable system of internal controls, compliance with the *Local Government Act 2020* and fostering the organisation's ethical environment.

The Glenelg Shire Council has maintained an Internal Audit Committee for many years as part of a best practice approach to governance. The new *Local Government Act 2020* now mandates the requirement for all Councils to establish an Audit and Risk Committee as well as to prepare an adopt an Audit and Risk Committee Charter.

Membership of the Internal Audit Committee has in the past been confirmed at the Council meeting at the start of each Council term. As the new Act requires Council to establish an Audit and Risk Committee on or before the 1 September 2020, there is a need to renew these appointments to enable the scheduled September committee meeting to proceed. This report recommends the confirmation of the existing Independent Members and Councillors for this meeting.

Furthermore, Independent Member Mr Peter Green has resigned from the Committee and Council would like to acknowledge and thank him for his services to the committee. Following receipt of his resignation a public advertising period was undertaken and expressions of interest called for a replacement independent member. This report also recommends the appointment of the successful candidate for this vacant role.

With a Local Government Election scheduled in October 2020, the incoming Council will again need to confirm all the above appointments for the new Council term.

The original charter has been reviewed against industry templates and to ensure compliance against the new Act. Minor changes to the charter were undertaken and the updated document referred to existing Internal Audit Committee members, Councillors and distributed for community consultation in July 2020. As a result of the feedback, some further minor administrative changes were made. The final document is now presented for Council adoption in accordance

14.7 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – AUDIT AND RISK COMMITTEE

(continued)

A review of the allowances applicable to Independent Members has been undertaken as part of this process and benchmarked against other similar Committees in operation. As a result, it is recommended that the allowance for Independent Committee members remain as follows:

Financial Year	Chairperson Allowance (per meeting) (ex GST)	Independent Member Allowance (per meeting) (ex GST)
2019/20	\$633	\$570

This report recommends the establishment of the Audit and Risk Committee in accordance with section 53 of the Act by confirming the existing Councillors and Independent Members to the new committee in addition to a new appointment to fill the vacancy of the resignation of an independent member.

A revised Audit and Risk Committee charter is presented for Council adoption in accordance with S54 of the Act.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Section 53 and 54 of the *Local Government Act 2020* outlines the legislative obligations for the establishment of the Audit and Risk Committee and adoption of the Audit and Risk Charter which comes into effect on or before the 1 September 2020.

c. Consultation and/or communication processes implemented or proposed

A public consultation process was undertaken through Your Say Glenelg to provide feedback in relation to the Audit and Risk committee charter.

d. Financial and Resource Implications and Opportunities

The financial and resources for the development and coordination of the Audit and Risk Committee is contained within current operating budgets.

Separate Circulation – Non-Confidential

<i>No.</i>	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Draft Glenelg Shire Council Audit and Risk Committee Charter	2714384

14.8 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – GOVERNANCE RULES

Director: David Hol, Director Corporate Service

Executive Summary

Section 60 of the new *Local Government Act 2020* requires Council to develop, adopt and keep in force Governance Rules. These Rules must be in respect to the conduct of Council meetings and delegated committees, form and availability of meeting records, the election of the Mayor and Deputy Mayor, appointment of any Acting Mayor and processes for Conflict of Interest declarations.

Recommendation

That Council adopt the new Governance Rules as per the *Local Government Act 2020*.

Background/Key Information:

The new *Local Government Act 2020* has moved from a prescriptive based Act to a principles-based Act and received Royal Assent on 24 March 2020. The Act will be implemented over four stages.

The following are the key deliverables under the Act by 1 September 2020.

- Governance Rules;
- Expense Policy;
- Delegated Committee and Asset Committees;
- Audit and Risk Committee and Charter; and
- Public Transparency Policy.

Section 60 of the new act requires Council to develop, adopt and keep in force Governance Rules. These Rules must be in respect to the conduct of Council meetings and delegated committees, form and availability of meeting records, the election of the Mayor and Deputy Mayor, appointment of any Acting Mayor and processes for Conflict of Interest declarations

The Governance Rules must provide for the Council to consider and make decisions on any matter being considered by the Council fairly and on the merits as well as institute a decision making process that any person whose rights will be directly affected by a decision of the council are entitled to communicate their views and have their interests considered.

14.8 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – GOVERNANCE RULES

These Governance Rules have been developed in accordance with the *Local Government Act 2020* and industry templates provided by Local Government Victoria. The Governance Rules will replace the current Meeting Local Law and subsequent meeting procedure document.

A draft documented was put out for community consultation in July 2020. As a result of the feedback, some minor administrative changes were made.

The final draft of the Governance Rules is now presented for Council adoption in accordance with the Act.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Section 60 of the *Local Government Act 2020* requires Council to develop adopt and keep in force Governance Rules on or before the 1 September 2020.

c. Consultation and/or communication processes implemented or proposed

A public consultation process was undertaken through Your Say Glenelg to provide feedback.

d. Financial and Resource Implications and Opportunities

The financial and resources for the development of these Governance Rules is contained within current operating budgets.

Separate Circulation – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Draft Glenelg Shire Council Governance Rules	2726760

14.9 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – COUNCIL COMMITTEES

Director: David Hol, Director Corporate Service

Executive Summary

The new *Local Government Act 2020* outlines the legislative requirements for Council to establish Delegated Committees (section 63) and Community Asset Committees (section 65)

This policy has been developed to provide a consistent approach to the establishment, governance and operations of Council Committees established under the Act as well as any additional advisory committees created to assist Council fulfil its obligations.

Recommendation

That Council adopt the Council Committees Policy as per the *Local Government Act 2020*.

Background/Key Information:

The new *Local Government Act 2020* has moved from a prescriptive based Act to a principles-based Act and received Royal Assent on 24 March 2020. The Act will be implemented over four stages.

The following are the key deliverables under the Act by 1 September 2020.

- Governance Rules;
- Expense Policy;
- Delegated Committee and Asset Committees;
- Audit and Risk Committee and Charter; and
- Public Transparency Policy.

Section 63 of the new *Local Government Act 2020* outlines the legislative obligations for Council to establish a Delegated Committee. Joint Delegated Committees are permissible under section 64 of the Act whilst a Council may also establish Community Asset Committees under Section 65.

The Act does not outline any requirements for Advisory Committees. Current advisory Committees to Council will be reviewed following the establishment of the new Council following the October 2020 elections.

This Policy has been developed to provide a consistent approach to the establishment, appointment of members, powers, review, reporting and support processes in relation to the operation of Council committees established under the Act. Importantly the policy also provides clarification on Conflict of Interest, confidentiality and governance obligations of members of any Council committee.

14.9 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION – COUNCIL COMMITTEES

A draft documented was distributed for community consultation in July 2020. As a result of the feedback, some minor administrative changes were made.

The final draft of the Council Committees Policy is now presented for Council adoption in accordance with the Act.

a. Council Plan Linkage and Policy Context

Leading Glenelg – Create shared visions within the community ensuring agreed outcomes.

b. Legislative, Legal and Risk Management Considerations

Section 63-65 of the Local Government Act 2020 outlines the legislative obligations of Council Committees and comes into effect on or before the 1 September 2020.

c. Consultation and/or communication processes implemented or proposed

A public consultation process was undertaken through Your Say Glenelg to provide feedback.

d. Financial and Resource Implications and Opportunities

The financial and resources for the development and coordination of Council Committees are contained within current operating budgets.

Separate Circulation – Non-Confidential

No.	<i>Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)</i>	<i>ECM</i>
1.	Draft Glenelg Shire Council Committees Policy	2714385

15. URGENT BUSINESS:

16. INDEX – SEPARATE CIRCULATIONS TO REPORTS:

16.1 Separate Circulation to Councillors, CEO, Director and available to the Public

- 13.1 (1) Assembly of Councillors – Councillors and CEO meeting record held on Tuesday 21 July 2020
- 13.1 (2) Meeting Record of the Tourism Advisory Committee meeting held on Tuesday 28 July 2020
- 13.1 (3) Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 28 2020
- 13.1 (4) Assembly of Councillors – Councillors Briefing session meeting held Tuesday 28 July 2020
- 13.1 (5) Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 31 July 2020
- 13.1 (6) Assembly of Councillors – Councillors and CEO Briefing meeting held on Tuesday 4 August 2020
- 13.1 (7) Assembly of Councillors – Councillors and CEO Briefing meeting held on Tuesday 11 August 2020
- 13.1 (8) Assembly of Councillors – Councillors Workshop meeting held on Tuesday 11 August 2020
- 13.1 (9) Meeting Record of the Glenelg Mara Quorin Aboriginal Advisory Committee held on Wednesday 12 August 2020
- 14.2 (1) Tourism Strategy Implementation Plan progress as at 28 July 2020
- 14.5 (1) Draft Council Expenses Policy
- 14.6 (1) Draft Glenelg Shire Council Public Transparency Policy
- 14.7 (1) Draft Glenelg Shire Council Audit and Risk Committee Charter
- 14.8 (1) Draft Glenelg Shire Council Governance Rules
- 14.9 (1) Draft Glenelg Shire Council Committees Policy
- 16.2 'CONFIDENTIAL' Separate Circulation to Councillors and Directors
- 14.1 (1) Councillor and Chief Executive Officer Leave of Absence Register

Recommendation

The documents separately circulated to Councillors, CEO, Directors and to the Public, as listed above, be received.

17. **CLOSURE OF COUNCIL MEETING****Victorian State Legislation Copyright Acknowledgement**

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