



Glenelg Shire Council

Notice of Meeting and Agenda

Council Meeting Tuesday 23 January 2024

Notice is hereby given that a Council Meeting will be held in the Council Chamber, Glenelg Shire Offices, 71 Cliff Street, Portland commencing at **5:30 pm** 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 'G Wood', with a stylized flourish underneath.

Greg Wood
Chief Executive Officer

Date of Issue: Thursday 18 January 2024

Invited: Mayor, Councillor Karen Stephens
Councillor Michael Carr
Councillor Scott Martin
Councillor Alistair McDonald
Councillor Robyn McDonald
Councillor John Northcott
Councillor Gilbert Wilson
Chief Executive Officer, Mr Greg Wood
Director Corporate Services, Mr David Hol
Director Assets, Mr Stuart Husband
Chief Information Officer, Ms Ann Kirkham
Director Community Services, Ms Jayne Miller

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1. PRESENT

2. ACKNOWLEDGEMENT OF COUNTRY

On behalf of this Glenelg Shire Council, I respectfully acknowledge the traditional lands and waters of the Gunditjmara, Jardwadjali and Boandik 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.

3. RECORDING OF MEETINGS

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. Council meetings may be livestreamed and the Chief Executive Officer will enable a copy of the recording to the public.

4. DECLARATIONS OF CONFLICT OF INTEREST

A Councillor or Officer with a conflict of interest in an item on the Agenda must indicate that they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest
- whether their conflict is **general** or **material**; and
- The circumstances that give rise to the conflict of interest.

Declaration of material or general conflict of interest must also be advised by Councillors and Officers at the commencement of discussion of the specific item.

5. RECEIPT OF APOLOGIES

Cr Gilbert Wilson.

6. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Council Meeting held on Tuesday 12 December 2023, as circulated, be confirmed.

7. MANAGEMENT REPORTS

7.1. AUDIT AND RISK COMMITTEE MINUTES 7 DECEMBER 2023

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to enable Council to receive the Minutes of Audit and Risk Committee Meeting held on 7 December 2023.

Recommendation

That Council receives the minutes of the Audit and Risk Committee Meeting held on 7 December 2023.

Background/Key Information:

The role of the Audit and Risk Committee is to monitor, review and advise 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 Audit and Risk Committee Charter requires that the Committee's minutes be presented to Council to ensure that an effective communication mechanism between the Committee and Council occurs and to ensure that the Council is fully informed on the Committee's activities.

The Audit and Risk Committee Meeting held on 7 December 2023 considered the following items:

Item No.	Management Reports (Title)
1.	Election of Audit and Risk Committee Chairperson
2.	Strategic Internal Audit Program Status Update
3.	Industry Update
4.	Internal Audit Report – Climate Change Adaptation
5.	Internal Audit Report – Human Resources Workforce Management
6.	Department of Transport and Planning Information Protection Agreement Audit 2022/2023
7.	Annual update on defined benefits superannuation vested benefit position
8.	Roads to Recovery 2022/2023
9.	Borrowings Policy
10.	Glenelg Shire Council Annual Report 2022-2023
11.	Organisational Enterprise Resource Program (ERP) update
12.	People Matters Survey
13.	Audit and Risk Committee Meeting Schedule for 2024
14.	Information Asset Register
15.	Cyber Crime Action Plan (December 2023)

Item No.	Regular Reports (Title)
1.	Cyber Incident Report
2.	Risk, Workcover and OHS Quarterly Report
3.	Councillors Quarterly Expenditure Report
4.	CEO & EA Expenditure – Credit Card and Reimbursements
5.	Glenelg Shire Council Financial Report September 2023
6.	Internal Audit Action List
7.	Audit and Risk Committee Work Plan Year Ending 2024
Item No.	Confidential Reports (Title)
1.	Council Litigation Matters
Item No.	Other Business
1.	Attestation Report
2.	Project Update – Power BI Report

It is recommended that Council receive the minutes of the Audit and Risk Committee meeting of 7 December 2023.

a. Council Plan and Policy Linkage

Leading Glenelg - Create shared visions within the Community, ensuring agreed outcomes.

Audit and Risk Committee Charter 2023 - 2025.

b. Legislative, Legal and Risk Management Considerations

Under section 53 of the “Act” Council is required to establish an Audit and Risk Committee and operate this committee under specific guidelines.

c. Consultation and/or communication processes implemented or proposed

The minutes from each meeting are provided to the Chairperson of the Audit and Risk Committee to review, prior to being presented to the Audit and Risk Committee members for endorsement at the next available meeting.

d. Financial Implications and Collaboration

The 2023-2024 Council budget contains a provision to support the Audit and Risk Committee and to undertake an internal audit program during the financial year. Management and staff time to support the Committee and internal audit projects is an indirect cost.

e. Governance Principles

Local, regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured.

Collaboration with other Councils (section 109 *Local Government 2020*) and Governments and statutory bodies is to be sought along with Financial and Resource Implications and Opportunities.

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Innovation and continuous improvement is to be pursued. The ongoing financial viability of the Council is to be ensured.

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Public Audit and Risk Committee Minutes 7 December 2023 final [7.1.1 - 59 pages]

Separately circulated as Confidential attachment - Audit and Risk Committee Minutes 7 December 2023.

7.2. COUNCILLORS QUARTERLY EXPENDITURE REPORT

Director: Greg Wood, Chief Executive Officer

Executive Summary

This Quarterly Expenditure Report is presented to the Council Meeting on a quarterly basis in the interests of accountability and transparency.

This report is for Councillor expenditure that has been incurred during the period 1 October 2023 to 31 December 2023.

Recommendation

That Council receives the Councillors quarterly expenditure report for the period 1 October 2023 to 31 December 2023.

Background/Key Information:

In accordance with Section 40 of the *Local Government Act 2020*:

- (1) A Council must reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses which the Council is satisfied -
 - (a) Are bona fide expenses; and
 - (b) Have been reasonably incurred in the performance of the role of Councillor or member of a delegated committee; and
 - (c) Are reasonably necessary for the Councillor or member of a delegated committee to perform that role.

Regulation 14 (db) of the *Local Government (Planning and Reporting) Regulations 2014* requires that expenses, including reimbursements of expenses for each Councillor and member of a Council Committee paid by the Council are to be categorised separately as:

- Travel expenses (Includes remote allowance) – TR;
- Car mileage expenses – CM;
- Childcare expenses – CC;
- Information and communication technology – IC; and
- Conference and training expenses – CT.

Under Section 41(2)(d) of the *Local Government Act 2020*, Council must have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*. This is a new requirement under the *Local Government Act 2020*, therefore is not addressed in *Regulation 10e, f & g* of the *Local Government (Planning and Reporting) Regulations 2020*.

Documentation is required to provide evidence of the expense specifying the business purpose for each claim.

Councillors are also required to maintain a logbook with each entry providing a clear description of the business purpose.

Following is a table of expenditure that has been incurred by Councillors during the period 1 October 2023 to 31 December 2023.

Note: In some instances, journaling of some items may not necessarily appear in the month that they were expended and will appear in the next quarterly report.

Councillor	TR	CM	CC	IC	CT	Grand Total	YTD
Carr				\$372		\$372	\$611
Hawker				\$245		\$245	\$484
Martin	\$1,752			\$372		\$2,124	\$7,277
A McDonald				\$53		\$53	\$53
R McDonald				\$53		\$53	\$53
Northcott	\$101			\$404		\$505	\$744
Smith				\$245		\$245	\$484
Stephens	\$2,802	\$3,569		\$427	\$65	\$6,863	\$15,266
Wilson	\$279	\$357		\$424		\$1,060	\$1,707
Grand Total	\$4,934	\$3,926		\$2,596	\$65	\$11,521	\$26,679

In accordance with Section 39 of the *Local Government Act 2020*, Councillors are entitled to receive an allowance whilst performing their duty as a Councillor. The Mayor or a Deputy Mayor are also entitled to receive a higher allowance with the Mayor being provided full use of a vehicle.

Following is a table of Councillor allowances paid for the period 1 October 2023 to 31 December 2023.

Councillor	Amount	YTD
Carr	\$7,217	\$14,435
Hawker	\$946	\$7,389
Martin	\$9,674	\$36,428
A McDonald	\$5,095	\$5,095
R McDonald	\$5,095	\$5,095
Northcott	\$8,104	\$13,777
Smith	\$1,794	\$11,583
Stephens	\$26,382	\$34,717
Wilson	\$8,104	\$16,438
Grand Total	\$66,930	\$144,956

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

- *Local Government Act 2020* – Section 39 Allowances for Mayors, Deputy Mayors and Councillors.
- *Local Government Act 2020* – Section 40 Reimbursement of Expenses of Councillors and members of a delegated committee.
- Regulation 10 e, f & g of the *Local Government (Planning and Reporting Regulations 2020)*.
- *Carers Recognition Act 2012*.

c. Consultation and/or communication processes implemented or proposed

Councillor Expenditure is reported on a quarterly basis to the Council Meeting and Audit and Risk Committee and the quarterly expenditure is accessible via Council's website.

Councillor Expenditure is also reported annually in Council's Annual Report.

d. Financial Implications and Collaboration

Councillor Allowances and Councillor Expenditure are accounted for in the 2023-2024 Annual Council Budget.

e. Governance Principles

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured.

The ongoing financial viability of the Council is to be ensured.

Attachment List

Nil

7.3. GLENELG SHIRE COUNCIL FINANCIAL REPORT DECEMBER 2023

Director: David Hol, Director Corporate Services

Executive Summary

The financial report is a key document in assuring responsible and responsive governance and decision making. This high-level report is provided to give Council the ability to monitor Glenelg Shire's financial performance.

Recommendation

That Council receives the financial report for the period ending December 2023.

Background/Key Information:

The 2023/24 Annual Budget was adopted by Council on 27 June 2023.

This report provides information on the current status of Council's financial position and performance and includes:

- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Cash Flows; and
- Statement of Capital Works.

The Adopted Budget is the Budget endorsed by Council at the Council Meeting held on 27 June 2023. The Forecast Budget reflects those transactions that were not known at this point in time.

There have been no changes to the forecast budget for income and expenditure from the previous month. As a result the cash position forecast at 30 June 2024 of \$7.7M remains unchanged from the previous month.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

This report is prepared monthly and is in addition to the requirements set out in the *Local Government Act 2020* Division 2, Section 97 where Council is required to prepare a quarterly budget report to be submitted to Council.

Also, in accordance with Division 4, Section 101 Council is required to consider the following Financial Management Principles:

- Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;

- Financial risks must be monitored and managed prudently having regard to economic circumstances.

c. Consultation and/or communication processes implemented or proposed

The finance report is prepared monthly for Council and submitted to the Audit and Risk Committee quarterly.

d. Financial Implications and Collaboration

The resourcing of the preparation of the financial report and year-end audit of the financial statements is provided for in the adopted budget.

The financial report is a key document that is required to monitor Council's budget and financial result.

The financial report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2023/24 budget.

The information in this report contributes to various strategic planning documents under Council's strategic planning framework, including the Annual Budget, Financial Plan and Revenue and Rating Plan.

e. Governance Principles

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Financial Statements 2023 2024 - December 2023 [7.3.1 - 8 pages]

7.4. BORROWINGS POLICY

Director: David Hol, Director Corporate Services

Executive Summary

This report introduces a new Borrowings Policy to assist with prudent financial management obligations of the Glenelg Shire Council and recommends Council adoption of the new Policy.

Recommendation

That Council adopts the proposed new Council Borrowings Policy CPO-CORPS-FI-006.

Background/Key Information:

The purpose of this Borrowing Policy is to establish objectives and principles that outline when it is appropriate for Council to undertake borrowings within a sound financial management framework. This Policy provides clear direction on the authority of Council or Council officers to make borrowing decisions and ensure Council keeps within the relevant prudential requirements provided by State Government.

This Policy will be a key document applied to the preparation and determination of any borrowings in the annual budget and 10-year financial plan. It will also be used when considering new borrowings and refinancing existing borrowings.

The policy assist Council with its statutory obligation for prudent financial management and has been subject to consideration by the Audit and Risk Committee.

The draft policy is now presented for Council adoption.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

In accordance with Division 4, Section 101 of the *Local Government Act 2020*, Council is required to consider the following Financial Management Principles:

1. Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
2. Financial risks must be monitored and managed prudently having regard to economic circumstances.

A Borrowings Policy has been developed to strengthen the management of current and future liabilities of Council. Council will continue to comply with section 104 of the *Local Government Act 2020* by including any proposed borrowings in the relevant Budget.

c. Consultation and/or communication processes implemented or proposed

The Borrowings Policy has been developed taking into account the principles in the Financial Plan 2021-2031 and is closely aligned to several examples from other Local Government bodies.

Council's Audit and Risk Committee have endorsed this Policy for adoption by Council.

d. Financial Implications and Collaboration

The Policy outlines various financial factors to consider for future proposed borrowings.

e. Governance Principles

The ongoing financial viability of the Council is to be ensured.

Attachment List

1. Council Borrowings Policy CPO-CORPS-FI-006 [7.4.1 - 7 pages]

7.5. BORROWINGS IN BUDGET 2023-24

Director: David Hol, Director Corporate Services

Executive Summary

This report is seeking approval for Council to enter into a loan amount of up to \$7,000,000 that will be financed using an existing approved National Australia Bank (NAB) facility combined with an amount financed through Treasury Corporation Victoria (TCV).

In June 2023 Council adopted the Budget for 2023/24 which included an amount of up to \$7M of new borrowings. It is now considered appropriate timing in the financial year for Council to commit to a lending facility for this amount.

A Council resolution is required to approve the borrowing of money in accordance with relevant delegations.

Recommendation

That Council:

- 1. Approves the use of an existing approved loan facility with the National Australia Bank; and**
- 2. Enters into a new loan agreement with Treasury Corporation Victoria for an amount, which combined with the National Australia Bank existing loan, will not exceed \$7,000,000.**
- 3. Authorises the Chief Executive Officer to execute all documents relating to this loan approval.**

Background/Key Information:

Loan borrowings are a legitimate and responsible financial management tool and used as a financing option for capital works projects that are of strategic significance (that could not otherwise be financed from ongoing income sources and provide benefit across generations).

An amount of \$7M was included in the Adopted Budget 2023/24 for new borrowings and is required for expenditure incurred on major projects over the last 5 financial years.

Council's borrowings as of 30 June 2023 were \$678,000.

Whilst Council has included borrowings in the past few years adopted budgets, the loans were not required to be initiated due to the status of the carry forward capital works.

It is now expected that Council will need to access the loan facility in the first quarter of 2024 and subsequently this report seeks Council resolution to initiate the drawing down of the loan as determined for the organisation's cash management obligations.

In January 2020 Council engaged with their contracted banking provider, NAB, to discuss Council's loan requirements for its capital expenditure program as approved in the budget for 2019/2020. A business market loan for a 15 year term was arranged in April 2020, however, as a result of an increase in cash reserves at the end of the financial year 30 June 2020, due to a combination of unexpected grant funds and capital works carry forwards, Council's financial position did not require to access this approved facility at that time. As these circumstances have continued on in recent years the NAB has rolled over the loan facility accordingly.

Glenelg Shire Council has also been approved by the Treasurer of Victoria to borrow funds under the local government loan framework for the TCV. The TCV Borrowing Limit is based on a credit assessment of the Council by the Department of Treasury and Finance. The TCV Borrowing Limit represents the total amount that can be financed from TCV or other financial institutions. This amount is determined by the borrowings amount detailed in the Annual Budget and other financial undertakings including relevant ratio analysis. The terms and conditions of a loan with TCV will require Council to provide security in the form of a charge over the Council's General Rates.

There is a lead time with the establishment of a TCV facility which currently has a more desirable interest rate. The cash management position of the Council at this time may require access to the funds prior to the TCV facility being established.

It is therefore recommended that Council approval be provided to access the loan as outlined in the 2023/24 budget with initial funds being obtained through the NAB loan facility and any further borrowings be considered through the TCV facility when established. The amount to be accessed from the NAB facility will be dependent upon current cash flow variables but will be limited to essential funds only.

At this time, it is not expected that the full amount will need to be accessed during the current financial year given expected expenditure forecasts on the relevant capital projects.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

A Borrowings Policy has been developed to strengthen the management of current and future liabilities of Council. Council will continue to comply with the *Local Government Act 2020* Section 104 by including any proposed borrowings in the relevant Budget.

c. Consultation and/or communication processes implemented or proposed

The Adopted Budget 2023/24 which included the proposed borrowings of \$7M, was subject to community consultation during the release of the Draft Budget in May 2023.

d. Financial Implications and Collaboration

Whilst not a source of income, borrowings can be an important cash management tool in appropriate circumstances.

Borrowings must only be applied for where it can be proven that the total amount of loan borrowings is sustainable in terms of ability to meet future repayments, budgetary constraints and prudential ratios.

e. Governance Principles

The ongoing financial viability of the Council is to be ensured.

Attachment List

Nil

7.6. GOVERNANCE RULES UPDATE

Director: David Hol, Director Corporate Services

Executive Summary

This report provides Council with the results of the community engagement process undertaken on the Glenelg Shire Council draft Governance Rules. The report recommends that Council considers the submissions and adopts the revised Governance Rules with minor amendments to the draft.

Recommendation

That Council:

- 1. Respond to and thank those submitters who took the time to provide a submission on the draft Governance Rules, and**
- 2. Adopts the amended draft Governance Rules attached to this report (attachment 7.6.2).**

Background/Key Information:

The Glenelg Shire Council Governance Rules have been reviewed and benchmarked with similar municipalities with several amendments proposed.

Council at its December 2023 meeting passed a resolution to release the Draft Governance Rules for community consultation from the 15 December until the 10 January. The consultation period was open for a longer period of four weeks to address the timing of the consultation process occurring during the festive period.

The Your Say Glenelg platform received 371 visits on this topic and the proposed draft Governance Rules were downloaded 105 times. At the close of submissions there were 29 submissions received, 25 through the Your Say Glenelg platform and 4 received via direct email. A copy of the submissions are provided in the attachment to this report.

The 29 submissions can be summarised as follows:

- 8 submissions supported the draft proposal
- 13 submissions opposed the changes to question time with some raising concern with other aspects of the Governance Rules
- 2 submissions opposed the proposed question and word limit specifically
- 1 submission supported the proposed question and word limit specifically
- 3 submissions appear to oppose changes to the draft Governance Rules proposal without specific detail
- 2 submissions were regarding other Council matters and did not reference the Governance Rules

Purpose of Council Meetings

A large focus of the submissions received were in relation to the specific changes to the community questions component which have impacted Council meetings in recent times.

The proposed amendments were developed to ensure that the appropriate attention was placed on the business items on the Council agenda which are the purpose of the Council meeting.

It appears that many of the submitters regard Council meetings as a public open forum. This is not the purpose of a Council meeting and constituents are able to contact Councillors and the Council organisation with concerns, complaints, and service requests through various communication channels such as email, phone and post.

Council also currently provides opportunities for members of the public to raise questions and have informal discussions with Councillors and Council staff at listening post sessions. Listening post sessions have been held recently in Merino, Dartmoor, Casterton and Portland. Further Listening posts are being scheduled throughout the Shire and there is an opportunity for members of the public to engage with Councillors and Officers directly at these forums.

Request for operational matters are often able to be responded to more promptly through these normal communication channels rather than a constituent waiting until the next Council meeting to raise their concern. Council meetings are not the appropriate avenue for members of the public to raise operational matters and such requests and should be directed through the standard communication channels.

The role of a Councillor as outlined in the *Local Government Act 2020* includes contribution to the strategic direction of the Council through the development and review of key strategic documents, including the Council Plan. The role of a Councillor does not include any duties of the Chief Executive Officer such as the day-to-day operations of the Council, of which several submissions appear to focus on.

Question Time

In relation to the specific opposition to the word and question limit, the proposal limits questions to 100 words and only 2 questions per person. It is proposed that the 100-word limit per question is adequate and that any questions longer than this are unlikely to be a question but merely contain comment and opinion. 100 words will permit the ability to clearly outline a specific question for Council.

There were submissions suggesting that these changes are being considered due to the behaviour of a small number of people at Council meetings. It is acknowledged that Council has had in place for some time Governance Rules and that meetings were functioning appropriately in the past. Recent actions from some meeting goers appear to have exploited the privilege offered in question time and has resulted in refined rules being proposed to ensure that meetings are conducted in an orderly fashion, that the focus is indeed on the meeting agenda items and that all members of the public are treated equally.

Several of the submissions highlighted concerns with the limited number of questions per person and that this could impact the ability for members of the public to engage with Council. As highlighted earlier in this report, Council meetings are in place for Council to consider Council agenda items and that there are other channels that are better used for public interaction with Councillors and Executive staff. A review of several other Governance Rules in the region highlights a number with only a two-question limit and this proposal is certainly not unique to Glenelg Shire. A two question limit balances permitted public interaction whilst not significantly impacting the purpose of the Council meeting regarding agenda items.

Other factors in the question time proposal relate to the ability of the Chief Executive Officer to disallow questions for various reasons. Much of this provision remains consistent with the current Governance Rules and suggestions from submitters that this provision could be abused does not have any evidential basis. Whilst similar provisions have been in place for many years, there has only been extremely rare occasions where a question has not been permitted and there are no examples provided where these provisions have been applied inappropriately in the past.

This rule was updated to address some potential legal and defamatory circumstances. Council meeting minutes and livestreaming feeds are open public records and Council may be liable where members of the public engage in opinion, comments and allegations which may breach such obligations. The ability to review questions from members of the public prior to them being read out is an appropriate mechanism to prevent inappropriate questions. The Governance Rules provide some rationale as to why such questions would be disallowed which are consistent with other Councils.

The proposed document provides direction and some discretion in relation to those questions that could be disallowed, as it would not be appropriate to cover every possible circumstance.

Although the majority of these exclusions already exist in the current Governance Rules, such as personal hardship and items that could prejudice Council or any person, some minor administrative changes have been undertaken to these sub rules to further clarify that the question will not be read out if these circumstances apply and that questions will only be considered from residents, ratepayers, workers and students from within the Glenelg Shire.

This rule has been improved and now addresses some of the submission concerns by now including a provision where the Chief Executive Officer can offer the questioner alternative or amended wording to enable the question to be asked and meet both the questioners needs and the rule requirements. Subsequently the wording surrounding these provisions has also been updated and clarified.

Some submissions highlighted concerns with rules to disallow a question such as reference to Section 66 of the Act. This feedback is acknowledged, and this sub-rule has been updated to outline that this section of the Act refers to matters discussed where a Council meeting was closed to the public.

The default status for a Council meeting is open to the public unless the circumstances of Section 66 apply.

Additionally, feedback was received on the proposed rule which outlines that questions can be disallowed for questions already answered at the meeting or an earlier meeting.

The submission queried that a member of the public may not be aware of responses at earlier meetings. Subsequently this sub-rule has also been updated to restrict this provision to the most recent 3 Council meetings.

Concern has also been raised regarding the requirement for written questions to be provided by midday on the business day prior to the meeting. This provision is also consistent with many other municipalities and allows informed responses to be prepared. This will reduce the number of questions taken on notice and at times may result in the questions being responded to prior to the Council meeting, particularly where the questions refer to operational matters. Currently questions are provided up to the commencement time of the meeting with only minutes for a response to be considered. There have also been circumstances where members of the public are still writing out their questions after the commencement of the meeting. This provision may also address some concerns identified by submitters who felt that the response provided had not adequately answered their question which has been a criticism in several of the submissions received.

Whilst the release of the agenda to the public is not mandated in the Governance Rules, some submitters raised concern that if the agenda is not being able to be reviewed until the day before the meeting, that this would impact the time available to prepare a written question. These concerns are noted, and Council staff will release the agenda on the Friday as is currently done with Councillors to enable consideration by the public over the weekend prior to the meeting.

The earlier release of the agenda and the proposal to have questions provided in writing in the timeframe prior to the Council meeting will not prevent those that wish to ask legitimate questions of Council in a timely manner, will enable more informed and comprehensive responses and minimises potential legal issues from inappropriate questions and behavior.

The proposal for the Chief Executive Officer (or delegate) to read out the question was identified as a concern from some submitters. The rationale to this proposal is similar to the reasoning to have questions written the day prior to a meeting. The proposal would enable the question to be asked without breaching potential legal and defamatory standards, ensures that the question remains relevant and concise and does not alter from the written question provided. It also restricts those who wish to use question time as a personal platform to push their own narrative and views, impacting the function of the Council meeting.

Some submitters raised concern that this process does not allow the questioner to voice their concerns, seek clarification, debate the response or convey the emotion of the question. Whilst this is acknowledged, the questioner also has the ability to contact Councillors through normal communication channels and express these concerns outside of the formal Council meeting process. A Council meeting is not a forum for members of the public to enter into a debate or argument regarding questions raised.

The proposed rule that provides for the person asking the question to be present at the meeting at the discretion of the Chairperson was also noted as a concern on some submissions. This rule is proposed to ensure that only bon-fide questions are asked and that the name of the questioner is truthful. There are also existing provisions that allow an opportunity for any person to make arrangements for their question to be read out and responded to if they are not able to attend the Council meeting.

It is noted that the provision to have questions provided in writing prior to the Council meeting will largely negate the issues with this proposal and that subject to the written rule being maintained, the requirement for questioners to be present at the meeting of their question has been removed.

Other matters

There were submissions that were comments on the activities of Council and the projects undertaken. One submission commented only on the Councillor Code of Conduct. As these submissions did not relate to the Governance Rules they have not been included in this report.

A few submitters raised concern with the language of the Governance Rules as being authoritarian and not within the community engagement spirit. It is highlighted that most municipalities, including Glenelg Shire, based their Governance Rules on the template provided through legal advisors when the *Local Government Act 2020* came into force. Rules are by their nature somewhat authoritative, and the Glenelg Shire Council Governance Rules are consistent with other municipalities and often have the same wording in some sections. Suggestions that the Glenelg Shire Council Governance Rules are significantly different than that of other Councils is disputed and there have been no examples provided to support this statement.

Specific Items

Some submissions highlighted concerns and suggestions with certain rules within the document and an overview of these specific queries is provided below.

Submission	Response
Request for questions taken on notice to be responded to in 5 working days.	The current Customer Service charter refers to 10 working days. This allows for time to research, consult and provide interim response obligations if unable to meet the 10 day timeframe. A 5 day time frame would likely result in additional interim responses and increase delays and resource allocations.
Request for full responses to Questions of Notice be included.	Some responses may result in several page responses and can also include private information. A summary is recommended, and recipients can share their response if they choose to do so.
Concern that only email option is listed for follow up on any question responded to.	Additional channels of telephone and post have been included in the draft Governance Rules. These would also normally be included in any response provided.
Concern on the timing of the consultation over festive season.	The report highlights the number of visits to the Your say Glenelg website and submissions to this matter, which is considered a good response rate, especially when compared to other consultation responses outside of holiday season. The submission period was longer than usual to accommodate the festive period.

Concern that disallowance of personal hardship questions would be broadly used.	The provision is in place to ensure that issues of a personal nature involving hardship of individuals remain confidential and is not broadcast publicly. This rule is currently in the existing Governance Rules and there is no evidence of it being applied as suggested.
The rule to any other matter would be used to disallow questions.	As highlighted in the report, this is used in regard to such matters which are not able to be publicly discussed. Examples are numerous but include commercial in confidence matters, embargoed issues etc. There again is no evidence of this provision being inappropriately used as suggested in the submission.
Two submissions raised concern with the amendments to have a minimum of three Councillors submit a Motion of Recission.	The proposal is suggested following review of other Governance Rules. One submitter has misunderstood this provision as it still needs to go to a vote whilst the other suggests it is counterproductive. No changes have been included.
A submission opposes this section regarding abstaining on voting.	Whilst the rule simply reflects the legislative obligations regarding councillors abstaining are to be taken as against the motion, the wording has been amended to clarify that a Councillor may vote.
A submission suggested that reading out the name and locality may have domestic or gender violence impacts.	A person's name and their locality are highly unlikely to impact as suggest however changes to this provision to enable the locality to be not stated for security purposes when requested have been included.
A submission opposes the discretion of the chair to enable a submission to Council.	Addressing Council on a submission is not a right and will only be permitted when required by Council. This process does not prohibit Council meeting with community groups outside of a formal Council meeting such as a Councillor briefing.
A submission raised concern on the inability for a member of the public to participate at a meeting virtually.	The current livestreaming process does not support community members participating virtually. Future developments in the livestreaming functionality could be explored should the process be upgraded.
A few submissions raised comment on the 30 minutes allocated to question time.	The 30 minutes has been in place for some time and has been sufficient for the majority of Council meetings. There have been a few instances where this has been extended via Council resolution in recent times.
A submission queries the sub-rule pertaining to outcomes from a Councillor briefing.	It is noted that "outcome" is not the correct terminology in this provision and has been removed.
A submission queried the wording used regarding directing of staff.	The wording is in accordance with the legislative provisions of Section 124 of the <i>Local Government Act 2020</i> .
A submission raised concern about the definition of "present" at a virtual meeting and	The requirements of being "present" at a virtual meeting are outlined in rule 12(4) which were

suggested that the document should specify that Councillors can attend the Mayoral election virtually.	developed following consideration of the Ministerial Guideline for Virtual meetings. Rule 12 includes a meeting of Council. There does not appear to be a need to specify the Statutory meeting as this is also a meeting of Council.
A submission raised concern that the rule does not specify that Conflict-of-Interest provisions apply to Councillor briefings.	The suggestion is noted and the Conflict of Interest obligations have been restated in the relevant section.

In addition to the above recommendations and following feedback from Councillors and staff, a number of wording changes, formatting and typographical amendments have been undertaken that are administrative in nature and do not affect the intent of any rule or provision.

Some paragraphs have also been removed from the original consultation draft which have been considered superfluous. Examples include the rule regarding Foreshadowed Items as the provisions are covered elsewhere within the document. The rule on the revocation of the previous meeting procedure has also been removed as this provision has been covered under the initial Governance Rules.

Minor wording amendments have been undertaken relating to the rules for scheduling meetings, receipt of apologies, and to request attendance at virtual meetings to clarify that these requests are to be referred to the Chief Executive Officer.

Amended wording has been included in the rules for addressing the meeting to clarify circumstances with Councillors with the same surname, to allow presentations of Council to be undertaken within the suspension of standing orders provisions, to clarify the process of a division and when dealing with petitions, and to clarify when Council will request verbal submissions.

After consideration of the submissions received on this matter it is recommended that Council adopt by resolution the draft Governance Rules.

An updated copy of the Governance Rules incorporating all the changes and recommendations outlined in this report is attached for Councillor consideration. It is highlighted that due to the changes, the numbering of the rules will now differ from the consultation draft.

a. Council Plan and Policy Linkage

Our Voice and Action - A highly engaged and capable local government, leading Glenelg to ensure the needs and aspirations of our community are realised.

b. Legislative, Legal and Risk Management Considerations

Section 60 of the *Local Government Act 2020* outlines the obligations of Council Governance Rules.

c. Consultation and/or communication processes implemented or proposed

The Draft Governance Rules were released for Community Consultation from the 15 December until the 10 January 2024.

d. Financial Implications and Collaboration

The costs associated with the review of the Governance Rules is contained within operational budgets.

e. Governance Principles

Council decisions are to be made and actions taken in accordance with the relevant law.

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

1. Combined Submissions including emailed submissions Your Say Glenelg Governances Rules 11 January 2024 [7.6.1 - 19 pages]
2. Draft Glenelg Shire Council Governance Rules as of 19 January 2024 for CM [7.6.2 - 67 pages]

7.7. PRIVATE POOL AND SPA SAFETY UPDATE

Director: David Hol, Director Corporate Services

Executive Summary

The purpose of this report is to brief Council on Glenelg Shire Council's implementation of the swimming pool and spa barrier regulations.

Recommendation

That Council notes the update on the implementation of the Regulations for swimming pool and spa barrier compliance.

Background/Key Information:

In Victoria, the construction and installation of swimming pools, spas and safety barriers and barrier maintenance are all subject to the requirements of the *Building Regulations 2018* (the Regulations).

Swimming pool and spa owners have a legal obligation to ensure that they maintain the effective operation of swimming pool and spa safety barriers. Gates and doors must remain closed, except when entering the pool or spa.

On 1 December 2019, new laws to improve swimming pool and spa safety came into effect in Victoria. This introduced new registration, inspection, and certification requirements for property owners.

These additional new obligations were placed on Councils to resource and manage within their existing budgets and staffing levels.

In 2023 VAGO examined if Councils effectively implemented the private pool and spa safety barrier regulations, releasing a *Regulating Private Pool and Spa Safety* Audit Report.

At present there are 157 pools and spas registered within Glenelg Shire.

For each registration, compliance certificates need to be renewed every four years, with the most recent due date being the 1 June 2023, for pools and spas constructed between 1 July 1994 and the 30 April 2010.

There were 48 pools or spas that met the above criteria and Glenelg Shire staff have been in contact with every owner. A total of 26 of the owners have supplied a compliance certificate, 10 have advised they are arranging for an inspection with a private surveyor, 9 have received an extension to their due date, and 3 have been decommissioned.

Ongoing internal reporting on outstanding compliance certificates is undertaken, ensuring communication with pool and spa owners remain informed when re-certification is due.

The next group of pools and spas due for certification by 1 June 2024 will be those constructed between 1 May 2010 and 30 October 2020. All owners will be individually contacted by staff for compliance prior to this date.

It is recommended that Council note this progress report on the implementation of these Regulations.

a. Council Plan and Policy Linkage

Our Lifestyle, Neighborhood and Culture - Creating enriched and vibrant lives through experiences, safe and well-planned neighborhoods.

Our Health and Wellbeing - Supporting the Glenelg community to thrive by being healthy, inclusive and well.

b. Legislative, Legal and Risk Management Considerations

The Building Regulations 2018 requiring pool and spa safety barriers and continuous barrier maintenance. The 2023 VAGO report makes recommendation that all Councils have procedures on ensuring all owners comply with this legislation.

c. Consultation and/or communication processes implemented or proposed

All pool and spa owners have been individually contacted regarding the updated Building Regulations on requirements for certificates of safety barriers.

d. Financial Implications and Collaboration

There are fees obtained to register the pool or spa which include the lodgment of compliance certificates and inspections. These are to assist in covering costs in Council for managing the Pool and Spa register and compliance.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured.

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Attachment List

Nil

7.8. BUSINESS AND TOURISM AWARDS 2024

Director: Jayne Miller, Director Community Services

Executive Summary

The purpose of this report is to inform Council of the necessity to move the date of the Business and Tourism Awards 2024.

Recommendation

That Council hosts the 2024 Glenelg Shire Council Business and Tourism Awards in August 2024.

Background/Key Information:

The Glenelg Shire Business and Tourism Awards are held every second year to celebrate the remarkable quality and expertise of our local business and tourism sector. The last awards night was a sold out gala evening held at the Portland Yatch Club in May 2022 and the 2024 event is earmarked for May 2024.

<https://www.glenelg.vic.gov.au/Discover-Our-Shire/Annual-Events/Business-and-Tourism-Awards>

There are a number of considerations in Council's ability to deliver the event in May 2024:

- Significant staff shortages in Council's events team
- 23/24 budget shortfall for the event (\$5,000 allocated)
- Short timeframe to plan and deliver a high-quality event in May 2024
- August is better aligned with Victorian Government's 'Small Business Month'

Significant staff shortages in the events team in recent months have had a major impact on the ability of the Council to deliver operational objectives. With very limited capacity it would be increasingly difficult to deliver the event within the current time frame of May 2024. There are also budget concerns, as only \$5,000 has been allocated in the 23/24 budget to deliver the 2024 Business and Tourism Awards. The total cost to deliver the event in 2022 was \$67,000.

Income	
Council	\$35,200
Sponsorship	\$20,500
Ticket Sales	\$11,200
<i>Total</i>	<i>\$66,900</i>

Expenses	
<i>Total</i>	<i>\$66,921.47</i>

The Victorian Government celebrates Small Business Month throughout August. Scheduling the awards at this time would better align the event with statewide business recognition events and festivals. A number of Local Governments across Victoria celebrate small business month and Glenelg Shire could promote the event as part of statewide celebrations. Prior to 2021 Glenelg Shire Council held the Business and Tourism Awards in August for this reason.

a. Council Plan and Policy Linkage

Our Education, Employment and Industry - Adapting and growing a diverse economy to embrace employment of the future and educational opportunities.

b. Legislative, Legal and Risk Management Considerations

Nil.

c. Consultation and/or communication processes implemented or proposed

Nil.

d. Financial Implications and Collaboration

Limited budget allocation in 2023/24 financial year means scheduling the event in the 2024/25 financial year ensures there are sufficient funds available for the event.

e. Governance Principles

The transparency of Council decisions, actions and information is to be ensured.

Attachment List

Nil

7.9. OPERATIONAL SERVICES AGREEMENT - LOCAL PORT OF PORTLAND BAY

Director: Stuart Husband, Director Assets

Executive Summary

This report is to recommend that Council approve the letter of offer to extend the Local Port of Portland Bay operational services agreement. This is an extension to the existing Local Port of Portland Bay operational services agreement between the Department of Transport and Planning (DTP) and Glenelg Shire Council to 30 September 2028.

Recommendation

That Council:

- 1. Endorses the offer to extend the Local Port of Portland Bay operational services agreement to the 30 September 2028.**
- 2. Authorises the Chief Executive Officer to execute all documents relating to this contract.**

Background/Key Information:

Council was appointed as Committee of Management for the Local Port of Portland Bay in 2009 and operates under an operational services agreement. The current Operational Services agreement expired on 31 December 2023, with the Department of Transport and Planning now seeking a 5-year extension to the agreement to the 30 September 2028.

The Local Port of Portland Bay operational services agreement is for the operation and management of the Local Port (Trawler Wharf) and Local Port waters covering the period 2024 - 2028. In renewing the agreement, the Department of Transport and Planning has shown confidence in the Council's ability to effectively manage the Local Port of Portland Bay.

Staffing, administrative costs, training, travel, equipment, daily maintenance and risk management of the Local Port are all contained within the Local Port (Trawler Wharf) budget. These expenses are fully funded by the Department of Transport and the method of funding is set out in Section 8 of the Agreement. Any major or capital works repairs and maintenance required are also funded through the Department of Transport and Planning.

a. Council Plan and Policy Linkage

Our Education, Employment and Industry - Adapting and growing a diverse economy to embrace employment of the future and educational opportunities.

b. Legislative, Legal and Risk Management Considerations

Council has obligations as manager of the Local Port and all facility use under the Guidelines for Port Safety and Environmental Management Plans (2009), *Port Management Act 1995*, *Marine Safety Act 2010* and the *Occupational Health and Safety Act 2004*.

c. Consultation and/or communication processes implemented or proposed

Consultation and communication have been undertaken with the Department of Transport and Planning.

d. Financial Implications and Collaboration

No budget implications to Council.

e. Governance Principles

Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Attachment List

1. Glenelg Shire Operational Services Agreement - Feb 2024 - For signature (1)
[7.9.1 - 52 pages]

8. NOTICES OF MOTION

Nil.

9. URGENT BUSINESS

10. QUESTION TIME

10.1. QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

Nil.

10.2. QUESTIONS FROM THE GALLERY

11. CONFIDENTIAL REPORTS

Recommendation

That the Council Meeting be closed to members of the public pursuant to Section 66(2)(a, e and f) and Section 3(1)(f) of the *Local Government Act 2020*, to consider the following reports:

11.1 Independent Audit and Risk Committee Member Appointment

Recommendation

That the Council Meeting be opened to members of the public.

12. CLOSURE OF COUNCIL MEETING