



Glenelg Shire Council

Minutes of the Ordinary Council Meeting held on

Tuesday 20 October 2020 at 7.00pm

at Portland Customer Service Centre,

Cliff Street Portland

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1. PRESENT:

Cr Anita Rank (Mayor), Cr Chrissy Hawker (Deputy Mayor), Cr Alistair McDonald, Cr Karen Stephens, Cr Geoff White and Cr Gilbert Wilson.

Also, in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Director Corporate Services (Mr David Hol) and Executive Officer Corporate Services (Ms Rachael Fellows).

2. OPENING PRAYER:

The Mayor opened the meeting with the Council Prayer.

3. ABORIGINAL ACKNOWLEDGEMENT:

The Mayor read the Aboriginal Acknowledgement.

4. RECEIPT OF APOLOGIES:

Cr Robert Halliday – non attendee.

5. CONFIRMATION OF MINUTES:

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 22 September 2020, as circulated, be confirmed.

MOTION

MOVED Cr Stephens

That the minutes of the Ordinary Council Meeting held on Tuesday 22 September 2020, as circulated, be confirmed.

SECONDED Cr White

CARRIED

6. DECLARATIONS OF CONFLICT OF INTEREST:

Nil.

7. QUESTION TIME:

Nil.

8. PRESENTATIONS:

Nil.

9. NOTICES OF MOTION:

Nil.

10. DEPUTATIONS:

Nil.

11. PETITIONS:

Nil.

12. COMMITTEE REPORTS:

Nil.

13. ASSEMBLY OF COUNCILLOR RECORDS:

13.1 ASSEMBLY OF COUNCILLORS RECORDS 10 SEPTEMBER 2020 – 8 OCTOBER 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In accordance with the *Local Government Act 1989* (to be repealed on 24 October 2020 under the new *Local Government Act 2020*) Assembly of Councillors records (including records of those titled as committees) must be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 10 September 2020 – Thursday 8 October 2020 (inclusive).

MOTION

MOVED Cr Wilson

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 10 September 2020 – Thursday 8 October 2020 (inclusive).

SECONDED Cr Stephens

CARRIED

Background/Key Information:

The Chief Executive Officer must ensure that a written record is kept of every Assembly of Councillors record (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.*

13.1 ASSEMBLY OF COUNCILLORS RECORDS 10 SEPTEMBER 2020 – 8 OCTOBER 2020 (INCLUSIVE)

(continued)

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.*

The legislative requirement became effective from the 24 September 2010.

This report covers the period from Thursday 10 September 2020 – Thursday 8 October 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:

- Tourism Advisory Committee meeting record held on Tuesday 8 September 2020 (DocSetID: 2738541);
- Casterton Saleyards Advisory Committee meeting record held Monday 14 September 2020 (DocSetID: 2742512);
- Local Port of Portland Advisory Committee meeting record held on Wednesday 16 September 2020 (DocSetID: 2742580);
- Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 22 September 2020 (DocSetID: 2741585); and
- Assembly of Councillors – Councillors and CEO Briefing meeting record held on Wednesday 7 October 2020 (DocSetID: 2747590); and
- Assembly of Councillors – Councillors and CEO Briefing meeting record held on Friday 9 October 2020 (DocSet: 2747940).

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 10 SEPTEMBER 2020 – 8 OCTOBER 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.	Tourism Advisory Committee meeting record held on Tuesday 8 September 2020	2738541
2.	Casterton Saleyards Advisory Committee meeting record held Monday 14 September 2020	2742512
3.	Local Port of Portland Advisory Committee meeting record held on Wednesday 16 September 2020	2742580
4.	Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 22 September 2020	2741585
5.	Assembly of Councillors – Councillors and CEO Briefing meeting record held on Wednesday 7 October 2020	2747590
6.	Assembly of Councillors – Councillors and CEO Briefing meeting record held on Friday 9 October 2020	2747940

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*.

MOTION**MOVED Cr McDonald**

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*.

SECONDED Cr Hawker**CARRIED****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.

14.1 COUNCILLOR AND CHIEF EXECUTIVE OFFICER LEAVE OF ABSENCE REGISTER

(continued)

- (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:

(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;	2747050

14.2 QUARTERLY EXPENDITURE REPORT - COUNCILLORS

CEO: Greg Burgoyne, Chief Executive Officer

Executive Summary

This Quarterly Expenditure Report is presented to the Ordinary 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 July 2020 to 30 September 2020.

Recommendation

That Council receives the quarterly expenditure report – Councillors for the period 1 July 2020 to 30 September 2020.

MOTION**MOVED Cr Stephens**

That Council receives the quarterly expenditure report – Councillors for the period 1 July 2020 to 30 September 2020.

SECONDED Cr Wilson**CARRIED****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 an internal cost allocation for the mayoral vehicle and any remote allowance) – TR
- Car mileage expenses – CM
- CC - Childcare expenses – CC

14.2 QUARTERLY EXPENDITURE REPORT - COUNCILLORS

(continued)

- Information and communication technology – IC
- 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 14 (db) of the Local Government (Planning and Reporting) Regulations 2014*.

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 July 2020 to 30 September 2020.

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	Carer	Grand Total
Halliday				\$398.51			\$ 398.51
Hawker				\$308.58			\$ 308.58
McDonald				\$304.95			\$ 304.95
Rank				\$540.14			\$ 540.14
Stephens	\$400	\$1,419.16		\$925.94			\$ 2,745.10
White				\$297.90			\$ 297.90
Wilson				\$332.96			\$ 332.96
Grand Total	\$400	\$1,419.16	\$0	\$3108.98	\$0	\$0	\$4,928.14

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.

14.2 QUARTERLY EXPENDITURE REPORT - COUNCILLORS

(continued)

Following is a table of Councillor allowances paid for the period 1 July 2020 to 30 September 2020]:

Councillor	Amount
Halliday	8,961.22
Hawker	8,961.22
McDonald	8,961.22
Rank	27,727.74
Stephens	8,961.22
White	8,961.22
Wilson	8,961.22
Grand Total	81,495.06

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

- *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 14 (db) of the *Local Government (Planning and Reporting Regulations 2014)*.
- *Carers Recognition Act 2012*.

c. Consultation and/or communication processes implemented or proposed

Councillor Expenditure is reported on a quarterly basis to the Ordinary Council Meeting and Audit and Risk Committee with the year to date expenditure published on Council's website.

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

d. Financial and Resource Implications and Opportunities

Councillor Allowances and Councillor Expenditure are accounted for in the 2020/2021 Annual Budget.

14.3 GLENELG SHIRE COUNCIL FINANCIAL REPORT AS AT 30 SEPTEMBER 2020

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 30 September 2020.

MOTION**MOVED Cr McDonald**

That Council receives the Financial Report for the period ending 30 September 2020.

SECONDED Cr White**CARRIED****Background/Key Information:**

The 2020/2021 Annual Budget was adopted by Council on 23 June 2020.

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.
- 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**

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.

14.3 GLENELG SHIRE COUNCIL FINANCIAL REPORT AS AT 30 SEPTEMBER 2020

(continued)

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

- (a) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) 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 and submitted to the Audit Committee.

- d. Financial and Resource Implications and Opportunities

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

Separate Circulation – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	September 2020 Financial Report	2746789

14.4 GLENELG SHIRE COUNCIL ANNUAL REPORT 2019-2020

Director: Ann Kirkham, Acting Director Community Services

Executive Summary

The purpose of this report is that Council receive the Glenelg Shire Council Annual Report 2019-2020.

Recommendation

That Council;

1. Consider the Glenelg Shire Council Annual Report 2019-2020; and
2. Note that the Glenelg Shire Council Annual Report 2019-2020 was submitted to the Minister for Local Government in accordance with section 100 (1) of *the Local Government Act 2020*.

MOTION**MOVED Cr Stephens**

That Council;

1. **Consider the Glenelg Shire Council Annual Report 2019-2020; and**
2. **Note that the Glenelg Shire Council Annual Report 2019-2020 was submitted to the Minister for Local Government in accordance with section 100 (1) of *the Local Government Act 2020*.**

SECONDED Cr Hawker**CARRIED****Background/Key Information:**

Council has a statutory requirement to produce an Annual Report each financial year. *The Local Government Act 2020* outlines the key information that must be included and the process that must be adhered to in the development, authorisation and publication of the Annual Report.

The 2019-2020 Annual Report is a key corporate document of Council. It contains Council's Financial Statements, Performance Statement and the achievements delivered under the Council Plan during the financial year - 1 July 2019 to the 30 June 2020.

At its meeting on 22 September 2020, Council adopted 'in principle' the following components of the Annual Report;

1. Annual Financial Statements 2019-2020; and

14.4 GLENELG SHIRE COUNCIL ANNUAL REPORT 2019-2020

(continued)

2. The 2019-2020 Local Government Performance Reporting Framework (including Performance Statement, Service Performance Indicators and Governance and Management Checklist.

A PDF version of the Annual Report was submitted to the Minister of Local Government before the deadline of 30 October 2020.

a. Council Plan Linkage and Policy Context

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

b. Legislative, Legal and Risk Management Considerations

In accordance with section 100(1) of the *Local Government Act 2020*, the Mayor must report on the implementation of the Council Plan by presenting the annual report at a Council meeting open to the public.

c. Consultation and/or communication processes implemented or proposed

A PDF version of the Annual Report was submitted to the Minister of Local Government before the deadline of 30 October 2020.

A 14 day notice period has been provided to the public advising of Councils intention to receive the Annual Report at this meeting of Council. The public notices were adverted in the Casterton News on Wednesday 30 September 2020, and the Portland Observer on Friday the 2 October 2020.

The Annual Report will be distributed to a variety of public and private sector organisations and individuals who have requested that their names be placed on the mailing list. The mailing list is reviewed each year.

The Annual Report will also be available on the Council's website and Customer Service Centre's. A media release will be issued following a resolution of Council to adopt the annual report.

d. Financial and Resource Implications and Opportunities

The direct cost of layout and printing of the annual report has been included in the 2018/19 Council Budget.

Indirect costs include staff time across the organisation.

Separate Circulation – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Glenelg Shire Council Annual Report 2019-2020	

15. CONFIDENTIAL REPORTS:

Nil.

16. URGENT BUSINESS:

Nil.

17. INDEX – SEPARATE CIRCULATIONS TO REPORTS:**17.1 *Separate Circulation to Councillors, CEO, Director and available to the Public***

13.1 (1) Tourism Advisory Committee meeting record held on Tuesday 8 September 2020

13.1 (2) Casterton Saleyards Advisory Committee meeting record held Monday 14 September 2020

13.1 (3) Local Port of Portland Advisory Committee meeting record held on Wednesday 16 September 2020

13.1 (4) Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 22 September 2020

13.1 (5) Assembly of Councillors – Councillors and CEO Briefing meeting record held on Wednesday 7 October 2020

14.3 (1) September 2020 Financial Report

17.2 *'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.

MOTION**MOVED Cr Stephens**

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

SECONDED Cr Wilson**CARRIED**

15 CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.07pm.

I HEREBY CERTIFY THAT PAGES 1 TO 19 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

MAYOR

24 NOVEMBER 2020

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