



Glenelg Shire Council
Minutes of the Ordinary Council Meeting held on
Tuesday 22 September 2020 at 7.00pm at
Portland Customer Service Centre
Cliff Street Portland

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1. PRESENT:

Cr Anita Rank (Mayor), Cr Robert Halliday, 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) and Corporate Governance Coordinator (Ms Kylie Walford).

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:

Nil.

5. CONFIRMATION OF MINUTES:

Recommendation

That the minutes of the Ordinary Council Meeting held on Tuesday 25 August 2020, as circulated, be confirmed.

MOTION

MOVED Cr Stephens

That the minutes of the Ordinary Council Meeting held on Tuesday 25 August 2020, as circulated, be confirmed.

SECONDED Cr Wilson

CARRIED

6. DECLARATIONS OF CONFLICT OF INTEREST:

Nil.

7. QUESTION TIME:

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

Nil.

7.2 QUESTIONS FROM THE GALLERY:

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 13 AUGUST 2020 – 10 SEPTEMBER 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In accordance with the *Local Government Act 1989* (to be repealed on 24 October 2020 under the new *Local Government Act 2020*) Assembly of Councillors records (including records of those titled as committees) must be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 13 August 2020 – Thursday 10 September 2020 (inclusive).

MOTION**MOVED Cr Halliday**

That Council receives the report on Assembly of Councillors Records (including records of those titled as committees) for the period Thursday 13 August 2020 – Thursday 10 September 2020 (inclusive).

SECONDED Cr McDonald**CARRIED**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.*

13.1 ASSEMBLY OF COUNCILLORS RECORDS 13 AUGUST 2020 – 10 SEPTEMBER 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 13 August 2020 – Thursday 10 September 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:

- Meeting Record for the Glenelg Municipal Emergency Management Planning Committee and Glenelg Municipal Fire Management Planning Committee held on Thursday 20 August 2020 (DocSetID: 2730055);
- Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 25 August 2020 (DocSetID: 2732155);
- Assembly of Councillors – Councillors Briefing session meeting held Tuesday 25 August 2020 (DocSetID: 2731252);
- Assembly of Councillors – Councillors Workshop meeting held on Tuesday 8 September 2020 (DocSetID: 2726727); and
- Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 8 September 2020 (DocSetID: 2737075);

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:

- Section 3(1) – Definition of “Assembly of Councillors”;

13.1 ASSEMBLY OF COUNCILLORS RECORDS 13 AUGUST 2020 – 10 SEPTEMBER 2020 (INCLUSIVE)

(continued)

- 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.	Meeting Record for the Glenelg Municipal Emergency Management Planning Committee and Glenelg Municipal Fire Management Planning Committee held on Thursday 20 August 2020	27300055
2.	Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 25 August 2020	2732155
3.	Assembly of Councillors – Councillors Briefing session meeting held Tuesday 25 August 2020	2731252
4.	Assembly of Councillors – Councillors Workshop meeting held on Tuesday 8 September 2020	2726727
5.	Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 8 September 2020	2737075

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;	2737392

14.2 FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2020

Director: David Hol, Director Corporate Services

Executive Summary

The audit of Glenelg Shire Council's Annual Financial Report for the year ended 30 June 2020 has been completed by RSD Chartered Accountants (RSD), the Victorian Auditor General's (VAGO) audit contractor.

Recommendation

1. That Council approve the Financial Report for the year ended 30 June 2020.
2. That Councillors _____ and _____ be authorised to certify the Financial Report; for the year ended 30 June 2020, in their final form after any changes recommended or agreed by the auditor have been made.

MOTION**MOVED Cr McDonald**

1. That Council approve the Financial Report for the year ended 30 June 2020.
2. That Councillors Rank and Stephens be authorised to certify the Financial Report; for the year ended 30 June 2020, in their final form after any changes recommended or agreed by the auditor have been made.

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

The Annual Financial Report is a statutory report and a draft was presented to the Audit and Risk Committee for consideration and discussion at its meeting on 17 September 2020.

Section 132 of the *Local Government Act 1989* requires that Council pass resolutions giving approval 'in principle' to the Annual Financial Report and authorise two Councillors to certify them. Once the resolutions have been passed, the Auditor can then forward the Statements to VAGO for audit clearance and certification.

By giving 'in principle' approval to these Statements, Council is acknowledging that 'in principle' the information presented has been reviewed by it and recommended to it by the Audit and Risk Committee. Following certification by VAGO these Statements form part of Council's Annual Report which is then formally adopted by Council.

If the Financial Report for the year ended 30 June 2020 is substantially changed after being approved 'in principle' by Council, the amended Statements will be returned to Council for re-approval.

14.2 FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2020

(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

Under section 131 of the *Local Government Act 1989*:

Annual report

- (1) A Council must prepare an annual report in respect of each financial year.
- (2) An annual report must contain the following, in respect of the financial year reported on -
 - (c) audited financial statements for the financial year;
 - (e) a copy of the auditor's report on the financial statements prepared under Part 3 of the *Audit Act 1994*;

Section 132 (5) requires 2 Councillors authorised by Council to certify the financial statements.

Under section 133 of the *Local Government Act 1989*:

- (1) A Council must submit the annual report to the Minister –
 - (a) Within 3 months after the end of the financial year reported; or
 - (b) Within any longer period permitted by the Minister in a particular case.

c. Consultation and/or communication processes implemented or proposed

The draft Financial Report and Performance Statement will be presented at the Audit and Risk Committee 17 September 2020. It is proposed that the Audit and Risk Committee will make the following recommendation:

“The Audit and Risk Committee recommends to Council that the Draft Financial Report for the year ended 30 June 2020 be approved ‘in principle’.”

d. Financial and Resource Implications and Opportunities

The Financial Report provides commentary on all material variances (Greater than 10% or \$500K) to the adopted 2019/20 budget.

14.2 FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2020

(continued)

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.	<i>Late attachment will be distributed prior to the Ordinary Council Meeting.</i>	2741277

14.3 LOCAL PORT OF PORTLAND BAY ANNUAL REPORT 2019-2020

Director: Edith Farrell, Director Assets

Executive Summary

This report is to present the Local Port of Portland Bay 2019-2020 Annual Report to Council for endorsement.

Recommendation

1. That the Local Port of Portland Bay Annual Report for 2019-2020, including the audited Financial Statements, be adopted.
2. That a copy of the Local Port of Portland Bay Annual Report 2019-2020 be submitted to the Department of Transport.
3. That Council endorse the Local Port of Portland Bay Annual Report 2019-2020 for publication and printing.

MOTION**MOVED Cr White**

1. **That the Local Port of Portland Bay Annual Report for 2019-2020, including the audited Financial Statements, be adopted.**
2. **That a copy of the Local Port of Portland Bay Annual Report 2019-2020 be submitted to the Department of Transport.**
3. **That Council endorse the Local Port of Portland Bay Annual Report 2019-2020 for publication and printing.**

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

Glenelg Shire Council is Port Manager of the Local Port of Portland Bay and operates the facility under a Management Agreement with the Victorian Government's Department of Transport.

A requirement of the Management Agreement is *"The Port Manager will, no later than 30 September in each year of the Term, prepare and submit to Department of Transport an Annual Report on the outcomes of the previous financial year's Business Plan and Budget"*.

The report covers statutory requirements such as audit certification of financials, the Safety and Environmental Management Plan (SEMP), capital and recurrent works and incident reporting.

14.3 LOCAL PORT OF PORTLAND BAY ANNUAL REPORT 2019-2020

(continued)

a. Council Plan Linkage and Policy Context

The efficient operation of Local Port facilities will continue to enhance the strategic objective of 'Growing Glenelg' – Sustain and grow a diverse economy and social prosperity' in the Glenelg Shire Council Plan.

b. Legislative, Legal and Risk Management Considerations

Council has obligations as manager of the Local Port under the Port Management Act 1995. A requirement of the Management Agreement between Council and the Department of Transport is that an annual report is produced. It also outlines statutory requirements which must be included.

c. Consultation and/or communication processes implemented or proposed

Consultation has been undertaken with Council's Finance Unit as well as Department of Transport regarding format, content and financials.

d. Financial and Resource Implications and Opportunities

The design and publication of the Annual report are covered in the Local Port budget, which is provided by Department of Transport.

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.	Local Port of Portland Bay Annual Report 2019-2020	2724182
2.	Draft Financial Statements for the Local Port of Portland Bay 2019-2020	2741711

14.4 ADOPTION OF 2019-2020 PERFORMANCE STATEMENT AND LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK REPORTS 'IN PRINCIPLE'

Director: Ann Kirkham, Acting Director Community Services

Executive Summary

The purpose of this report is to adopt the 2019-2020 Performance Statement and Local Government Performance Reporting Framework Reports 'in principle' and nominate two Councillors to certify the final statements.

Officer Recommendation:

That Council:

1. Adopt the 2019-2020 Performance Statement and Local Government Performance Reporting Framework Reports 'in principle', subject to any minor administrative changes required by the Audit and Risk Committee, RSD Audit, and/or VAGO;
2. Authorises the Mayor and Chief Executive Officer may certify that the Governance and Management Checklist fairly presents the status of Council's governance and management arrangements;
3. Authorises two Councillors, namely the Mayor and a Councillor Representative of the Audit and Risk Committee, to certify the Performance Statement for the year ended 30 June 2020, in its final form after any changes recommended or agreed by the external auditor have been made, and in the event of any of the above Mayor or Councillors not being available, a Councillor who has been a Mayor of the Glenelg Shire Council is to be authorised as a substitute; and
4. Nominates the Chief Financial Officer, as Principal Accounting Officer to certify the Performance Statement, in accordance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2014*.

14.4 ADOPTION OF 2019-2020 PERFORMANCE STATEMENT AND LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK REPORTS 'IN PRINCIPLE'

(continued)

MOTION

MOVED Cr McDonald

That Council:

- 1. Adopt the 2019-2020 Performance Statement and Local Government Performance Reporting Framework Reports 'in principle', subject to any minor administrative changes required by the Audit and Risk Committee, RSD Audit, and/or VAGO;**
- 2. Authorises the Mayor and Chief Executive Officer may certify that the Governance and Management Checklist fairly presents the status of Council's governance and management arrangements;**
- 3. Authorises Cr Rank and Cr Stephens to certify the Performance Statement for the year ended 30 June 2020, in its final form after any changes recommended or agreed by the external auditor have been made, and in the event of any of the above Mayor or Councillors not being available, a Councillor who has been a Mayor of the Glenelg Shire Council is to be authorised as a substitute; and**
- 4. Nominates the Chief Financial Officer, as Principal Accounting Officer to certify the Performance Statement, in accordance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2014*.**

SECONDED Cr Halliday

CARRIED

Background/Key Information:

The Local Government Performance Reporting Framework (LGPRF) was introduced by the State Government in 2014 to ensure that all Councils are measuring and reporting on their performance in a consistent way.

The 2019-2020 draft Performance Statement and LGPRF Reports (including the Governance and Management Checklist) accompanying this report reflect the results and outcomes for during financial year.

The Framework consists of four indicator sets (Service Performance; Financial Performance; Sustainability; and Governance and Management) and is mandatory for inclusion in the annual report.

14.4 ADOPTION OF 2019-2020 PERFORMANCE STATEMENT AND LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK REPORTS 'IN PRINCIPLE'

(continued)

Mandatory service reporting includes a variety of measures and data for:

- Aquatic facilities;
- Animal Management;
- Food Safety;
- Governance;
- Libraries;
- Maternal Child Health (MCH);
- Roads;
- Statutory Planning; and
- Waste collection.

The results generated from the data collection are transferred into three main documents for inclusion in the Annual Report. These are:

- Performance Report – Report of Operations 2019-2020
- Performance Statement 2019-2020; and
- Governance and Management Checklist.

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

LGPRF reporting is mandatory for all Council's in Victoria under the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2014*.

c. Consultation and/or communication processes implemented or proposed

A six monthly report of results was presented to the Executive Team and Audit and Risk Committee.

The Performance Statement and LGPRF Reports (including the Governance and Management Checklist) will be included in the Annual Report.

14.4 ADOPTION OF 2019-2020 PERFORMANCE STATEMENT AND LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK REPORTS 'IN PRINCIPLE'

(continued)

The LGPRF template will also be submitted to LGV electronically within the nominated timelines for publishing on the 'Know Your Council' website.

The 2019-2020 Performance Statement and LGPRF Reports (including the Governance and Management Checklist) were presented to the Audit and Risk Committee at its meeting on 17 September 2020 with the following resolution;

That the Audit and Risk Committee;

1. *Note and accept the 2019-2020 Performance Statement and LGPRF Reports (including Governance and Management Checklist) for the year ended 30 June 2020 to be approved 'in principle'; and*
2. *Recommend the 2019-2020 Performance Statement and LGPRF Reports (including Governance and Management Checklist) for the year ended 30 June 2020 be presented to Council for adoption in principle, subject to any minor administrative changes required by the Committee, RSD Audit, and/or VAGO.*

d. Financial and Resource Implications and Opportunities

Nil.

Separate Circulations – Non-Confidential

No.	Separate Circulation Title, Date and Author as detailed on the separate circulation (where applicable)	ECM
1.	Draft Report of Operations 2019-2020	2727988
2.	Draft Performance Statement 2019-2020	2727987
3.	Draft Governance and Management Checklist 2019-2020	2727986
4.	Draft Results Exceeding Materiality Threshold 2019-2020	2727989

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) Meeting Record for the Glenelg Municipal Emergency Management Planning Committee and Glenelg Municipal Fire Management Planning Committee held on Thursday 20 August 2020
- 13.1 (2) Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 25 August 2020
- 13.1 (3) Assembly of Councillors – Councillors Briefing session meeting held Tuesday 25 August 2020
- 13.1 (4) Assembly of Councillors – Councillors Workshop meeting held on Tuesday 8 September 2020
- 13.1 (5) Assembly of Councillors – Councillors and CEO Briefing meeting record held on Tuesday 8 September 2020
- 14.4 (1) Draft Report of Operations 2019-2020
- 14.4 (2) Draft Performance Statement 2019-2020
- 14.4 (3) Draft Governance and Management Checklist 2019-2020
- 14.4 (4) Draft Results Exceeding Materiality Threshold 2019-2020

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**

18. CLOSURE OF COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 7.04pm.

I HEREBY CERTIFY THAT PAGES 1-21 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR ANITA RANK
MAYOR

20 OCTOBER 2020

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