

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

Wednesday 2 October 2024

Authorisation of Councillors for Certification of the  
2023/24 Financial Report and Performance Statement

**Additional Council Meeting  
Council Chambers, Leongatha  
Commenced at 2.00pm**



# minutes



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*

## OUR COUNCIL VISION

***We care deeply about our people, the land and future of South Gippsland.***

***Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.***

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



### Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

The Council Meeting is streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

Access to the live stream is available on Council's website – [Link](#).

A copy of the *Policy* is located on Council's website - [Link](#).

## PRESENT

COUNCILLORS:	Councillor Nathan Hersey, Deputy Mayor Councillor Mohya Davies Councillor Scott Rae Councillor Jenni Keerie Councillor John Schelling Councillor Adrian Darakai
NOT PRESENT:	Councillor Clare Williams, Mayor Councillor Sarah Gilligan Councillor Michael Felton
OFFICERS:	Kerryn Ellis, Chief Executive Officer Tony Peterson, Director Sustainable Infrastructure Allison Jones, Director Performance and Innovation Rena Littlejohn, Director Future Communities Rhys Matulis, Manager Governance

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Additional Council Meeting Wednesday 2 October 2024  
Council Chambers, Leongatha, commenced at 2:00pm

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**Kerryn Ellis**  
Chief Executive Officer

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### **Privacy Statement**

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## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

### **1.2. WELCOME TO THE COUNCIL MEETING**

#### ***Public Questions***

For Council Meetings in the Election/Caretaker Period (17 September to 26 October) there will be no public question time.

### **1.3. OPENING PRAYER**

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

#### **1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

#### **1.5. APOLOGIES**

**Councillor Clare Williams and Councillor Sarah Gilligan with leave of Council granted at Council Meeting 11 September 2024.**

**Councillor Felton is an apology**

#### **1.6. CONFIRMATION OF MINUTES**

##### **RECOMMENDATION**

**That the Minutes of the South Gippsland Shire Council Meeting No.498, held on Wednesday 11 September 2024 in the Council Chambers, Leongatha be confirmed.**

##### **RESOLUTION**

**MOVED:** Councillor Keerie

**SECONDED:** Councillor Darakai

**That the Minutes of the South Gippsland Shire Council Meeting No.498, held on Wednesday 11 September 2024 in the Council Chambers, Leongatha be confirmed.**

**CARRIED UNANIMOUSLY**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82)* (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

**Nil**



## 1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- Preparing Reports for Meetings
- Exercise of Delegated Power
- Exercise of a Statutory Function

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Council's *Governance Rules (C82)* can be accessed from Council's Policies webpage.

**Nil**

**2. OBJECTIVE - LEADING WITH INTEGRITY**

**2.1. AUTHORISATION OF COUNCILLORS FOR CERTIFICATION OF THE 2023/24 FINANCIAL REPORT AND PERFORMANCE STATEMENT**

Directorate:	Performance and Innovation
Department:	Financial Strategy

**CHIEF EXECUTIVE OFFICER CERTIFICATION (*Local Government Act 2020, section 304*)**

The Chief Executive Officer certifies that the content within the Council Report *2.1 Authorisation of Councillors for Certification of the 2023/24 Financial Report and Performance Statement* has been checked to ensure it does not contain electoral material and complies with section 304 of the Local Government Act 2020 and Council’s *Election Period Policy (C30)* that relates to the ‘Election Period’.



**Kerryn Ellis**  
**Chief Executive Office**

**Council Plan**

*Objective - Leading with Integrity*

*The 2023/24 Financial Statements and Performance Statement provides an overview of Council’s performance for the 2023/24 financial year and presents fairly, the financial performance and operational position of Council to the community and aligns with the Local Government Act 2020.*

**EXECUTIVE SUMMARY**

The purpose of this report is to authorise two Councillors to certify the performance statement and financial statements in their final form on behalf of Council for the year ended 30 June 2024 in accordance with the requirements of the *Local Government Act 2020*.

It is recommended that Council gives its approval in principle to the draft performance statement and draft financial report for the year ended 30 June 2024 and that Council authorises two Councillors to certify these statements in their final form.

## **RECOMMENDATION**

**That Council:**

- 1. Provides “in principle” approval to the Performance and Financial Statements for the year ended 30 June 2024 as attached to this report;**
- 2. Authorises Mayor Councillor Clare Williams, Councillor Jenni Keerie, member of the Audit and Risk Committee, the Chief Executive Officer, Kerryn Ellis and the Principal Accounting Officer, Taryn Abrahamsson to certify the Performance Statement and Financial Statements on behalf of Council for the year ended 30 June 2024; and**
- 3. Authorises Mayor Councillor Clare Williams and the Chief Executive Officer Kerryn Ellis to certify the Governance and Management Checklist, on behalf of Council.**
- 4. Sends the Annual Financial Statements and the Performance Statement for the year ended 30 June 2024 to the Victorian Auditor-General’s Office (VAGO) for certification;**
- 5. Authorises the Chief Executive Officer to make any administrative and non-material changes to the Statements as recommended by the Victorian Auditor-General’s Office (VAGO);**
- 6. Upon receipt of the Independent Auditor’s Report, include this with the Performance Statement and Financial Statements, combine these documents with the Report of Operations to be endorsed by Council on 16 October 2024, to form the full 2023/24 Annual Report.**

## **RESOLUTION**

**MOVED:** Councillor Hersey

**SECONDED:** Councillor Davies

**That Council:**

- 1. Provides “in principle” approval to the Performance and Financial Statements for the year ended 30 June 2024 as attached to this report;**
- 2. Authorises Mayor Councillor Clare Williams, Councillor Jenni Keerie, member of the Audit and Risk Committee, the Chief Executive Officer, Kerryn Ellis and the Principal Accounting Officer, Taryn Abrahamsson to certify the Performance Statement and Financial Statements on behalf of Council for the year ended 30 June 2024 following a minor administrative change to the document as shown below:  
Section 2. Service Performance Indicators - Aquatic Facilities  
- Comment - change 2023 to 2024;**
- 3. Authorises Mayor Councillor Clare Williams and the Chief Executive Officer Kerryn Ellis to certify the Governance and Management Checklist, on behalf of Council;**
- 4. Sends the Annual Financial Statements and the Performance Statement for the year ended 30 June 2024 to the Victorian Auditor-General’s Office (VAGO) for certification;**
- 5. Authorises the Chief Executive Officer to make any administrative and non-material changes to the Statements as recommended by the Victorian Auditor-General’s Office (VAGO); and**
- 6. Upon receipt of the Independent Auditor’s Report, include this with the Performance Statement and Financial Statements, combine these documents with the Report of Operations to be endorsed by Council on 16 October 2024, to form the full 2023/24 Annual Report.**

**CARRIED UNANIMOUSLY**

## REPORT

In order for the Victorian Auditor General's Office (VAGO) to provide an audit report certifying Council's 2023/24 financial report and performance statement, as per section 99 of the *Local Government Act 2020* (the Act), Council must first provide in principle approval of the statements and authorise two Councillors to certify the statements in their final form.

The draft statements were presented to Council's Audit and Risk Committee on 17 September 2024. VAGO representatives were in attendance and tabled a closing audit report.

Under the provisions of the Act, a Council cannot submit its financial and performance statements to the Auditor-General or the Minister for Local Government (the Minister) unless a resolution has been passed by Council authorising two Councillors to certify the financial statements in their final form (section 99(3) of the Act).

Once the auditor's reports on the performance statement and financial statements have been received by Council, they will be incorporated into the annual report which must be presented at a Council meeting open to the public within 4 months of the end of the financial year, therefore 31 October 2024.

The table below sets out the process:

Process	Date
Draft Audited Financial and Performance Statements presented to Audit and Risk Committee	17 September 2024
Council approval for two Councillors to certify the financial and performance statements in their final form	2 October 2024
Certifications signed by the two nominated Councillors	2 October 2024
Auditor General issues audit reports	Upon receipt of signed certifications
Council meeting to consider Annual Report	16 October 2024

### ***Governance and Management Checklist***

The *Governance and Management Checklist* is in line with the *Local Government (Planning and Reporting) Regulations 2020* and the Act and requires certification by the Mayor and the CEO. It is recommended these certifications are made at the same time as the Financial and Performance Statements.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

The draft audited financial and performance statements were presented to the Audit and Risk Committee on 17 September 2024.

## **RESOURCES / FINANCIAL VIABILITY**

Nil

## **RISKS**

The recommendations in this report comply with the statutory requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

1. Annual Report 2023-24 - Performance Statement & Financial Statements - FINAL DRAFT [2.1.1 - 78 pages]
2. Annual Report 2023-24 - Governance and Management Checklist FINAL DRAFT [2.1.2 - 4 pages]

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 8. Monitoring & Performance Review

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Long-Term Financial Strategies

Annual Budget

Long Term Financial Plan

### **Legislative Provisions**

Local Government Act 2020

Local Government (Planning and Reporting) Regulations 2020

### 3. COUNCILLOR REPORTS

#### 3.1. REQUESTS FOR LEAVE OF ABSENCE

Nil

### 4. URGENT BUSINESS

This section of the Agenda is for urgent business items:

#### 1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's *Governance Rules 2020* (clause 22 - Urgent Business) adopted on 19 October 2022, allows for where a situation has not been provided for under the Governance Rules, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Council Meeting or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor...be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Council's *Governance Rules 2020* (clause 22) will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

Nil

## 5. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

**Nil**



## **6. MEETING CLOSED**

### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 16 October 2024 commencing at 2pm in the Council Chambers, Leongatha.

**The Council Meeting closed at 2.10pm.**

**Confirmed this 16th day of October 2024**

**Councillor Clare Williams, Mayor**