

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Minutes

Wednesday 20 November 2024



Council Chambers, Leongatha
Commenced at 2:00 PM



*South Gippsland
Shire Council*



OUR COUNCIL VISION

We care deeply about our people, the land and the 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 following Strategic Objectives of the Council Plan 2022-2026:

PRESENT

<p>COUNCILLORS:</p>	<p><i>Coastal Promontory Ward</i> Councillor Sarah Gilligan Councillor Steve Finlay Councillor Scott Rae</p> <p><i>Strzelecki Ward</i> Councillor Bron Beach Councillor Nathan Hersey Councillor John Kennedy</p> <p><i>Tarwin Valley Ward</i> Councillor John Schelling Councillor Brad Snell Councillor Clare Williams</p>
<p>NOT PRESENT:</p>	<p></p>
<p>OFFICERS:</p>	<p>Kerryn Ellis, Chief Executive Officer Tony Peterson, Director Sustainable Infrastructure Allison Jones, Director Performance and Innovation Lucas Gardiner, Interim Director Future Communities Rhys Matulis, Manager Governance & Integrity Janice Pouw, Coordinator Governance</p>

Council’s Chief Executive Officer, Kerryn Ellis advised that in accordance with the *Local Government Act 2020*, the CEO is to preside over the meeting as temporary chair until the election of the Mayor.

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Wednesday 20 November 2024
Council Chambers, Leongatha, commenced at 2:00pm

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Kerryn Ellis
Chief Executive Officer

Privacy Statement

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.

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

The CEO as temporary chair advised that in accordance with section 30(2)(c) of the *Local Government Act 2020*, the Councillors have taken their Oath or Affirmation of Office before me at a briefing session.

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

There were no apologies submitted to the meeting.

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No.499, held on 16 October 2024 in the Council Chambers, Leongatha be confirmed.

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Gilligan

That the Minutes of the South Gippsland Shire Council Meeting No.499, held on 16 October 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.

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.

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

Ms Kerryn Ellis, Chief Executive Officer has declared a material conflict of interest in Agenda Item 2.4. Councillor Appointments 2024 – 2025, as one of the Committees relates directly to her role.

2. COUNCIL REPORTS

2.1. TERM OF OFFICE FOR THE MAYOR AND DEPUTY MAYOR

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council is required to abide by the Local Government Act 2020 and Council's Governance Rules when determining the term of office for the Mayor and Deputy Mayor.

EXECUTIVE SUMMARY

For Council to determine the term of office for the Mayor and Deputy Mayor for a term of 1 or 2 years, in accordance with the *Local Government Act 2020 (Act)* and Council's Governance Rules.

RECOMMENDATION

That:

1. **Council determines the Office of the Mayor and Deputy Mayor to be a 1-year or 2-year term; and**
2. **the term of the Mayor and Deputy Mayor will conclude on a day determined by the Council that is as close to the end of the term as possible, unless the Office of the Mayor or Deputy Mayor becomes vacant earlier as prescribed under s.20, s.22, s.26 or s.35 of the *Local Government Act 2020*.**

RESOLUTION

MOVED: Councillor Hersey

SECONDED: Councillor Gilligan

That:

- 1. Council determines the Office of the Mayor and Deputy Mayor to be a 1-year term; and**
- 2. the term of the Mayor and Deputy Mayor will conclude on a day determined by the Council that is as close to the end of the term as possible, unless the Office of the Mayor or Deputy Mayor becomes vacant earlier as prescribed under s20, s22, s26 or s35 of the *Local Government Act 2020*.**

CARRIED UNANIMOUSLY

REPORT

Prior to the election of a Mayor, Council must determine via resolution whether the Mayoral term is to be set for either one or two years in accordance with s26(3) of the *Local Government Act 2020 (Act)*. The term of office set by resolution for the Mayor, will also apply to the term of office for the Deputy Mayor as described in s27 of the Act.

- S.27(2) LGA 2020 - section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

It has been the practice of South Gippsland Shire Councillors to elect the Mayor and the Deputy Mayor for a 1-year term with the next election of the Mayor and Deputy Mayor to be held as close as possible to the end of that 1-year term.

CONSULTATION / COMMUNITY ENGAGEMENT

There was no consultation or community engagement in relation to this report.

RESOURCES / FINANCIAL VIABILITY

There are no resource or financial implications associated with this report.

RISKS

Council would be non-compliant if this item is not considered prior to the election of the Mayor and Deputy Mayor.

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

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Good Governance Framework Not Applicable

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Legislative Provisions

Local Government Act 2020

2.2. ELECTION OF MAYOR

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council is required to abide by the Local Government Act 2020 and Council's Governance Rules (C82) 2022 in the proceedings of appointing a Mayor and Deputy Mayor.

EXECUTIVE SUMMARY

The purpose of this report is to facilitate the election of the Mayor.

Section 25 of the *Local Government Act 2020*, (the Act), stipulates that Councillors must elect a Mayor of the Council, at a meeting that is open to the public. Section 26(1) requires that a Mayor is to be elected no later than one month after the date of a general election.

The election of the Mayor must be chaired by the Chief Executive Officer (CEO), subject to s.25 of the Act and be conducted in accordance with the Council's *Governance Rules (C82)*. Once the Mayor has been elected, they will assume the position of the Chair.

The Chief Executive Officer as temporary chair informed Council that one nomination was received for Cr John Schelling prior to the commencement of the meeting.

Cr Schelling accepted the nomination. There being no further nominations the Chief Executive Officer declared Cr John Schelling Mayor of South Gippsland Shire Council.

RECOMMENDATION

That Council duly elects Councillor < Name > to be appointed as Mayor of South Gippsland Shire Council.

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Hersey

That Council duly elects Councillor Schelling to be appointed as Mayor of South Gippsland Shire Council.

CARRIED UNANIMOUSLY

The Mayor made an acceptance speech and took the chair for the remainder of the meeting.

REPORT

Background

Section 25(3)(a)(b) of the Act states that the CEO presides as Temporary Chair at the Meeting until the Mayor is elected. This is also in accordance with Council's *Governance Rules*, Part B Clause 5.3.

The election of the Mayor will be supervised by Kerry Ellis, the Chief Executive Officer who will be the Returning Officer for this Mayoral election.

Section 26(1) of the Act requires that the election of the Mayor (and Deputy Mayor) is to be elected no later than one month after the date of a general election.

As defined in s.18 of the Act:

1. *The role of the Mayor is to –*
 - a. *chair Council meetings; and*
 - b. *be the principal spokesperson for the Council; and*
 - c. *lead engagement with the municipal community on the development of the Council Plan; and*
 - d. *report to the municipal community, at least once each year, on the implementation of the Council Plan; and*
 - e. *promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and*
 - f. *assist Councillors to understand their role; and*
 - g. *take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and*
 - h. *provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and*
 - i. *perform civic and ceremonial duties on behalf of the Council.*
2. *The Mayor is not eligible to be elected to the office of Deputy Mayor.*

As defined in s.19 of the Act:

1. *The Mayor has the following specific powers –*

- a. *to appoint a Councillor to be the chair of a delegated committee;*
 - b. *to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;*
 - c. *to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.*
2. *An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.*

As per the *Governance Rules*, clause 7.3, all nominations for the office of Mayor can be made by any Councillor and are to be submitted in writing to the CEO prior to the meeting. The nomination form must be seconded by another Councillor prior to it being submitted.

All nominees will indicate their acceptance of the nomination during the meeting. Any nominees not present at the meeting held to elect the Mayor, must have provided their acceptance in writing to the CEO, prior to the meeting.

Once nominations have been accepted, all Councillors contesting the election of the Mayor shall be known as candidates. The CEO will declare nominations closed before the meeting begins. If no nominations are received prior, the CEO will call for nominations at the meeting.

If there is only one nomination, the candidate nominated must be declared to be duly elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.

Section 61 of the Act requires that voting must not be in secret, unless the meeting is closed to the public. Section 62 of the *Governance Rules* requires voting on any matter to be carried out by a show of hands by each Councillor. It is determined by the *absolute majority* which is greater than half the total number of the Councillors present at the meeting. With the exception of the voting method, the general provisions of Council's *Governance Rules* apply in regard to the election of Mayor and counting of votes.

Candidates may address Council for up to three minutes prior to the vote for the election of Mayor being conducted.

The term of office for Mayor will commence on 20 November 2024 upon appointment by Council and will conclude at 6am on a day determined by the Council that is as close to the end of the term as possible.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

The Mayor and Councillors are provided with an allowance to assist them in undertaking their civic duties. Section 39 of the Act sets out the requirements for Councillor allowances.

The Mayoral allowance is higher than the Councillors' allowance to reflect the increased workload and responsibilities required of the Mayor.

These allowances are funded in the annual budget for each four-year term.

RISKS

Council is required by law to elect a Mayor. Failing to appoint a Mayor would result in a breach of the Act.

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

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Legislative Provisions

Local Government Act 2020

2.3. DETERMINATION AND ELECTION OF DEPUTY MAYOR

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

Council is required to abide by the Local Government Act 2020 and Council's Governance Rules if a determination is made to appoint a Deputy Mayor.

EXECUTIVE SUMMARY

The purpose of this report is to determine at a meeting open to the public, if a Deputy Mayor is to be appointed by a resolution of Council. The role of the Deputy Mayor is to assist the Mayor or to represent Council on behalf of the Mayor when required.

Section 20A of the *Local Government Act 2020* (the Act) allows for Council to establish an office of Deputy Mayor by resolution of Council with Part 5 of Council's *Governance Rules (C82)* provides the facilitation for the election of a Deputy Mayor.

The election of the Deputy Mayor will be chaired by the newly elected Mayor in accordance with Council's *Governance Rules*.

 The Mayor asked the Chief Executive Officer if any nominations were received for the Office of Deputy Mayor.

The Chief Executive Officer advised 2 nominations were received prior to the commencement of the meeting.

The Mayor asked the first candidate, Cr Sarah Gilligan if she accepted the nomination. Cr Gilligan accepted the nomination.

The Mayor asked the second candidate, Cr Scott Rae if he accepted the nomination. Cr Rae accepted the nomination.

The candidates were offered the opportunity to address Council in the order in which they were nominated prior to a vote being taken.

Candidate 1 - Cr Gilligan addressed Council.

Candidate 2 - Cr Rae addressed Council.

The Mayor took a vote for the first nominated candidate, Cr Gilligan.

Cr Gilligan receiving a majority of the votes, was duly declared Deputy Mayor of South Gippsland Shire Council.

RECOMMENDATION

That:

- 1. Council determines in accordance with section 20A of the *Local Government Act 2020* that an Office of Deputy Mayor be established; and**
- 2. Council duly elects Councillor <Name> to be appointed as Deputy Mayor of South Gippsland Shire Council.**

RESOLUTION

MOVED: Councillor Rae

SECONDED: Councillor Snell

That:

- 1. Council determines in accordance with section 20A of the *Local Government Act 2020* that an Office of Deputy Mayor be established; and**
- 2. Council duly elects Councillor Gilligan to be appointed as Deputy Mayor of South Gippsland Shire Council.**

CARRIED UNANIMOUSLY

REPORT

Background

Section 26(1) of the Act requires that the election of the Deputy Mayor is to be elected no later than one month after the date of a general election.

If Council determines to appoint a Deputy Mayor, section 27 of the Act indicates that s.25(excluding (3)(a)) and s.26 applies to the election of a Deputy Mayor as if any reference in those sections to the Mayor was a reference to the Deputy Mayor. Council's *Governance Rules* provides the election process for the role.

This role is to deputise for the Mayor, in providing a leadership and formal representational presence at civic, ceremonial and public engagements and to Chair Council Meetings when the Mayor is unavailable.

As defined in s.21 of the Act:

1. *The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—*
 - a. *the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or*
 - b. *the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or*
 - c. *the office of Mayor is vacant.*

The election of a Deputy Mayor is to occur as per part 7 of the *Governance Rules, Determining the election of the Mayor*. All nominations for the office of Deputy Mayor can be made by any Councillor and are to be submitted in writing to the CEO prior to the meeting. The nomination form must be seconded by another Councillor prior to it being submitted.

All nominees will indicate their acceptance of the nomination during the meeting. Any nominees not present at the meeting held to elect the Deputy Mayor, must have provided their acceptance in writing to the CEO, prior to the meeting.

Once nominations have been accepted, all Councillors contesting the election of the Deputy Mayor shall be known as candidates. The CEO will declare nominations closed before the meeting begins. If no nominations are received prior to the meeting, the Chair will call for nominations at the meeting.

If there is only one nomination, the candidate nominated must be declared to be duly elected as Deputy Mayor. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.

Section 61 of the Act requires that voting is to be carried out by a show of hands by each Councillor and is determined by the *absolute majority* which is greater than half the total number of the Councillors present at the meeting. With the exception of the voting method, the general provisions of Council's *Governance Rules* apply in regard to the election of Deputy Mayor and counting of votes.

Candidates may address Council for up to three minutes prior to the vote for the election of the Deputy Mayor being conducted.

If a Deputy Mayor is not elected, then Council will be required to make a Council resolution each time the Mayor is unable to fulfil their role. This may cause problems for the Council if faced with a situation where an Acting Mayor is required at short notice and a resolution is unable to be made at a Council Meeting.

The term of office for the Deputy Mayor will commence on 20 November 2024 upon appointment by Council and become vacant at the time and on the day of the election of the next Deputy Mayor, unless circumstances arise under s.22, s.23 and s.35 of the Act which leads to the position of Deputy Mayor becoming vacant.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

The Deputy Mayor and Councillors are provided with an allowance to assist them in undertaking their civic duties. Section 39 of the Act sets out the requirements for Councillor allowances.

The Deputy Mayor allowance is higher than the Councillors' allowance to reflect the increased workload and responsibilities required to assist the Mayor.

These allowances are funded in the annual budget for each four-year term.

RISKS

Establishing the role of a Deputy Mayor provides Council with leadership and representation in the event the Mayor is incapable for any reason to attend a Council meeting or attend an event on behalf of Council. An issue may occur if Council determines not to appoint a Deputy Mayor and representation is required, as a Councillor may only act as Mayor through a resolution of Council.

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

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Legislative Provisions

Local Government Act 2020

2.4. COUNCILLOR APPOINTMENTS 2024 - 2025

Directorate:	Performance and Innovation
Department:	Governance and Integrity

Council Plan

Objective - Leading with Integrity

This report ensures Councillors are represented on internal and external committees, boards and advisory committees to provide leadership, advocacy, support and active engagement with the community and to have access to relevant strategic advice and information that can inform Council.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider representation appointments of the Mayor and Councillors to internal committees and external committees and organisations.

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At item 1.8, the Chief Executive Officer declared a material conflict of interest in Agenda Item 2.4. Councillor Appointments 2024 – 2025, as one of the Committees relates directly to her role.

The Mayor split the motion into 2 parts with parts 1 and 2 being considered first, then part 3.

RECOMMENDATION

That Council:

- Appoints Councillors to the External and Internal Committees as shown below:**

External Committees	Councillor Representative	Term	Councillor Substitute
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Australian Coastal Council Association	1 Councillor Cr Gilligan	Annual	1 substitute Cr Snell
Municipal Association of Victoria (MAV)	1 nominated Councillor Cr Hersey	2-year term	1 substitute Mayor
Municipal Emergency Management Planning Committee	1 Councillor Cr Snell	Annual	1 Substitute Cr Hersey
Myli Board	1 nominated Councillor Cr Finlay	2-year term	
ONE Gippsland	Cr Hersey	Annual	Cr Rae
Rural Councils Victoria	1 nominated Councillor Cr Rae	2-year term	
South-East Australian Transport Strategy (SEATS)	1 Councillor Cr Schelling	Annual	1 Substitute Cr Rae
Victorian Local Governance Association (VLGA)	1 Councillor Cr Schelling	Annual	

Internal Committees	Councillor Representative	Term of Appointment	Councillor Substitute
Access & Inclusion Advisory Committee	1 Councillor Cr Beach	Annual	1 substitute Cr Williams
Arts Advisory Committee	1 Councillor Cr Beach	Annual	1 substitute Cr Rae

Audit & Risk Committee	2 Councillors Cr Gilligan Cr Finlay	3-year term	Mayor is an ex officio member at meetings and has the right to speak.
Australia Day Awards Committee	Mayor Deputy Mayor	Annual	
South Gippsland Youth Council	1 Councillor Cr Snell	Annual	1 substitute Cr Williams

2. **Formally revokes the Mossvale Park Advisory Committee following the signing of the Memorandum of Understanding with the 'Friends of Mossvale Park' as per this report.**
3. **Appoints Councillors to the CEO Employment and Remuneration Committee**

CEO Employment & Remuneration Committee	3 Councillors Mayor Cr Williams Cr Gilligan	Annual	
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RESOLUTION

The Mayor moved the motion in 2 parts.

MOVED: Councillor Gilligan

SECONDED: Councillor Hersey

That Council:

1. **Appoints Councillors to the External and Internal Committees as shown below:**

External Committees	Councillor Representative	Term	Councillor Substitute
Australian Coastal Council Association	1 Councillor Cr Gilligan	Annual	1 substitute Cr Snell

Municipal Association of Victoria (MAV)	1 nominated Councillor Cr Hersey	2-year term	1 substitute Mayor
Municipal Emergency Management Planning Committee	1 Councillor Cr Snell	Annual	1 Substitute Cr Hersey
Myli Board	1 nominated Councillor Cr Finlay	2-year term	
ONE Gippsland	Cr Hersey	Annual	Cr Rae
Rural Councils Victoria	1 nominated Councillor Cr Rae	2-year term	
South-East Australian Transport Strategy (SEATS)	1 Councillor Cr Schelling	Annual	1 Substitute Cr Rae
Victorian Local Governance Association (VLGA)	1 Councillor Cr Schelling	Annual	

Internal Committees	Councillor Representative	Term of Appointment	Councillor Substitute
Access & Inclusion Advisory Committee	1 Councillor Cr Beach	Annual	1 substitute Cr Williams
Arts Advisory Committee	1 Councillor Cr Beach	Annual	1 substitute Cr Rae
Audit & Risk Committee	2 Councillors Cr Gilligan Cr Finlay	3-year term	Mayor is an ex officio member at meetings and has the right to speak.

Australia Day Awards Committee	Mayor Deputy Mayor	Annual	
South Gippsland Youth Council	1 Councillor Cr Snell	Annual	1 substitute Cr Williams

- 2. Formally revokes the Mossvale Park Advisory Committee following the signing of the Memorandum of Understanding with the 'Friends of Mossvale Park' as per this report.**

CARRIED UNANIMOUSLY

The Chief Executive Officer left the Chamber at 2.26pm

The Mayor then put part 3 to a vote.

Moved: Councillor Williams

Seconded: Councillor Gilligan

- 3. That Council appoints Councillors to the CEO Employment and Remuneration Committee**

CEO Employment & Remuneration Committee	3 Councillors Mayor Cr Williams Cr Gilligan	Annual	
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CARRIED UNANIMOUSLY

The Chief Executive Officer re-entered the Chamber.

REPORT

Background

A number of internal and external advisory groups, boards and committees exist where the Mayor and/or Councillors are invited to participate across a broad interest area. Some of these representational positions have legislated requirements but most operate in an advisory capacity.

Councillors appointed to represent Council, do so to provide leadership, advocacy, support and active engagement with the community and to have access to relevant strategic advice and information that can inform Council.

During the year, Council may nominate to form internal Council advisory and/or delegated committees or give consideration to additional requests for representation on external groups. Any further Councillor appointments arising throughout the year or term of Council will be referred to Council for consideration and determination.

Once appointed there is an expectation and obligation that the nominated Councillor/s will attend as many scheduled meetings as practicable, then report back to Council on their attendance and any significant or noteworthy outcomes; this is usually in the form of a verbal report in the Council Meeting.

A 'substitute' attendance role requires the second Councillor nominated as 'Substitute' to provide back-up support should the first Councillor be unable to attend a meeting. The primary appointed Councillor is to advise the substitute Councillor in advance of the meeting if they are unable to attend.

In 2018 the Active Retirees Advisory Committee originally held 8 meetings per year that were then reduced to quarterly in 2019. Meetings were held until 2020 when the committee ceased operation due to COVID. No further meetings have occurred since that time. It is recommended that this committee be revoked. The Access and Inclusion Advisory Committee as part of their Terms of Reference may consider any future items that would previously have been discussed by the Active Retirees Advisory Committee.

Council officers have assisted the Mossvale Park Advisory Committee to implement their initiative of progressing the change to 'Friends of Mossvale Park' instead of an Advisory Committee of Council. A Memorandum of Understanding between South Gippsland Shire Council and the Friends of Mossvale Park has been prepared and signed. The Mossvale Park Advisory Committee is to be formally revoked by Council resolution.

Report

Council appoints Councillors to internal and external advisory groups, boards and committees at the start of each Council term.

Council is required to nominate a representative for some associations, these are:

- Victorian Local Governance Association (VLGA); and
- Australian Coastal Councils Association

The attachment to this report provides details on each of the committees to inform Councillors on the purpose of each Committee, the frequency and location of the meetings and the number of Councillors recommended to be appointed.

CONSULTATION / COMMUNITY ENGAGEMENT

Councillors have considered and discussed representative appointments at a Councillor briefing.

RESOURCES / FINANCIAL VIABILITY

Funds are allocated in current and forward annual budgets where appropriate for membership fees and any subscriptions required as part of the memberships of the approved committees.

RISKS

The investment of Councillors' time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information and supports Councillors in their community advocacy and leadership roles.

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

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

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

Governance Rules (C82)

Legislative Provisions

Local Government Act 2020

3. 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

4. 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

5. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 27 November 2024 commencing at 2pm in the Council Chambers, Leongatha.

The Council Meeting closed at 2.28pm

Confirmed this 27th day of November 2024

Councillor Schelling, Mayor