



# Minutes

# Council Meeting

Tuesday 30 August 2022 at 1:30 pm

**Cunninghame Room (and by video conferencing)  
Palmers Road Council Building  
55 Palmers Road, Lakes Entrance 3909**

*Councillors*

Crs Mark Reeves (Mayor), Arthur Allen (Deputy Mayor), Tom Crook,  
Trevor Stow (via Microsoft Teams), Mendy Urie and Kirsten Van Diggele.

*Attachments referenced in these minutes can be located in the meeting agenda on East Gippsland Shire Council's website.*

## Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

## Our Strategic Objectives

1. An inclusive and caring community that respects and celebrates diversity.
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
3. A natural environment that is managed and enhanced.
4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
5. A transparent organisation that listens and delivers effective, engaging and responsive services.

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# 1 Procedural

## 1.1 Recognition of Traditional Custodians

Welcome to East Gippsland Shire Council's meeting of Tuesday 30 August 2022.

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawal people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

The East Gippsland Shire Council live streams, records and publishes its meetings via webcasting. During the meeting, any members of the public who are addressing the Council will have their image and comments recorded.

No other person has the right to record Council meetings unless approval has been granted by the Chair.

In line with the *Local Government Act 2020* Councillors are able to attend Council meetings electronically or in person and the meetings will be open to the public via livestreaming.

If Council encounters technical difficulties with the livestreaming during the meeting, we will adjourn until the issue is resolved. If technical issues can't be resolved the meeting may be postponed to a later time or date.

A member's attendance can only be recorded as present at a Council meeting when the member can confirm that they meet all of these criteria:

1. They can hear proceedings;
2. They can see other members in attendance and can be seen by other members;
3. They can be heard (to speak).

I will now confirm with Councillor Stow that he can see, hear and be heard and to note assurance that the location that they are participating from is secure to ensure deliberations are confidential.

Can you see and hear us?

- Can you confirm that the location you are participating from is secure to ensure confidential items are dealt with in a confidential manner?

Councillor Stow confirmed.

## **1.2 Purpose of Meeting**

In accordance with Rule 3.3 of East Gippsland Shire Council Governance Rules, Anthony Basford Chief Executive Officer, in consultation with the Mayor and Councillors, has called an unscheduled Council meeting to consider items relating to Council business.

The Chief Executive Officer as required under Rule 3.3 of East Gippsland Shire Council Governance Rules, has given notice on the Council website of the unscheduled Council Meeting on Tuesday 30 August at 1.30 pm.

## **1.3 Apologies**

Cr Sonia Buckley  
Cr Jane Greacen OAM  
Cr John White

## **1.4 Declaration of Conflict of Interest**

Anthony Basford Chief Executive Officer declared a conflict of interest in item 3.2 *Chief Executive Officer Performance Assessment 2021/22* as a material interest due to the matter relating directly to his employment.

Peter Cannizzaro General Manager Business Excellence declared a conflict of interest in item 3.2 *Chief Executive Officer Performance Assessment 2021/22*, as a general interest due to the matter relating to his direct report at his place of employment.

## **1.5 Next meeting**

The next Council Meeting of Tuesday 6 September 2022 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 1.30 pm.

## 2 Officer Reports

### 2.1 Business Excellence

#### 2.1.1 Revised Governance Rules

Authorised by General Manager Business Excellence

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#### Conflict of Interest

Officers preparing this report have no conflicts of interest to declare.

#### Executive Summary

This report presents to Council the draft revised Governance Rules for consideration and adoption.

When online Council Meetings became a necessity during the pandemic, the Victorian Government approved temporary changes to the legislation to allow Council Meetings to take place online.

The *Regulatory Legislation Amendment (Reform) Act 2022* (the Reform) was assented on 29 March 2022. The Reform amends the *Local Government Act 2020* (the Act) by making permanent the temporary emergency provisions relating to electronic attendance and participation at meetings of Council and Delegated Committees and requires councils to incorporate relevant procedures into the Governance Rules.

The new provisions in the Reform will commence on 2 September 2022 and at the same time the provisions that currently enable virtual meetings (under any conditions), in Part 12 of the Act will be repealed. This means that unless a council's existing Governance Rules already provide for conducting meetings electronically, it will not have the power to hold a 'virtual meeting' until the Governance Rules are amended. This is the case for Council's existing Governance Rules. Consequently, an amendment is necessary.

Section 60(4) of the Act requires community engagement to be undertaken in amending the Governance Rules. Community feedback was sought on the draft revised Governance Rules between 3 – 16 August 2022. None of the feedback received related to the proposed changes to meet the new legislative requirements.

Therefore, it is recommended that Council adopt the draft revised Governance Rules, provided at **Attachment 1**, that enact the legislative changes being:

- amendments to the definitions; and
- the new section 3 'Meeting format and electronic means of communication'.

A tracked changed version is provided at **Attachment 2** for reference.

This will ensure that the conduct of meetings can continue to occur using electronic means of communication after 2 September 2022.

A further review of the Governance Rules, and additional community engagement, will be undertaken to ensure the feedback received to date is appropriately considered, with any future proposed changes presented to Council at a future meeting.

## **Motion**

***Cr Kirsten Van Diggele / Cr Arthur Allen***

### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. notes the legislative amendments commencing 2 September 2022 which require the existing Governance Rules to be updated;***
- 3. notes in amending the Governance Rules, a process of community engagement was undertaken between 3 - 16 August 2022; and***
- 4. adopts the amended Governance Rules that enact the legislative changes only, as provided at Attachment 1.***

**CARRIED**

### 3 Confidential Business

**Cr Arthur Allen / Cr Mendy Urie**

**COUNCIL WILL NOW CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH THE PROVISION OF SECTIONS 66(2) OF THE LOCAL GOVERNMENT ACT 2020 TO CONSIDER ITEMS 3.1 and 3.2**

**CARRIED**

The meeting was closed to the public at 1:42 pm.

Consideration of confidential matters under section 66(2) of the *Local Government Act 2020*.

Deliberations of Council while in closed session are recorded in Council's Confidential Minute Book.

Reports and Attachments are located in Council's Confidential Minute Book.

The meeting was re-opened to the public at 1.56 pm

#### **3.1 Sale of Council Land**

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains Council business information being information that would, if released, prejudice the Council's position in commercial negotiations.

#### **3.2 Chief Executive Officer Performance Assessment 2021/22**

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains personal information that would if released result in the unreasonable disclosure of information about personal affairs.

### 4 Close of Meeting

Cr Mark Reeves declared the Council Meeting closed at 1.57 pm.

Confirmed

Cr Mark Reeves Mayor  
6 September 2022