



SPECIAL MEETING OF COUNCIL

Minutes of the Special Meeting of Council
held at the James Young Room, Lerderderg Library, Bacchus Marsh
on Wednesday 19 July 2017,
at 5.00 p.m.

Members:

Cr. David Edwards (Mayor)	East Moorabool Ward
Cr. Tonia Dudzik (Deputy Mayor)	East Moorabool Ward
Cr. Paul Tatchell	Central Moorabool Ward
Cr. Jarrod Bingham	East Moorabool Ward
Cr. John Keogh	East Moorabool Ward
Cr. Tom Sullivan	West Moorabool Ward
Cr. Pat Toohey	Woodlands Ward

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Community Services

Rob Croxford
Chief Executive Officer

AGENDA

1.	OPENING OF MEETING.....	3
2.	ACKNOWLEDGEMENT TO COUNTRY.....	3
3.	PRESENT	3
4.	APOLOGIES.....	3
5.	DISCLOSURE OF CONFLICT OF INTEREST	4
6.	PRESENTATIONS / DEPUTATIONS	6
7.	BUSINESS.....	7
8.	FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL.....	8
9.	CLOSED SESSION OF THE MEETING TO THE PUBLIC	9
9.1	<i>Confidential Report</i>	<i>9</i>
10.	MEETING CLOSURE	28

1. OPENING OF MEETING

The Mayor, Cr. Edwards, opened the meeting at 5.00 pm.

2. ACKNOWLEDGEMENT TO COUNTRY

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

3. PRESENT

<i>Cr. David Edwards (Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik (Deputy Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
<i>Cr. John Keogh</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
-------------------------	--------------------------------

4. APOLOGIES

<i>Cr. Paul Tatchell</i>	<i>Central Moorabool Ward</i>
--------------------------	-------------------------------

5. DISCLOSURE OF CONFLICT OF INTEREST

Under the Local Government Act (1989), the classification of the type of interest giving rise to a conflict is; a direct interest; or an indirect interest (section 77A and 77B). The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 set out the requirements of a Councillor or member of a Special Committee to disclose any conflicts of interest that the Councillor or member of a Special Committee may have in a matter being or likely to be considered at a meeting of the Council or Committee.

Definitions of the class of the interest are:

- a direct interest
 - (section 77A, 77B)
- an indirect interest (see below)
 - indirect interest by close association (section 78)
 - indirect financial interest (section 78A)
 - indirect interest because of conflicting duty (section 78B)
 - indirect interest because of receipt of gift(s) (section 78C)
 - indirect interest through civil proceedings (section 78D)
 - indirect interest because of impact on residential amenity (section 78E)

Time for Disclosure of Conflicts of Interest

In addition to the Council protocol relating to disclosure at the beginning of the meeting, section 79 of the Local Government Act 1989 (the Act) requires a Councillor to disclose the details, classification and the nature of the conflict of interest immediately at the beginning of the meeting and/or before consideration or discussion of the Item.

Section 79(6) of the Act states:

While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view of hearing of the room.

The Councillor is to be notified by the Mayor or Chairperson of the special committee that he or she may return to the room after consideration of the matter and all votes on the matter.

There are important reasons for requiring this disclosure immediately before the relevant matter is considered.

- Firstly, members of the public might only be in attendance for part of a meeting and should be able to see that all matters are considered in an appropriately transparent manner.
- Secondly, if conflicts of interest are not disclosed immediately before an item there is a risk that a Councillor who arrives late to a meeting may fail to disclose their conflict of interest and be in breach of the Act.

Nil.

6. PRESENTATIONS / DEPUTATIONS

The Council has made provision in the business of the Special Meeting of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Presentations or deputations are required to be conducted in accordance with the requirements contained within the **Presentation/Deputations Protocols and Procedural Guidelines**.

Persons wishing to make a presentation or deputation to the Council on a matter included in the agenda shall inform Council by 1pm on the Friday prior to the meeting by contacting the Chief Executive Officer's Office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address the Council on the item. No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

List of Persons making Presentations/Deputations other than in relation to a planning item listed on the agenda:

Item No	Description	Name	Position
-	-	-	-

List of Persons making Presentations/Deputations to a planning item listed on the agenda:

Individuals seeking to make a presentation to the Council on a planning item listed on the agenda for consideration at the meeting will be heard by the Council immediately preceding consideration of the Council Officer's report on the planning item.

Item No	Description	Name	Applicant/ Objector
-	-	-	-

7. BUSINESS

Nil.

8. FURTHER BUSINESS AS ADMITTED BY UNANIMOUS RESOLUTION OF COUNCIL

Nil.

9. CLOSED SESSION OF THE MEETING TO THE PUBLIC**9.1 Confidential Report****Resolution:****Crs. Sullivan/Dudzik**

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act 1989 (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;*
- (b) the personal hardship of any resident or ratepayer;*
- (c) industrial matters;*
- (d) contractual matters;*
- (e) proposed developments;*
- (f) legal advice;*
- (g) matters affecting the security of Council property;*
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;*
- (i) a resolution to close the meeting to members of the public.*

CARRIED.

Item 9.1 is a confidential item and
therefore not included
as part of these Minutes.

Resolution:**Crs. Toohey/Bingham**

That a public version of the report considered in the confidential section of the agenda relating to a Councillor Support and Assistance Program be re-presented in the public section of the agenda having regard to personal and sensitive information.

CARRIED.**9.1 Councillor Support and Assistance Program 2017/18****Introduction**

Author: Rob Croxford

Background

The Council was sworn in on 4th November last year and the past nine months have been fast paced.

The role of a Councillor has always been a challenging one – balancing Council rules, policies and procedures with the expectations of constituents.

Local elected leaders have new and increasing pressures due to the complex nature of Councils and the work they do, plus external factors such as changing local government and planning legislations, financial constraints, governance reviews and government reform agendas.

Newly elected Councillors come from a range of diverse backgrounds and bring different and valuable skills to the Council team.

As such, consideration has been given to the preparation of a Councillor Development and Assistance Program for 2017/18.

Proposal**Program Intent**

The intent of the proposed Councillor Development and Assistance Program is to support skill acquisition, establish and promote a positive culture, along with offering workplace (OHS) and counselling options.

The program will also aim to ensure that good governance is instituted which is demonstrated in decision-making, compliance with legislation and constructive relationships.

Program Framework

It is proposed that the Councillor Development Program comprise of six pillars. These are:

1. Leadership and team development programs
2. Governance support
3. Conflict management programs and dispute resolution
4. Individual personal and workplace counselling
5. Councillor mentoring and support
6. Specific skill acquisition and formal learning

1. Leadership and Team Development Programs

It is important for the Councillor team to work together for the benefit of the communities across the Shire. It is normal for tensions and disagreements to occur, however an understanding of team dynamics, different personalities, styles and team building is invaluable in delivering good governance.

Several providers have been sourced and feedback from councillors is sought on the benefit of participating in a program and the preferred provider.

Three options have been sourced for consideration from which have previously worked with local government.

- i. Leading Teams have been developing high performing teams and leaders for over 20 years. Leading Teams facilitators specialise in the delivery of culture change, leadership and team development programs that create high performing teams. Their clients include Knox City Council, Surf Coast Shire Council and East Gippsland Shire Council.
www.leadingteams.net.au
- ii. Australian School of Applied Management provides a range of services aimed at increasing the effectiveness of organisations and enhancing their leadership and management capacity. They can tailor leadership programs for executive teams to assist them to work more effectively together. Their clients include Wyndham City Council.
www.asam.edu.au
- iii. Leadership Victoria can develop a tailored leadership development program to meet the needs of Councillors. Duration, scheduling and content of sessions will be determined in consultation with clients. Programs aim to assist participants to lead with authority, support effective decision-making and build relationships. Their clients include City of Casey.
www.leadershipvictoria

2. Governance Support

The Meeting Local Law is complex and formal meeting procedures are sometimes difficult to follow. Officers also have an obligation to schedule meetings and provide quality objective reports for Councillor's consideration.

It is suggested that a short term resource be appointed to advise and review the operation of Council and Committee Meetings and Assemblies with a view to improving governance process and outcomes.

Two options have been identified:

- i. Discussions have been initiated with Terry Bramham in relation to undertaking a governance monitoring role. Terry works for Macquarie Local Government Lawyers and has extensive experience in offering Councils and Councillors governance advice within the sector. His role would be to observe Council Meetings with the objective to provide feedback regarding performance. In addition to working with Councillors, Terry would also review Officer reports to assess whether these are meeting the needs of Council. It is anticipated that Terry would be engaged over the next 3-4 months.
- ii. Embassy Vic offers both governance support and facilitated workshops for Councillors focused on building constructive relationships, creating unified messages and strategy development. Contact has been made with Embassy Vic's Lisa Mahood, one of its Directors. Lisa has extensive experience working in local government including 17 years as a Councillor. Lisa is available to assist as required

3. Conflict Management and Dispute Resolution

Where Councillors believe that mediation or conflict resolution support services are required, three service providers have been identified for consideration.

These options will enable Councillors to utilise more informal mechanisms as a preliminary step in dispute resolution.

It is important to note that they do not replace the process available to Councillors as outlined in the Councillor Code of Conduct, but offer another option prior to initiating the formal process nominated within the Code.

In the event the Mayor is unable to negotiate agreement between the Councillors the service providers listed below could also be engaged by the Mayor or Councillors in dispute as an informal measure. Failing that the formal process is implemented.

- i. Relationships Australia has been a major player in the growth of professional mediation services in Australia over the past 20 years. A consistent sponsor and board member of the National Mediation

Conference they are both a significant provider and educator in mediation and conflict management. Their mediators are nationally accredited. They are experienced in conducting dispute resolution in a range of settings with specialised training and experience in workplace mediation. They also provide training in conflict management.

www.accessresolve.com.au/services/conflict-management/

- ii. Workplace Conflict Resolution is a division of Workplace Harmony Solutions, specialising in conflict management training, bullying and harassment training, grievance and workplace investigations and workplace mediation. Their mediators are nationally accredited. Training programs include a range of preventive and proactive options that they can tailor according to the workplace culture and current needs of the organisation.
www.workplaceconflictresolution.com.au
- iii. iHR Australia's mediators are specialists in assisting parties to explore their conflict in depth, think about options, consider alternatives and decide on the best way forward. Their mediation services are delivered by professional mediators with extensive experience within a range of organisations and industries.
www.irhaustralia.com

4. Individual Personal and Workplace Counselling

Council has an obligation under the OHS Act (2004) to provide a safe workplace for all of its employees. Councillors are defined as an employee under the Act and Council/CEO must ensure that any issues that may compromise the health and safety of Councillors need a timely response.

Council staff currently have access to a range of employee assistance program (EAP) providers who are located within the Shire as well as in Melton and Ballarat.

In determining service delivery options for Councillors, it was considered important to separate providers who were available for internal staff and those available for Councillors.

In line with our EAP arrangements for staff, Councillors will be offered three sessions if needed on a fee for service basis. Where further sessions are required, the counselling service engaged will request additional sessions. Confidentiality will be maintained throughout the process with a number being attached to the delivery of individual sessions. The counselling service will confidentially contact the CEO and a number will be created for the purposes of invoicing.

- i. Relationships Australia EAP program provides a set of professional services designed to maintain and improve the healthy functioning and productivity of workplaces. Counselling sessions under Relationships Australia EAP programs are 'solution focused'. In the first instance counsellors assist clients to define the underlying or dominant issues affecting them. Counselling sessions take place at one of their dedicated centres. They have centres in Ballarat and Sunshine.

Clients can usually stipulate whether they prefer a female or male counsellor.

www.accessresolve.com.au

Contact number: 1300 364 277

- ii. Aspire Health & Psychology are based in Newport specialising in both personal and workplace counselling. They have recognised that over recent years that more and more individuals are experiencing high levels of stress and conflict in the workplace. If not managed effectively, this can have detrimental effects on both the staff member and the company as a whole. Counselling services are focused on improving relationships, and resolving workplace conflict. Other areas of focus include stress management as well as looking at personal issues affecting productivity and wellbeing.
www.aspireonline.com.au/workplace-counselling/
Contact number: 9391 9866
- iii. LifeWorks promotes positive relationships within the workplace by delivering professional counselling services for Employee Assistance Programs. The service offers initial support and assistance to individuals and groups of employees who have personal and/or work related issues that may impact on their well-being, work performance, safety, individual and workplace morale and psychological health. Common work issues include problems with performance, relationships between co-workers, bullying and harassment, conflict and anger management, career change, work related stress.
www.lifeworks.com.au/eap
Contact number 1300 543 396

5. Councillor Mentoring and Support

As mentioned earlier in the report, the fast pace and complexity of local government can impact personally on Councillors.

It is suggested that a mentoring resource be established for Councillors to make confidential contact with and engage services that range from personal support, councillor development and strategies for dealing with stress and complexity.

Generally after a series of structured sessions the arrangements become less formal and occur on an as needed basis.

Three options have been investigated:

- i. Lisa Mahmood from Embassy Vic has offered to provide one on one support to Councillors through the provision of mentoring. She has previously worked with Councillors as a personal sounding board, and has 17 years' experience as a Councillor and 6 years' experience as a Mayor. She uses this experience to assist Councillors to develop strategies, find solutions, refocus and achieve outcomes. Her mentoring services are a mixture of face to face meetings, phone calls and emails. She has agreed where required to deliver a tailored program for individuals.

- ii. The CEO has made contact with MAV to discuss mentoring support for Councillors. Once available this information will be documented as part of the mentoring options.
- iii. Councillors have previously sourced their own mentors and this model can continue to be supported.

6. Specific Skill Acquisition and Formal Learning

As mentioned in the background section, Councillors have new and increasing pressures due to the complex nature of Councils and the work they do.

Previous experience suggest that the areas that are most difficult to understand quickly include:

- Land Use Planning
- Financial Management
- Social Media

Short courses and training is available for specific skill acquisition. Further, formal diplomas can be studied for a more wholesome understanding of local government.

Information is regularly circulated via the Councillor Information Bulletin and Councillors are encouraged to avail themselves of the externally run programs by requesting participation via the CEO.

Related Council Documents

The Councillor Development and Assistance Program needs to be considered in the context of expense and entitlement policies, the code of conduct, media policy and OHS regulations.

As such, a more detailed review will be undertaken of the following documents following decisions made by the Council at this meeting.

- Councillor Code of Conduct
- Moorabool Shire Council Occupational Health & Safety Policy
- Councillor Expense & Entitlements Policy.
- Media policy
- Communications Strategy

Policy Implications

The proposed Council Plan 2017 – 2021 provides as follows:

Strategic Objective	Providing Good Governance & Leadership
Context	Our People
Action	Councillor Development

Financial Implications

Depending on need and take up of the program elements the financial implications will vary.

A budget allocation has existed for some years that has traditionally been underspent.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Poor Governance	The Council Plan sets out: <ul style="list-style-type: none"> • Poor strategic direction • Poor decision making and outcomes for the community • Lack of accountability to the community 	Medium	Training and development of Councillors and Officers

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Councillors	Telephone discussions and Council Report	Various	17.07.17	TBA

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Author –Rob Croxford

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Councillors are presented with a suggested Councillor Development and Assistance Program for 2017/18 to enhance good governance.


Recommendation:

1. **That Terry Bramham of Macquarie Local Government Lawyers be appointed as a governance advisor for the period 19 July 2017 to 30 October 2017.**
2. **That the CEO be advised on the merits of councillor participation in a leadership and team development program.**
3. **That the CEO coordinate a system that enables Councillors to avail themselves of counselling and mentoring support.**
4. **That support services to Councillors specifically excludes the provision of legal advice.**
5. **That a further report be presented on the implications for the existing governance framework that includes Expense and Entitlement Policy, the Code of Conduct, Media Policy and OHS Policy.**

Report Authorisation

Authorised by:

Name: Rob Croxford
Title: Chief Executive Officer
Date: 14 July, 2017



10. MEETING CLOSURE

The meeting closed at 5.47pm.

Confirmed.....Chairperson.