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| **AGENDA**    **Special Council Meeting**  **Wednesday, 24 February 2021** | |
| **I hereby give notice that a Special Meeting of Council will be held on:** | |
| **Date:** | **Wednesday, 24 February 2021** |
| **Time:** | **6.00pm** |
| **Location:** | **Online** |
| **Derek Madden**  **Chief Executive Officer** | |

**Order Of Business**

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[2 Acknowledgement of Country 5](#_Toc63942901)

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1 Opening of Meeting and Prayer

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

2 Acknowledgement of Country

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Aboriginal Elders of other communities who may be here today.

3 Recording of Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting will be livestreamed.

Present

5 Apologies

6 Disclosure of Conflicts of Interest

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

* A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member’s private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
* A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council’s Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a Councillor, any other meeting conducted under the auspices of the Council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a Council decision, for example, issuing a planning permit.

7 Community Strengthening Reports

7.1 Community Engagement Policy 2021

**Author: Kristian Brudenell, Senior Community Engagement Officer**

**Authoriser: Sally Jones, General Manager Community Strengthening**

**Attachments: 1. Community Engagement Policy 2021 (under separate cover)**

**Purpose**

The purpose of this report is to seek adoption of Council’s Community Engagement Policy 2021.

**Executive Summary**

* The recently introduced *Local Government Act 2020* (the Act) requires Council to adhere to numerous new prescribed community engagement obligations.
* *Local Government Act 2020* states that Council must adopt the first community engagement policy under this section on or before 1 March 2021.
* It is recommended that Council adopts the Community Engagement Policy 2021 (the Policy) as attached to this report, in order to comply with the requirements of section 55 of the *Local Government Act 2020,* by 1 March 2021.

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| **Recommendation**  That **Council adopts the Community Engagement Policy (provided as Attachment 1) in accordance with section 55 of the *Local Government Act 2020*.** |

**Background**

Community engagement is based on the democratic idea that everyone who is affected by an issue that impacts their community should have a say in the decision making around it.

Community engagement is a planned process with the specific purpose of working with individuals, groups, and organisations to encourage active involvement and influence in decisions that affect them or are of interest to them.

Council adopted its current Community Engagement Policy in 2016. The existing Community Engagement Policy was due for review in 2019 (as per Council Plan 2017 – 2021) but was delayed due to impending reform through the *Local Government Act 2020*.

The new Policy documents and communicates Council’s commitment to, principles for and consistent approach to the provision of high-quality community engagement that is valued by the community and stakeholders. It provides leadership, direction, and standards on how Moorabool Shire Council engages with its community, whilst meeting legislative requirements outlined in the *Local Government Act 2020*.

***Local Government Act 2020***

Council is required to undertake community engagement under a range of prescribed regulations and legislation, including the engagement requirements set out under the *Local Government Act 2020*. All community engagement obligations contained within the Acthave been incorporated within this policy.

Examples of what the Act compels Council to do include:

* Conduct ‘deliberative engagement practices’ for the Community Vision, Council Plan, Financial Plan and Asset Plan;
* Conduct community engagement for specified decision making;
* Adhere to specific principles and requirements when conducting community engagement.

Specific policy requirements as detailed in Section 55 of the Act:

*55 Community engagement policy*

1. A Council must adopt and maintain a community engagement policy.
2. A community engagement policy must—
   1. be developed in consultation with the municipal community; and
   2. give effect to the community engagement principles; and
   3. be capable of being applied to the making of the Council's local laws; and
   4. be capable of being applied in relation to the Council's budget and policy development; and
   5. describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and
   6. specify a process for informing the municipal community of the outcome of the community engagement; and
   7. include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan; and
   8. include any other matters prescribed by the regulations.

3) A Council must adopt the first community engagement policy under this section on or before 1 March 2021.

This Policy does not apply to statutory processes prescribed by another Act, nor does it apply to unplanned interactions with Council such as service requests or complaints.

**International Association for Public Participation’s (IAP2)**

This Policy is guided by the International Association for Public Participation’s (IAP2) principles and standards. In particular, their *Spectrum of Public Participation* which describes five different levels of engagement, from ‘inform’ through to ‘empower’, matching participation goals, our commitment to the community and the community’s role. IAP2 is recognised as the international leader and peak body for the community and stakeholder engagement sector.

Whilst adhering to statutory obligations, the Policy as presented, formalises Council’s commitment to community engagement in its decision-making processes.

Benefits of effective and authentic community engagement:

* Delivering better outcomes to our communities;
* Making more informed decisions;
* Better understanding the needs and priorities of our diverse community and stakeholders;
* Fostering stronger relationships with our community and stakeholders;
* Creating greater transparency and trust;
* Building community understanding about Council’s scope of work and decision-making process;
* Helping to inform and assist with advocacy;
* Supporting genuine and meaningful conversations;
* Building community resilience and capacity;
* Ensuring the community’s right to assist with democratic processes;
* Utilising existing community assets;
* Meeting legislative requirements.

**Proposal**

In developing this policy, Council officers have conducted research and review to ensure this policy meets legislated requirements and encourages best practice community engagement.

Significant peer review has been undertaken, including the investigation of many adopted or draft community engagement policies. This peer review has informed this Policy and allowed officers to benchmark against other Council’s community engagement policies.

The Moorabool community has been consulted through a variety of methods (described under the ‘communications and consultation strategy’ section of this report) and a significant amount of qualitative community feedback has been incorporated within this Policy. In particular, common themes have informed the principles of the Policy. An in-depth survey (digital and hardcopy) was the dominant engagement method used, due to COVID-19 restrictions. The survey was designed to encourage both breadth and depth of feedback. Community feedback will also shape Council’s Community Engagement Framework and Toolkit.

To ensure Moorabool Shire can deliver on its commitment to community engagement outlined in this policy, officers will be supported throughout engagement planning, delivery and review by Council’s Connected Communities service unit. Officers also have access to Council’s Community Engagement Framework and Toolkit, providing critical tools and resources to guide and support community engagements.

This Policy defines and identifies:

* What community engagement is;
* Why we engage with the community;
* Our community’s unique characteristics;
* Council’s community engagement principles and commitment;
* Different levels of engagement;
* Deliberative and consultative engagement;
* When we engage:

 Mandated community engagement;

 Non-mandated community engagement.

 Circumstances where Council’s engagement with the community will be limited;

 Who Council engages with;

 How Council engages its community:

 Community engagement process.

 Expectations on external consultants and contractors;

 Inclusive engagement:

 Barriers to engagement;

 Engaging harder to reach groups.

 Engagement support.

**Council Plan**

The Council Plan 2017–2021 provides as follows:

**Strategic Objective 4: Improve Social Outcomes**

**Context 4B: Community Connectedness and Capacity**

The proposal Community Engagement Policy is consistent with the Council Plan 2017–2021.

**Financial Implications**

There are no additional financial implications associated with this policy.

**Risk & Occupational Health & Safety Issues**

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| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| This policy is not adopted by Council | Council would be in breach of the *Local Government Act 2020* | High | Adoption of policy as per *Local Government Act 2020* |
| Officers do not adhere to this policy | Possible breach of *Local Government Act 2020* | Medium | Connected Communities will promote the Policy to officers and provide an education program on policy responsibilities and requirements |
| This policy does not adhere to the Local Government Act 2020 | Breach of *Local Government Act 2020* | Medium | This policy has been reviewed by Council’s Governance, Risk and Corporate Planning service unit |

**Communications & Consultation Strategy**

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| **Level of Engagement** | **Stakeholder** | **Activities** | **Location** | **Date** | **Outcome** |
| Inform | Moorabool community | Large engagement posters | Across the Shire | December 2020 | Engagement opportunity promoted to the Moorabool community.  1,235 page views on Council’s Have Your Say digital engagement platform. |
| Have Your Say information page | Council’s digital engagement platform | December 2020 |
| Multiple social media posts | Council’s social media channels | December 2020 and January 2021 |
| Emails to distribution lists | Email | December 2020 |
| Pop up promotion | Ballan and Bacchus Marsh Christmas activities | December 2021 |

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| Consult | Community members wanting to provide input/ feedback | Online survey | Council’s digital engagement platform | December 2020 and January 2021 | Over 90 in depth surveys completed.  Council received a high response rate from older community members, who are often underrepresented in engagements. |
| Hard copy surveys | Council libraries and customer service | December 2020 and January 2021 |
| 743 Active Ageing and Diversity clients were directly mailed with reply paid envelopes |
| Reply paid ‘postcards’ | Council libraries and customer service |
|  | Youth | Youth engagement workshop | Studio 22 holiday program | January 12 2021 | Council received feedback from young community members, who are often underrepresented in engagements. |

Upon Council adopting this Policy, the Connected Communities service unit will communicate the Policy across the organisation and will provide education and support to officers.

A summary of engagement feedback and outcomes will be sent directly to respondents and further opportunity to shape Council’s Framework and Toolkit provided.

**Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Sally Jones*

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

*Authors – Chris Gardner and Kristian Brudenell*

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

**Conclusion**

The adoption of this new Community Engagement Policy will ensure that Council is complying with statutory obligations contained within the *Local Government Act 2020*. It will demonstrate Council’s commitment to making well-informed decisions through genuine and meaningful community engagement, while providing guidance and support to officers conducting community engagement.

8 Customer Care and Advocacy Reports

8.1 Councillor Code of Conduct

**Author: Troy Delia, Coordinator Governance & Risk**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: 1. Councillor Code of Conduct (under separate cover)**

Purpose

Council is required to review the Councillor Code of Conduct within 4 months of its General Election. This report is presented to Council to consider the adoption of the Councillor Code of Conduct.

Executive Summary

 In accordance with section 139 of the *Local Government Act 2020*, Council must review and adopt the Councillor Code of Conduct within four months of the general election.

 Council’s existing Councillor Code of Conduct has been reviewed in order to meet the requirements of the *Local Government Act 2020*. However, the Code as amended retains most of the original content and structure.

 It is recommended that Council adopts the amended Councillor Code of Conduct as attached to this report, in order to comply with its obligations under section 139 *Local Government Act 2020.*

 It is also recommended that a comprehensive review of the Councillor Code of Conduct be undertaken in 6 months to enable further inclusions and/or refinements to be considered and developed in collaboration with the Councillors.

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| Recommendation  **That Council:**  **1. Adopts the revised Councillor Code of Conduct in accordance with section 139 of the *Local******Government Act 2020*****(provided as Attachment 1); and**  **2. Commence a comprehensive review of the Councillor Code of Conduct in August 2021.** |

Background

In accordance with section 139 of the *Local Government Act 2020* (the Act), Council must review and adopt the Councillor Code of Conduct (the Code) within four months of the general election. However, due to the timeframe being condensed because of the holiday period, a minor review to ensure that the existing Code is compliant with the new legislation, has been undertaken at this time, with a recommendation to undertake a comprehensive review of the Code in 6 months’ time.

The Act now requires that the Code includes the standards of conduct expected to be observed by Councillors, as prescribed in the Local Government (Governance and Integrity) Regulations 2020.

Proposal

Council’s existing Councillor Code of Conduct has been reviewed to meet the requirements of the Act. However, the Code as amended provided as **Attachment 1** retains most of the original content and structure. The amendments that have been made to the Code, include the:

 Update of legislative references and removal of references to the *Local Government Act 1989*.

 Update of Definitions.

 Update of the title of the Council officer appointed as Councillor Conduct Officer.

 The incorporation of the prescribed Standards of Conduct.

Further to this, the Act provides for a new internal arbitration process which applies to breaches of the prescribed Standards of Conduct. The new process provides for an Independent Arbiter to be appointed and, if the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor and impose sanctions. Therefore, Appendix 3 has undergone significant change to outline this new process.

Whilst the Code that is presented before Council is compliant with the requirements of the Act, Council officers recommend that a comprehensive review of the Code be commenced in six months, as this time will provide the opportunity for further inclusions and/or refinements to be considered and developed in collaboration with the Councillors.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1B: Our People**

The proposal to adopt the Councillor Code of Conduct is consistent with the Council Plan 2017 – 2021.

Financial Implications

There are no financial implications associated with the adoption and implementation of the Councillor Code of Conduct.

Risk & Occupational Health & Safety Issues

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| **Risk Identifier** | **Detail of Risk** | **Risk Rating** | **Control/s** |
| Legislative requirements | Failure to comply with the requirements of the *Local Government Act 2020* or the prescribed Standards of Conduct for Councillors | Medium | Council to adopt and comply with the revised Councillor Code of Code. |

Communications & Consultation Strategy

As soon as practicable after its adoption by Council, the Councillor Code of Conduct will be published and made publicly available on Council’s website.

Victorian Charter of Human Rights & 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 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Caroline Buisson*

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

*Author – Troy Delia*

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

Conclusion

The adoption of the revised Councillor Code of Conduct would demonstrate to the greater Moorabool community, the Councillors’ ongoing commitment to good governance in their dealings with the community and each other, whilst also ensuring Council’s compliance with the requirements of the *Local Government Act 2020*.

9 Meeting Closure