



Moorabool
Shire Council

AGENDA

Special Council Meeting Wednesday, 25 October 2023

I hereby give notice that a Special Meeting of Council will be held on:

Date: Wednesday, 25 October 2023

Time: 6.00pm

**Location: Council Chambers, 15 Stead Street, Ballan &
Online**

**Derek Madden
Chief Executive Officer**

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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 PRESENT

4 APOLOGIES

5 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.

6 PRESENTATIONS/DEPUTATIONS

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

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council 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 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.

7 CUSTOMER CARE AND ADVOCACY REPORTS

7.1 2022/23 MOORABOOL SHIRE COUNCIL ANNUAL REPORT

Author: Genevieve Clark, Senior Communications, Media & Advocacy Officer

Authoriser: Caroline Buisson, General Manager Customer Care and Advocacy

Attachments: 1. Annual Report 2022/23 (under separate cover)

PURPOSE

The purpose of this report is to present the Annual Report to Councillors at a Special Meeting of Council.

EXECUTIVE SUMMARY

- Under the Local Government Act 2020, Council is required to prepare an Annual Report.
- Council is required to hold a meeting to consider the report.

RECOMMENDATION

That Council receives the 2022/23 Annual Report in accordance with section 98 of the *Local Government Act 2020* subject to inclusion of the VAGO Report.

BACKGROUND

Under Section 98 of the *Local Government Act 2020*, Council is required to prepare an Annual Report. Previously it has been a requirement that the Annual Report be submitted to the Minister for Local Government within three months after the end of the financial year reported on. This process has changed for this year onwards – instead of sending the Annual Report to the Minister, Council must now submit the Report to be received at a meeting of Council that is open to the public, before 31 October.

Public notice will be given via the Moorabool News on 31 October 2023 that the Annual Report has been completed and will be available for inspection on our website subject to Council receiving it.

PROPOSAL

In accordance with requirements of the Local Government Act (2020), the 2022/23 Annual Report is being presented to Council to consider and receive the report.

Hard copies of the Annual Report will be available at Council offices for inspection and can be supplied upon request. The public can download a copy of the Annual Report from the Council website.

The Annual Report distributed with this Agenda has been produced to meet the requirements of the *Local Government Act 2020*.

The Annual Report provided does not include the Victorian Auditor General's Office (VAGO) Report as this was not received by the time of publishing this Agenda. This does not materially

affect the report, and the VAGO report will be included prior to the Annual Report being made available for public inspection.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities

Priority 3.4: Measure performance, communicate our results and continue to improve our services every day

The proposal to consider the 2022/23 Annual Report is consistent with the Council Plan 2021 - 2025.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this report.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk or occupational health and safety issues to consider in relation to this report.

COMMUNICATIONS & CONSULTATION STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Inform	Community	Newspaper advertising/website	Various	November	Community is aware that the Annual Report is being presented to Council.

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 – Genevieve Clark

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

CONCLUSION

Subject to Council receiving the 2022/23 Annual Report, it will be made a public document on our website and can either be distributed to stakeholders or made available for inspection on request. In line with Local Government requirements, we ask Council to receive the 2022/23 Annual Report.

8 CLOSED SESSION OF THE MEETING TO THE PUBLIC

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*:

8.1 MARC Indoor Stadium Award of Management Contract

This matter is considered to be confidential under Section 3(1) - a, g(i) and g(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets and private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

9 MEETING CLOSURE