

Council Meeting

Agenda

- Date:** Wednesday 31 August 2022
- Time:** Following the 5.30pm Planning and Development Committee meeting
- Venue:** Civic Centre (Council Meeting Room)
13 Mair Street, Benalla

The *COVID-19 Omnibus (Emergency Measures) Act 2020* enables councils to hold meetings electronically.

Members of the public are encouraged to watch the live broadcast of the meeting at www.benalla.vic.gov.au

Any person wishing to participate in Question Time or Public Submissions in accordance with Rule 7.2 and 7.3 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning Governance Coordinator Jessica Beaton on (03) 5760 2600.

In accordance with Rule 6.4 of the *Governance Rules 2020* an audio recording will be made of the proceedings of the meeting.

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Agenda

Chair	Councillor Bernie Hearn (Mayor)	
Councillors	Councillor Danny Claridge Councillor Peter Davis Councillor Don Firth Councillor Punarji Hewa Gunaratne Councillor Justin King Councillor Gail O'Brien	
In attendance	Dom Testoni	Chief Executive Officer
	Robert Barber	General Manager Corporate
	Jessica Beaton	Governance Coordinator

1. Opening and Acknowledgment of Country

The chair will recite the following Acknowledgement of Country.

We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.

2. Statement of Commitment

The Councillors will recite the following Statement of Commitment:

I declare,

that as a Councillor of Benalla Rural City

I will undertake on every occasion

to carry out my duties in the best interests of the community

and that my conduct shall maintain the standards of our Councillor Code of Conduct

so that I may faithfully represent

and uphold the trust placed in the Council

by the people of Benalla and District.

Governance Matters

This Council Meeting is conducted in accordance with the *Local Government Act 2020* and the Benalla Rural City Council *Governance Rules 2020*.

Recording of Council Meetings

In accordance with the *Governance Rules 2020* clause 6.4 meetings of Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

Behaviour at Meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

3. Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.

4. Apologies

Recommendation:

That the apology/ies be accepted and a leave of absence granted.

5. Benalla Rural City Council Governance Rules 2020 Update

SF/1981

Jessica Beaton – Governance Coordinator
Robert Barber – General Manager Corporate

PURPOSE OF REPORT

The report presents for consideration the revised *Governance Rules 2020*.

BACKGROUND

The purpose of the *Governance Rules 2020* (**Appendix 1**) is to determine the way in which Council will:

- make decisions fairly and in the best interests of the community
- elect its Mayor and Deputy Mayor
- conduct meetings of Council and Delegated Committees
- give notice of meetings and record and make available meeting records
- the disclosure and management of conflict of interests
- apply rules for the conduct of Council and Councillors during Elections Periods

The Finance and Operations Committee at its meeting on 27 July 2022, acting under its delegated authority of the Council, resolved:

1. That the revised *Governance Rules 2020* (as amended) be endorsed for public exhibition.
2. That the *Governance Rules 2020* be considered for adoption at the Council Meeting on Wednesday 31 August 2022.

Feedback was sought via the Council's website and promoted on social media.

The submission period closed Thursday 25 August 2022.

The *Regulatory Legislation Amendment (Reform) Act 2022* (the Amendment Act) received Royal Assent on 29 March 2022 and includes reforms relating to virtual council meetings and amendments to the *Local Government Act 2020* (the Act).

The amendments to the Act take effect on 2 September 2022 and Council's Governance Rules 2020 are required to make provision for:

- holding meetings by electronic means; and
- requesting and approving attendance at Council meetings by electronic means.

DISCUSSION

No submissions were received during the community engagement period.

In the development of the revised *Governance Rules 2020*, Council officers have referred to the Ministerial Good Practice Guideline provided by Local Government Victoria (LGV).

LGV has worked with the sector to develop a Ministerial Good Practice Guideline and draft model Governance Rules to assist councils to develop Governance Rules to comply with the new virtual meeting provisions.

No changes to the *Governance Rules 2020* are proposed following the community consultation period.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *High performance culture.*
- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

The revised *Governance Rules 2020* were subject to community engagement in accordance with the Council's *Community Engagement Policy*. Due to operational nature of the revised Governance Rules 2020, community engagement was undertaken at the 'consult' level under the International Association for Public Participation's IAP2 public participation spectrum.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development of the rules. The implementation of the rules will be accommodated within the existing budget allocation.

LEGISLATIVE OR STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

- 1. That the *Governance Rules 2020* be adopted.**
- 2. That the *Governance Rules 2020* be reviewed in July 2024, prior to the General Election.**

6. Reports by Councillors

Recommendation:

That the report(s) be noted.

7. Notices of Motion

8. Notices of Rescission Motion

9. Urgent Business

Business can only be admitted as urgent business by resolution of the council, and only then if it:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot be deferred until the next Council Meeting without having a negative impact on the Council, the municipality or the local community; and
- cannot be addressed through the Customer Request Management System.

A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.

The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for the Council to consider admitting as urgent business.

10. Closure of the meeting