

SOUTH GIPPSLAND SHIRE COUNCIL

# Special Urgent Meeting of Council

Rescind resolution of Council of Special Meeting 21 March 2018,  
item 2.3 2018/19 Rating Strategy

## MINUTES

**21 March 2018**

**Council Chambers, Leongatha**

**Commenced at 5.00pm**



*South Gippsland  
Shire Council*

*Come for the beauty, Stay for the lifestyle*



## MISSION

**To effectively plan and provide for the social, built, economic and natural environments that ensure the future wellbeing of South Gippsland Communities.**

### Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "*Sound Recording of Council Meetings*".

A copy of this policy is located on Council's website [www.southgippsland.vic.gov.au](http://www.southgippsland.vic.gov.au).

## PRESENT

COUNCILLORS:	Cr Lorraine Brunt, Mayor Cr Aaron Brown, Deputy Mayor Cr Ray Argento Cr Maxine Kiel Cr Meg Edwards
APOLOGY:	Cr Alyson Skinner Cr Jeremy Rich Cr Andrew McEwen Cr Don Hill
OFFICERS:	Tim Tamlin, Chief Executive Officer Anthony Seabrook, Director Sustainable Communities & Infrastructure Rick Rutjens, Manager Executive Support and Community Information June Ernst, Coordinator Corporate Planning & Council Business Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Special Urgent Meeting of Council  
Wednesday 21 March 2018  
Council Chambers, Leongatha commenced at 5.00pm

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**Tim Tamlin**  
Chief Executive Officer

## **1. PRELIMINARY MATTERS**

This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

### **1.1. WELCOME**

Please ensure Mobile phones remain 'off' during the Council Meeting.

### **1.2. OPENING PRAYER**

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

### **1.3. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past and present, their Spirits and Ancestors.

### **1.4. REQUEST LEAVE OF ABSENCE**

Nil

### **1.5. APOLOGIES**

**Councillors Alyson Skinner, Jeremy Rich, Andrew McEwen and Don Hill.**

## 1.6. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) or by accessing the Victorian Legislation and Parliamentary Documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

An interest may be by close association, financial, conflicting duties or receipt of gifts. If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest – A Guide for Councillors – October 2012*.

**Nil**

### 1.7. DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and/or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest, it is the responsibility of that staff member to disclose the interest.

Guidance to identifying and disclosing a conflict of interest is contained in the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

**Nil**

## **2. NOTICES OF MOTION AND/OR RESCISSION**

### **2.1. NOTICE OF RESCISSION 717 - RESCIND RESOLUTION OF COUNCIL OF SPECIAL MEETING 21 MARCH 2018, ITEM 2.3 2018/19 RATING STRATEGY**

#### **PURPOSE**

To overturn Council's resolution of 21 March 2018 Item 2.3.

#### **MOTION**

I, Councillor Don Hill, advise that I intend to submit the following rescission motion to the Ordinary Meeting of Council scheduled to be held on 26 April 2018.

#### **That Council:**

- 1. Rescind Agenda Item 2.3, the motion passed at council at the Special Meeting on 21 March 2018.**
- 2. Considers this matter at the Council meeting 28 March 2018.**

**MOVED:** Cr Brunt

**SECONDED:** Cr Argento

#### **THAT COUNCIL:**

- 1. RESCIND AGENDA ITEM 2.3, THE MOTION PASSED AT COUNCIL AT THE SPECIAL MEETING ON 21 MARCH 2018.**
- 2. CONSIDERS THIS MATTER AT THE COUNCIL MEETING 28 MARCH 2018.**

#### **LOST UNANIMOUSLY**

#### **BACKGROUND**

There is a possible breach of the Local Government Act with regard to the process followed in the preparation and inclusion of the officer report in the Council Agenda for the March 21st 2018 Council meeting. No accusations are made towards any officers involved in this process.

Councillors should be fully aware of the legality of events and to consider whether they have by their vote, effectively condoned a breach of the Local Government Act.

This rescission motion allows time for Councillors to be fully briefed on events and to make a final determination on the matter of the proposed rate strategy after considering the legality and process that was conducted. Any councillor who considers that they made a mistake in the vote on 21 March 2018 is therefore able to amend their decision in the light of the facts.

## **4. MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 28 March 2018 commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting closed at 5.10pm.**

**Confirmed this            26<sup>th</sup> day of April 2018.**

.....  
**Mayor, Councillor Lorraine Brunt**