

SPM(2) – 23 FEBRUARY 2021

# Special Council Meeting

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Agenda

Notice is hereby given that the **Special Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **23 February 2021** commencing at **5:00pm**.

## Agenda

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## **1. Recording and livestreaming of Council meetings**

*The CEO will read the following statement:*

All council meetings are filmed with both video and audio being recorded.

Video is focused on a specific area however audio from the entire room is captured.

The reasoning behind recording council meetings is of course to hold us more accountable and improve transparency of council's decision making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

## **2. Acknowledgement of traditional custodians, and recognition of all people**

*The Mayor will read the following statement:*

The Alpine Shire Council acknowledges the Taungurung Traditional Owners and their ancestors as the Traditional Owners of the land we are now on, we pay our respect to Elders, past and present.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

## **3. Apologies**

## **4. Declarations by Councillors of conflict of interest**

## 5. Presentation of reports by officers

### 5.1 DIRECTOR CORPORATE - NATHALIE COOKE

#### 5.1.1 Community Engagement Policy

##### **INTRODUCTION**

This report provides for the adoption of Council's Community Engagement Policy, following its release for public submissions during December / January. The Community Engagement Policy is a requirement of the *Local Government Act 2020*.

##### **RECOMMENDATION**

*That Council:*

1. *Note that following release of the draft Community Engagement Policy for the purpose of seeking public submissions, the following were received:*
  - a. *no formal submissions; and*
  - b. *one informal submission, which did not request any change to the Community Engagement Policy.*
2. *Note the following amendments made to the Community Engagement Policy:*
  - a. *grammatical and formatting corrections.*
3. *Adopt the Community Engagement Policy (version 1).*
4. *Sign and seal the Community Engagement Policy at the appropriate stage of this meeting.*

##### **BACKGROUND**

The *Local Government Act 2020* (LGA 2020) no longer contains the prescriptive public submissions processes previously set out under the *Local Government Act 1989* (LGA 1989). Instead, it is a principles-based Act, requiring Councils to develop specific processes to suit their communities. These principles are governance; community engagement; public transparency; strategic planning; financial management; and service performance.

A Community Engagement Policy is a requirement of the LGA 2020 and must be developed in consultation with the municipal community. It must give effect to the community engagement principles and be adopted by 1 March 2021. The policy must describe the type and form of community engagements proposed, and include deliberative engagement processes for long-term plans such as the Council Plan and Financial Plan.

The community engagement principles are outlined in s56 of the LGA 2020 as follows:

- a. a community engagement process must have a clearly defined objective and scope;

- b. participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- c. participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- d. participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- e. participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

## **ISSUES**

During the month of December Councillors worked together to consider the Community Engagement Policy. Councillors developed a set of community engagement commitments through the induction process that underpin the policy.

Council will also develop a staff procedure that provides operational guidance to ensure that staff are consistently developing engagement processes that meet the requirements of the Community Engagement Policy.

## **SUBMISSIONS**

Council released the draft Community Engagement Policy at the Ordinary Council Meeting on 15 December 2020, with submissions closing on Friday 22 January 2021. The document was available on Council's website under 'on exhibition', with copies available on request at Customer Service Centres in Bright, Mount Beauty and Myrtleford. A news article was published in the Myrtleford Times / Alpine Observer on 30 December, with five posts appearing on Council's Facebook page between 22 December and 22 January.

No formal submissions were received regarding the content of the Community Engagement Policy. One informal submission was received, which provided Council with an observation of a recent example where Council's engagement could be improved, however the submitter did not request any changes to be made to the policy itself.

Formatting and grammatical changes have been made to the final version of the Community Engagement Policy to make the content clearer, correct fonts, update a table so that it is more easily read. No changes to the policy made on the final version change the intent or detail of the draft released in December.

## **POLICY IMPLICATIONS**

The development of a community engagement policy in conjunction with the municipal community is a requirement of the LGA 2020. Council must adopt this policy by 1 March 2020.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Council included scope for assistance in compliance with *Local Government Act 2020* deliverables in its 2020/21 Budget.

## **CONSULTATION**

Consultants met with Councillors, and staff in developing the Community Engagement policy. Along with industry best practice, this feedback has been utilised in developing the final policy.

The document was released on public exhibition for the purpose of seeking submissions on content of the policy. No formal submissions were received. One informal submission was received; however it did not request any changes to the policy content.

## **CONCLUSION**

The development of a community engagement policy in conjunction with the municipal community is a requirement of the LGA 2020. It is recommended that Council adopt the Community Engagement Policy and sign and seal at the appropriate time at the meeting.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Governance Officer
- Communications Officer

## **ATTACHMENT(S)**

5.1.1a Community Engagement Policy (version 1)

## 5.1.2 Councillor Code of Conduct

### INTRODUCTION

A review of the Councillor Code of Conduct (Code) following the October 2020 elections is a requirement of the *Local Government Act 2020*. The Code provides for the Mayor, Deputy Mayor, and Councillors to commit to working together:

- in the best interests of the people of the Alpine Shire;
- to discharge their responsibilities to the best of their skill and judgement; and
- constructively and in a manner that is consistent with Council's values.

### RECOMMENDATION

*That Council:*

1. *Note the Councillor Code of Conduct (version 6) has been updated to reflect the Local Government Act 2020 and the Local Government (Governance and Integrity) Regulations 2020 to include:*
  - a. *Councillor Standards of Conduct;*
  - b. *Updated Internal Arbitration processes; and*
  - c. *Updated legislative references and guidance.*
2. *Adopt the Councillor Code of Conduct (version 6), noting that this replaces all previous versions.*
3. *Sign and seal the Councillor Code of Conduct (version 6) at the appropriate stage of this meeting.*
4. *Ensure all Councillors sign the declaration stating that they will abide by the Councillor Code of Conduct.*

### BACKGROUND

The Councillor Code of Conduct (the Code) is a requirement of s139 of the *Local Government Act 2020* (LGA 2020). The Code must be reviewed and updated within four months of a general election (by 24 February 2021) and adopted by a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council.

Version 5 of the Code was last adopted in February 2017. Version 6 is presented for adoption with this report.

### ISSUES

#### Local Government Act amendments

The transition from the *Local Government Act 1989* (LGA 1989) to the *Local Government Act 2020* (LGA 2020) means that the Code requires updating to ensure that legislative references and requirements are current, and guidance for Councillors to meet their legislative responsibilities is accurate and relevant.

## **Standards of Conduct**

The LGA 2020, and supporting *Local Government (Governance and Integrity) Regulations 2020*, require that the Councillor Standards of Conduct are incorporated into the Code. These Standards of Conduct replace the former Councillor Conduct Principles contained in the LGA 1989. The Councillor Standards of Conduct are divided into five main themes:

1. Treatment of others
2. Performing the role of Councillor
3. Compliance with good governance measures
4. Councillor must not discredit or mislead Council or public
5. Standards do not limit robust political debate

## **Misconduct and Internal Arbitration**

The LGA 1989 required that each Council set out their own requirements for an internal resolution process using an independent arbiter. The LGA 2020 now sets out an Internal Arbitration process that must be followed, and hence the Code must be updated to reflect this. The referral processes for allegations made regarding serious and gross misconduct have also been updated to align with the LGA 2020.

## **Legislative references**

The Code points to many of the requirements of the Local Government Act. These have been updated to accurately reflect requirements of the LGA 2020 and its supporting regulations. Where other legislation has changed, these references have also been updated.

## **Councillor / staff interactions**

Section 46(3)(c) of the LGA 2020 requires that the CEO ensures that arrangements are in place for managing interactions between Councillors and Council staff. The Code includes a section regarding interaction with Council staff and avoiding improper influence of Council staff. This section satisfies the requirements of s46 of the LGA 2020.

## **Councillor signatures**

The LGA 1989 required that all Councillors sign a declaration that they would abide by the Code. This is not a requirement of the LGA 2020, however it is considered prudent that Councillors continue to declare that they will abide by each version as it updated, as it maintains the importance and relevance of the Code.

## **POLICY IMPLICATIONS**

Adoption of the Councillor Code of Conduct is a mandatory requirement of s139 of the *Local Government Act 2020*. The Code must be adopted by a two-thirds majority of Councillors.



The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The Councillor Code of Conduct has been reviewed with the assistance of external advice, as well as utilising existing staff. The cost of this external advice is covered in the 2020/21 Budget.

## **CONSULTATION**

Councillors have been briefed on the legislative amendments made to version 6 of the Councillor Code of Conduct. There is no requirement for community consultation / engagement to be undertaken with respect to the review and update of the Code.

## **CONCLUSION**

The review and adoption of version 6 of the Councillor Code of Conduct ensures that Council is complying with the *Local Government Act 2020*, and Councillors have a relevant and up to date Code to guide their duties.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

5.1.2.a Councillor Code of Conduct (version 6)

## 6. Documents for sealing

### **RECOMMENDATION**

*That the following documents be signed and sealed.*

- 1. Community Engagement Policy (version 1).*
- 2. Councillor Code of Conduct (version 6).*

There being no further business the Chairperson declared the meeting closed at \_\_\_\_\_p.m.

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Chairperson