

HEPBURN SHIRE COUNCIL

SPECIAL MEETING MINUTES

**Monday 10 December 2007
9am**

**Council Chamber
Daylesford Town Hall**

HEPBURN SHIRE COUNCIL – COUNCIL PLAN 2006-2011

VISION STATEMENT:

Hepburn Shire will be a vibrant, creative rural Shire with strong and healthy connected communities. Our Council will govern with integrity and inclusiveness. Our natural environment, productive agricultural land and rich heritage will remain valued and protected as assets for residents and visitors to appreciate and enjoy.

Council has in the COUNCIL PLAN established 5 objectives to enable your Team of Councillors and Officers to move forward.

Objective One – Strengthening Communities

Council will engage with and support our diverse communities to realise their potential and determine and achieve their aspirations.

- 1.1 To be a leader in community consultation, advocacy & engagement
- 1.2 Enhance community connectedness, capacity building and leadership
- 1.3 Enhance external relationships

Objective Two – Service Delivery

Council will deliver responsive services to our community within available resources.

- 2.1 Improve service delivery
- 2.2 Improve internal and external communication
- 2.3 Further develop the range of facilities and programs

Objective Three – Asset and Resource Management

Council will effectively manage our assets and resources to create a better Shire for our community.

- 3.1 Improve the management of our assets
- 3.2 Foster & encourage leadership
- 3.3 Responsible financial management
- 3.4 Promote and encourage innovation
- 3.5 Tight, sharp, focussed, professional administration

Objective Four – Economic Development

Council will strengthen our local economy by working in partnership with business and community.

- 4.1 Develop partnerships with educational and research organisations
- 4.2 Promote and market the shire
- 4.3 Encourage and support diversity of economic activity and employment

Objective Five – Heritage and Environment

Council, in partnership with our community will ensure that our cultural, natural and built environment is protected, conserved and enhanced for future generations.

- 5.1 Promote & practise environmental management and sustainability
- 5.2 Respect and honour our unique historical and cultural attributes

Council has committed itself to these philosophies, to the five objectives, to the strategies of implementation and to being accountable to all of the Hepburn Shire.

Hepburn Shire is a wonderful home for all of us. Our Council Plan and the Community Plan provide a direction for the future.

NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING
OF THE HEPBURN SHIRE COUNCIL WILL BE HELD IN
THE COUNCIL CHAMBER
DAYLESFORD TOWN HALL
ON MONDAY 10 DECEMBER 2007,
COMMENCING AT 9 AM

AGENDA

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CLOSE OF MEETING

TIM HAYES - MAYOR
10 DECEMBER, 2007.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

PRESENT: Cr Janine Booth, Mayor Tim Hayes, Cr Bill McClenaghan, Cr Heather Mutimer, Cr David Smith CEO Victor Szwed, Director Corporate Services Chris Cowley, Legal Counsel Ross Hodgins

IN ATTENDANCE: Media, members of the public

The Mayor to open the meeting with a reading of the Council prayer.

OPENING PRAYER

ALMIGHTY GOD, WE ASK YOUR BLESSING UPON THIS COUNCIL.
DIRECT AND GUIDE OUR DELIBERATIONS.
WE ASK YOU TO GRANT US WISDOM AND SENSITIVITY AS WE DEAL
WITH
THE BUSINESS OF OUR SHIRE.
MAY EACH DECISION THAT WE MAKE ADVANCE THE WELLBEING OF
ALL OUR
RESIDENTS.
THIS WE PRAY. AMEN

1. **APOLOGIES: NIL**

2. **DECLARATION OF PECUNIARY INTEREST: Cr Bill McClenaghan declared a conflict of interest and a pecuniary interest. Cr Heather Mutimer declared a conflict of interest.**

3. **SPECIAL MEETING OF 2 OCTOBER 2007 – MATTERS ARISING**

3. SPECIAL MEETING OF 2 OCTOBER 2007 – MATTERS ARISING

(A/O –Council)

File Ref:

Synopsis

Council conducted a Special Meeting on 2 October 2007. Council invoked confidentiality pursuant to the Local Government Act in relation to certain matters. One of those matters has now been progressed and Council needs to formally consider this matter further and resolve outcomes.

Report

Considerable time and effort has been invested over the past two months by all Councillors and numerous officers in dealing with these confidential matters. A number of other people have also had the opportunity to contribute their views into the process which was underway. There has been considerable speculation in the media and public about these matters and certain information appears to have been leaked out.

This process has been very extensive and has provided opportunity for the matters to be well considered and responded to. On Friday Councillors were briefed by Ross Hodgens Council's legal advisor from legal firm Russell Kennedy.

Ross Hodgens provided Councillors access to two reports and this Special Meeting is dealing with one of those matters. Councillors were provided the opportunity to read the report and to discuss the matters contained therein and ask questions.

Considering the seriousness of the matters dealt with it is essential that Council effectively deal with key aspects in a timely manner.

On Friday Councillors were also provided with a discussion paper by Ross Hodgens to further assist Council in dealing with these matters. Councillors have also received very extensive briefings, training and advice over their two year term of office relating to their legislative responsibilities, Code of Conduct, OH&S Act, Council Policies and other matters directly related to these matters. Independent facilitators have worked with Councillors and Senior Officers on these matters. There is no doubt that all Councillors have been well aware of their responsibilities.

Relevant Policies / Council Plan implications

Local Government Act 1989
Occupational Health & Safety Act 2004
Code of Conduct
Council Plan 2006 – 2011
And other policies and documents

Community / Engagement / Communication / Consultation

These are internal legal matters, however Council should after considering them make a public statement.

Financial & Resource Implications Initial & Ongoing

Considerable.

Recommendation:

That Council: Consider the report provided, the legal advice and options in-camera and then confirm appropriate actions publicly.

Cr Bill McClenaghan and Cr Heather Mutimer left the Chamber at 9.20am.

Motion moved at Meeting:

***Moved: Cr David Smith
Seconded: Cr Janine Booth***

3.1.1 That Council go in-camera to consider the matters and reconvene at 10.30am.

CARRIED.

After concluding the in-camera session at 10.59am

Motion Moved at Meeting:

***Moved: Cr Janine Booth
Seconded: Cr David Smith***

3.1.2 That this Council Meeting now come out of camera.

CARRIED.

Motion Moved at Meeting.

***Moved: Cr Janine Booth
Seconded: Cr David Smith***

3.1.3 That Council confirm the resolution passed whilst in-camera as follows:

1. That the Investigator's Report be referred to the Office of Local Government.
2. That the Investigator's Report be referred to WorkSafe.
3. That both WorkSafe and the Office of Local Government be advised that Council will implement the four recommendations of the Investigator, on page 37 of the Report, as amended.
4. That the Report remains confidential, save the recommendations on page 37 as amended below.

Page 37 Recommendations:

1. That a Council Policy or Council Charter on Good Governance Principles, based on Standards Australia set of guidelines on Corporate Governance – AS 8000 – AS 8004, is developed as a matter of urgency. In doing so that it is ensured that such a document fits to the Quadruple Bottom Line for GOVERNANCE – that is Leadership, Management, Process, Image and Character. It is also imperative in development of such a policy or charter that

appropriate penalties are attached if indeed the adopted provisions are breached.

2. That an email policy is established as a matter of urgency, which applies to all emails forwarded over the Council network, which sets out specific controls on use of email and acceptable language and tenor. It is imperative in the adoption of such a policy that every person that the policy pertains to understands that words written in a casual way and forwarded, through the immediacy of technology, without the recipient being aware of tone and all the other elements of language that the spoken word allow, can be very destructive to healthy, supportive relationships.
3. That Cr McClenaghan be offered counselling by an appropriate person as to his responsibility as a Councillor when dealing with staff and the CEO, with the understanding that any further breaches of the kind found in this Report or indeed of any future Policy or Charter will mean immediate disciplinary sanctions being taken against him.
4. That, if not already undertaken, that the whole of Council and Senior Management Group be offered a series of team building workshops or a weekend event of that kind in order to assist in building an effective and committed team.

11.10am Cr Bill McClenaghan and Cr Heather Mutimer left the Chamber.

CARRIED.

11.11am Cr Bill McClenaghan and Cr Heather Mutimer returned to the Chamber.

THE MEETING CLOSED AT 11.12 AM