



STATUTORY COUNCIL MEETING

Tuesday 15 November 2022

6:00pm

Room 1 Community Hub

AGENDA

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Commencement of Meeting

Council meeting

Councils must, in the performance of its role, give effect to the overarching governance principles in the *Local Government Act 2020*.¹ These are included below to guide Councillor consideration of issues and Council decision making.

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d) the municipal community is to be engaged in strategic planning and strategic decision making;
- e) innovation and continuous improvement is to be pursued;
- f) collaboration with other Councils and Governments and statutory bodies is to be sought;
- g) the ongoing financial viability of the Council is to be ensured;
- h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- i) the transparency of Council decisions, actions and information is to be ensured.

¹ Section 9.

Apologies

Council meeting

Apologies

Council's Governance Rules require that the minutes of Council meetings record the names of Councillors present and the names of any Councillors who apologised in advance for their non-attendance.¹

The annual report will list councillor attendance at Council meetings.

Councillor attendance at Councillor briefings is also recorded.

¹ Chapter 2, rule 62.

Leave of Absence

Council meeting

Leave of absence

One reason that a Councillor ceases to hold the office of Councillor (and that office becomes vacant) is if a Councillor is absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council. (There are some exceptions to this – see section 35 for more information.)

A Councillor can request a leave of absence. Any reasonable request for leave must be granted.¹

Leave of absence is approved by Council. Any request will be dealt with in this item which is a standing item on the agenda. The approvals of leave of absence will be noted in the minutes of Council in which it is granted. It will also be noted in the minutes of any Council meeting held during the period of the leave of absence.

¹ See *Local Government Act 2020* s 35 (4) and s 35 (1) (e).

Disclosures of Conflicts of Interest

Council meeting

Conflicts of interest

Conflicts of Interest must be disclosed at the commencement of a Council meeting or Councillor briefing, or as soon as a Councillor recognises that they have a conflict of interest.

The relevant provisions in the *Local Government Act 2020* include those in Part 6, Division 2 (from section 126). Failing to disclose a conflict of interest and excluding themselves from the decision making process is an offence.

Disclosures at Council meetings

Under the Governance Rules:¹

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:

1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

2.1 advising of the conflict of interest;

2.2 explaining the nature of the conflict of interest; and

2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

¹ Chapter 5, Rule 3.

Disclosures at councillor briefings (and other meetings)

Also under the Governance Rules,² a Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:

- 1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 2 absent himself or herself from any discussion of the matter; and
- 3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

Councillor form to disclose conflicts of interest

Name: _____

Date: _____

Meeting type:

- Briefing
- Meeting
- Other _____

Nature of the conflict of interest (describe):

If the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person:

- name of the other person (gift giver): _____
- nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person: _____
- nature of that other person's interest in the matter: _____

² Chapter 5, Rule 4.

Elections

Council meeting

5.1 ELECTION OF MAYOR

Author: Chief Executive Officer

Responsible Officer: Chief Executive Officer

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The purpose of this report is to provide for Council to elect a Councillor to the office of Mayor.

RECOMMENDATION:

1. That Council determine the length of term of the Mayor.
2. That the Chief Executive Officer formally call for nominations for the position of Mayor.

In accordance with section 25(3)(a) of the *Local Government Act 2020* (the Act), the CEO will take the Chair until the Mayoral election concludes.

BACKGROUND

The Act provides that:

Section 25 Election of Mayor

- (1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.
- (3) The election of the Mayor must—
 - (a) be chaired by the Chief Executive Officer; and
 - (b) subject to this section, be conducted in accordance with the Governance Rules.
- (4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
- (5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- (6) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- (7) In this section, "absolute majority" means the number of Councillors which is greater than half the total number of the Councillors of a Council.

It is noted that under Regulation 7 (1)(d) of the *Local Government (Governance and Integrity) Regulations 2020*, Councillors are exempt from conflict of interest requirements when the matter concerns the nomination of a Councillor for election to the office of Mayor or Deputy Mayor.

Section 26 When is a Mayor to be elected?

- (1) A Mayor is to be elected no later than one month after the date of a general election.
- (2) (refers to the Greater Geelong City Council)
- (3) Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.
 - 5.1 The Council to determine if the term of Mayor is to be for one or two years.
 - 5.2 The Chief Executive Officer to invite nominations for position of Mayor.
 - 5.3 Councillors to vote on the election of the Mayor.
 - 5.4 The Chief Executive Officer to declare the position of Mayor.
 - 5.5 The Chief Executive Officer to be invited to present newly elected Mayor with the Mayor medallion.
 - 5.6 The newly elected Mayor to take the Chair.

Determining the election of the Mayor

The election will be conducted in accordance Council's Governance Rule 6, with the following exception.

Council's Governance sub-Rule 6.3.6 allows for the determination of the vote by lot in the event two or more candidates have an equality of votes. However, since the commencement of the *Local Government Act 2020* and the adoption of Council's Governance Rules, legal clarity has been provided which confirms that section 25(4), "Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors" precludes the drawing of lots for a final determination.

As the Governance Rules are subordinate to the Act, the drawing of lots will only be used in the event there is a tie when a vote has been sought for three or more candidates. If an absolute majority of the Councillors for one of the remaining two candidates cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

CONSULTATION/COMMUNICATION

An announcement will be made following the Mayoral election. As the election process is determined by the Governance Rules and the Act, public consultation is not required prior to the election.

FINANCIAL & RESOURCE IMPLICATIONS

The Mayoral Allowance is set by the Victorian Independent Remuneration Tribunal at \$74,706 p/a until 17 December 2022, and thereafter at \$76,781 p/a until 17 December 2023.

The Mayoral Allowance is met from the existing budget.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by conducting the election of the Mayor at a public meeting.

CONCLUSION

The process as laid out in this report is compliant with the requirements of the Act.

ATTACHMENTS

Nil.

5.2 ELECTION OF DEPUTY MAYOR

Author: Chief Executive Officer

Responsible Officer: Chief Executive Officer

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The purpose of this report is to provide for Council to determine if it wishes to elect a Councillor to the office of Deputy Mayor.

RECOMMENDATION:

1. *That Council determine if it wishes to elect a Deputy Mayor.*
2. *If Council resolves to elect a Deputy Mayor, that the term of the Deputy Mayor be determined to be one or two years.*
3. *If Council resolves to elect a Deputy Mayor, that the Mayor call for nominations for Deputy Mayor.*
4. *If Council does resolves not to elect a Deputy Mayor, no further action will be taken.*

BACKGROUND

Section 20A of the Local Government Act 2020 (the Act) provides that a Council *may* establish an office of Deputy Mayor.

The role of the Deputy Mayor is to perform the role of the Mayor and exercise any of the powers of the Mayor if

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

It is noted that under Regulation 7 (1)(d) of the *Local Government (Governance and Integrity) Regulations 2020*, Councillors are exempt from conflict of interest requirements when the matter concerns the nomination of a Councillor for election to the office of Mayor or Deputy Mayor.

Council has not elected a Deputy Mayor in recent years. In the absence of a Deputy Mayor, the Act provides that Council may appoint an Acting Mayor in the event that:

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

Election of Deputy Mayor

The election of Deputy Mayor is to be conducted in line with all requirements of section 25 (regarding the election of Mayor), other than subsection (3)(a) where the CEO is to chair the election. In the election of Deputy Mayor, the Mayor is to chair.

If a Deputy Mayor is to be elected, the provisions for the circumstances under which a Deputy Mayor is to be elected apply as for the Mayor (section 26). This includes the requirement to determine a one or year term for a Deputy Mayor.

Determining the election of the Deputy Mayor

The election will be conducted in accordance Council's Governance Rule 6, with the same exception that applied for the election of Mayor:

Council's Governance sub-Rule 6.3.6 allows for the determination of the vote by lot in the event two or more candidates have an equality of votes. However, since the commencement of the *Local Government Act 2020* and the adoption of Council's Governance Rules, legal clarity has been provided which confirms that section 25(4), "Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors" precludes the drawing of lots for a final determination.

As the Governance Rules are subordinate to the Act, the drawing of lots will only be used in the event there is a tie when a vote has been sought for three or more candidates. If an absolute majority of the Councillors for one of the remaining two candidates cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

CONSULTATION/COMMUNICATION

An announcement will be made following any Deputy Mayoral election. As the election process is determined by the Governance Rules and the Act, public consultation is not required prior to the election.

FINANCIAL & RESOURCE IMPLICATIONS

A Deputy Mayoral Allowance is set by the Victorian Independent Remuneration Tribunal and is met from existing budget. The determination made by the Tribunal to take effect from 18

December 2021 provided for an allowance for Deputy Mayors in Category 1 Councils (including Central Goldfields Shire Council) with the following amounts:

	To 17/12/2022	To 17/12/2023
Deputy Mayor	37,353	38,391
Councillor	24,080	24,775
Difference p/a	13,273	13,616

The current budget does not allow for the extra expenditure of a Deputy Mayoral allowance.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by conducting the election of the Mayor at a public meeting.

CONCLUSION

The process as laid out in this report is compliant with the requirements of the Act.

ATTACHMENTS

Nil.

5.3 APPOINTMENT OF REPRESENTATIVES TO COMMITTEES AND ORGANISATIONS

Author: Manager Governance Property and Risk

Responsible Officer: General Manager Corporate Performance

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

Councillors have the option to be appointed to various committees and statutory or regional bodies. The purpose of this report is to provide information to Council regarding current Committees of Council, Council representation committees and to seek appointments to these bodies.

RECOMMENDATION

That Council nominate its representatives to the committees and organisations as detailed in the table below.

Committee/Statutory Body	Representative
Municipal Association of Victoria	<i>Cr La Vella (Primary nominee) and Cr De Villiers</i>
Audit and Risk Committee	<i>Cr Murphy and Cr Lovett</i>
Australia Day Committee	<i>All Councillors</i>
Rural Councils Victoria	<i>Cr Lovett</i>
Grampians Central Waste and Resource Recovery Group	<i>Cr Sproull</i>
Rail Freight Alliance	<i>Cr Meddows-Taylor</i>
Economic Development Taskforce	<i>Cr La Vella and Cr Sproull</i>
Municipal Emergency Management Committee	<i>Cr De Villiers</i>
Municipal Fire Management Committee	<i>Cr Murphy</i>
Energy Breakthrough Committee	<i>Cr Long</i>
Employment Matters Advisory Committee	<i>Mayor, Cr La Vella and Cr Lovett</i>
Climate Action Collaboration	<i>Cr Long and Cr Sproull</i>
Walking and Cycling Advisory Group	<i>Cr La Vella</i>

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025:

Strategy Leading Change
objective:

Strategic Priority: Provide financial sustainability and good governance

BACKGROUND INFORMATION

Currently there are 14 committees which Central Goldfield Shire Council may wish to have representation on.

REPORT

It is appropriate for Council to have representation on various committees, especially where significant policy and strategy matters are being considered.

In considering who should be appointed, councillors are encouraged to consider the interests of councillors to ensure both that conflicts can be managed appropriately, and that council can be represented through these positions.

The following lists the committees to which Councillors have historically been appointed. Current committees include Associations and Regional Alliances which have a board position available for a member of Central Goldfields Shire Council.

Committee/Statutory Body	Type of Committee
Municipal Association of Victoria	Association
Audit and Risk Committee	Statutory
Australia Day Committee	Advisory
Rural Councils Victoria	Association
CEO Employment Matters Advisory Committee	Advisory
Grampians Central Waste and Resource Recovery Group	Regional Alliance
Rail Freight Alliance	Regional Alliance
Economic Development Taskforce	Regional Alliance.
Central Victoria Greenhouse Alliance	Association
Municipal Emergency Management Planning Committee	Statutory
Municipal Fire Management Committee	Statutory
Energy Breakthrough Committee	Management

Climate Action Collaboration	Advisory
Walking and Cycling Advisory Group	Advisory

Current appointments to these groups are as follows:

Committee/Statutory Body	Representative
Municipal Association of Victoria	<i>Cr La Vella (Primary nominee) and Cr De Villiers</i>
Audit and Risk Committee	<i>Cr Murphy and Cr Lovett</i>
Australia Day Committee	<i>All Councillors</i>
Rural Councils Victoria	<i>Cr Lovett</i>
Grampians Central Waste and Resource Recovery Group	<i>Cr Sproull</i>
Rail Freight Alliance	<i>Cr Meddows-Taylor</i>
Economic Development Taskforce	<i>Cr La Vella and Cr Sproull</i>
Central Victoria Greenhouse Alliance*	<i>Cr Sproull</i>
Municipal Emergency Management Committee	<i>Cr De Villiers</i>
Municipal Fire Management Committee	<i>Cr Murphy</i>
Energy Breakthrough Committee	<i>Cr Long</i>
CEO Employment Matters Advisory Committee	<i>Mayor, Cr La Vella and Cr Lovett</i>
Climate Action Collaboration	<i>Cr Long and Cr Sproull</i>
Walking and Cycling Advisory Group	<i>Cr La Vella</i>

* Council resolved to appoint Cr Wayne Sproull to this body at its October 2022 Meeting and so this appointment is excluded from the recommendation above.

CONSULTATION / COMMUNICATION:

There is no consultation for this process required.

FINANCIAL & RESOURCE IMPLICATIONS:

There are no financial implications outside of the standard Councillor allowance for travel and expenses.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices. Considered appointments to these committees increases their effectiveness and benefit for the community.

CONCLUSION

Council has a number of committees and is associated with or represented on various organisations that require nomination of either Councillors or officers.

ATTACHMENTS

Nil

Meeting closure

Council meeting