

SOUTH GIPPSLAND SHIRE COUNCIL

# Council Meeting Minutes

Election of Mayor and  
Determination and Election  
of Deputy Mayor

**23 November 2022**  
**Council Chambers, Leongatha**  
**Commenced at 2:00PM**



# minutes



*South Gippsland  
Shire Council*

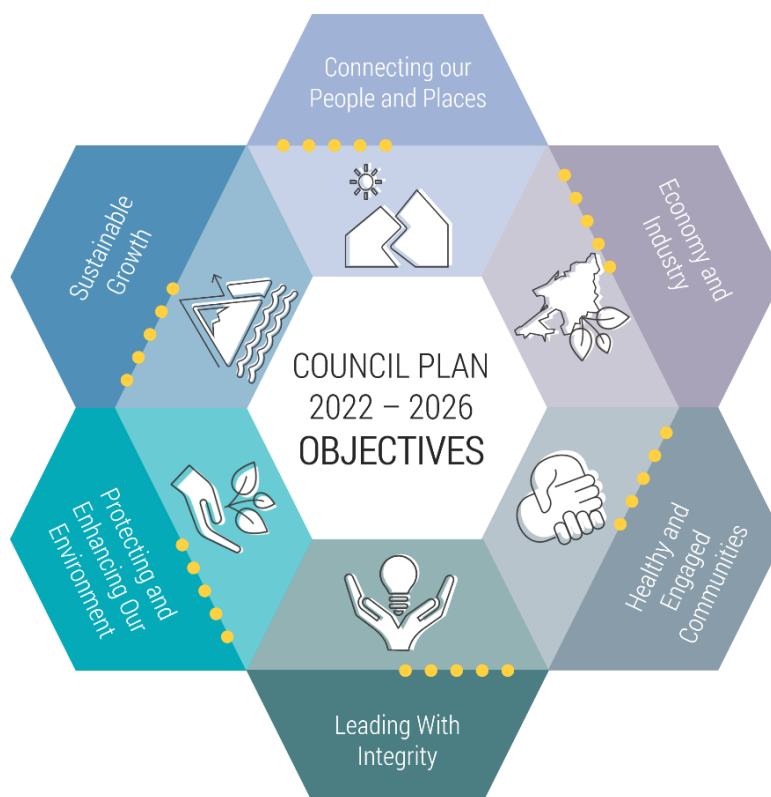
*Come for the beauty, Stay for the lifestyle*

## OUR COUNCIL VISION

***We care deeply about our people, the land and future of South Gippsland.***

***Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.***

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



### 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

|                     |                                                                                                                                                                                                                                                                                                      |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>COUNCILLORS:</b> | Councillor Nathan Hersey, Mayor<br>Councillor Clare Williams, Deputy Mayor<br>Councillor John Schelling<br>Councillor Mohya Davies<br>Councillor Adrian Darakai<br>Councillor Jenni Keerie<br>Councillor Scott Rae                                                                                   |
| <b>APOLOGY:</b>     | Councillor Michael Felton<br>Councillor Sarah Gilligan                                                                                                                                                                                                                                               |
| <b>OFFICERS:</b>    | Kerryn Ellis, Chief Executive Officer<br>Allison Jones, Director Performance & Innovation<br>Anthony Seabrook, Director Sustainable Infrastructure<br>Rena Littlejohn, Director Economy & Community<br>Rhys Matulis, Coordinator Governance<br>Natasha Berry, Corporate and Council Business Officer |

**Kerryn Ellis, Chief Executive Officer presided over the Council Meeting as Temporary Chair until the Mayor was elected.**

## **SOUTH GIPPSLAND SHIRE COUNCIL**

Additional Council Meeting Wednesday 23 November 2022

Council Chambers, commenced at 2:00PM

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**Kerryn Ellis**  
**Chief Executive Officer**

## **1. PRELIMINARY MATTERS**

### **1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER**

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

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

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.

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

Thank you

### **1.2. WELCOME TO THE COUNCIL MEETING**

#### ***COVID Safe Plan***

Council Meetings are conducted in line with Council's *COVID Safe Plan*.

### **1.3. OPENING PRAYER**

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

#### **1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

#### **1.5. APOLOGIES**

**Councillor Michael Felton (with leave of Council granted 16 November 2022).**

**Councillor Sarah Gilligan (with leave of Council granted 16 November 2022).**

## 1.6. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82)* (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

**Nil**

## 1.7. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- Preparing Reports for Meetings
- Exercise of Delegated Power
- Exercise of a Statutory Function

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au).

Council's *Governance Rules (C82)* can be accessed from Council's Policies webpage.

**Nil**

## **1.8. END OF TERM REMARKS - MAYOR AND DEPUTY MAYOR**

**Councillor Mohya Davies provided end of term remarks in her role as Mayor for the 2021- 2022 term:**

- **It has been a privilege being Mayor these last 12 months, and noted that a photo montage on display in this meeting is to remind us of the things that have been done over the last 12months.**
- **It has been an honour to be part of the return to democracy in South Gippsland following difficult times when under Administration for two and a half years.**
- **All Councillors have been part of paving a new way forward for our community. We have been passionate about connecting and engaging with community and adhering to the Code of Conduct and have worked hard to establish a strong Council.**
- **Some of the key things from this year include:**
  - **A comprehensive onboarding process for all Councillors that was led by Chief Executive Officer, Kerry Ellis and the broader Executive Leadership Team.**
  - **Completion and subsequent opening of the revitalised Mirboo North Outdoor Pool.**
  - **Completion and opening of Bair Streetscape after revitalisation works.**
  - **Completion and opening of the Foster Indoor Stadium after redevelopment.**
  - **The largest ever community engagement, Shaping South Gippsland, which involved a suite of pivotal plans and strategies including the Council Plan, Community Vision, Budget and Long-Term Financial Plan.**
  - **Engagement has stayed strong for other projects too such as the Domestic Animal Management Plan. This is something this Councillor group are been very engaged with.**
  - **First Pride Flag raising on IDAHOBIT Day and purple lights shining on Council offices to recognise the impact of family violence.**

- **A more proactive approach on advocacy and working collaboratively with our partners has also been a great highlight of the last 12 months. I have had regular meetings with State and Federal Representatives and I along with Cr Gilligan and the CEO attended a trip to Canberra where we took our Advocacy Priorities.**
- **Despite the challenges of workforce shortages and increasing construction costs, Council staff have continued to do a fabulous job getting projects underway and completed. It has been a challenging environment over the last 12 months.**
- **There has been a lot of events too that myself and Councillors have attended when engaging with our community, including exhibitions, Deb Balls, Shows. The huge number of events attended shows how South Gippsland is bouncing back from the pandemic and opening up.**
- **Thank you all for the opportunity to be Mayor and thank you to Councillor Hersey for being a great support as Deputy Mayor.**

**Kerryn Ellis, Chief Executive Officer, (CEO) on behalf of the community, Councillors and Council Staff thanked Councillor Davies for her contributions as Mayor during the 2021 – 2022 term.**

**Councillor Nathan Hersey provided end of term remarks in his role as Deputy Mayor for the 2021 - 2022 term:**

- **It has been an honor to serve the last 12 months as Deputy Mayor for South Gippsland Shire.**
- **Thanked Councillor Davies, for your words and be able to work alongside you,**
- **It has been a busy 12 months and have welcomed a return to democracy.**
- **Mayor Davies has covered most of the key things from this year, but here are some more:**
  - **The completion and official opening of the Great Southern Rail Trail extension between Leongatha and Korumburra, the Trail now spanning to Loch and eventually through to Nyora.**
  - **The adoption of the Arts, Culture and Creative Industries Strategy that received a lot of feedback during the Shaping South Gippsland engagement period.**
  - **Coffee with a Councillor catch ups with the community. This provided an opportunity for community to share their thoughts and ideas.**
  - **Provided an opportunity to fill in for Mayor Davies while she was away, which saw me attending One Gippsland meetings and more.**
  - **Advocacy has been sharpened with a clear set of Advocacy priorities.**
- **I've asked our community on numerous occasions to speak up and show up and engage, and they have done so in spades. Without our community's engagement it is not an easy job to represent the community.**
- **It has been a great honour being Deputy Mayor for these last 12 months.**
- **I am energised by the work we have done as a Councillor group so far and look forward to what we can do in the next 12 months and 2 years. He asked the community to continue to engage so that we can plan and improve together, we are achieving for our community but there is actually more to be done.**

**Kerryn Ellis, Chief Executive Officer, (CEO) on behalf of the community, Councillors and Council Staff thanked Councillor Hersey for his contributions as Deputy Mayor during the 2021 – 2022 term.**

## 2. OBJECTIVE - LEADING WITH INTEGRITY

### 2.1. DETERMINATION OF TERM OF MAYOR

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Governance                 |

#### Council Plan

##### *Objective - Leading with Integrity*

*Council is required to abide by the Local Government Act 2020 and Council's Governance Rules (C82) 2022 in the proceedings of appointing a Mayor and Deputy Mayor.*

#### EXECUTIVE SUMMARY

The purpose of this report is to facilitate the term of office of the Mayor.

Section 25 of the *Local Government Act 2020* (the Act), stipulates that Councillors must elect a Mayor of the Council, at a meeting that is open to the public. Section 26(3) of the Act requires that before a Mayor is elected, the Council may resolve to elect a Mayor for a term of one or two years. Council's *Governance Rules (C82)* (Governance Rules) clause 5.4(a) also states that Council must determine whether the Mayor is to be elected for a one-year or a two-year term before the election of the Mayor takes place. If no resolution is passed the term of the Mayor remains at one year.

The election of the Mayor must be chaired by the Chief Executive Officer (CEO) until the Mayor is elected and subject to s.25, be conducted in accordance with Council's *Governance Rules*.

Whilst Councillors may resolve to elect the Mayor for a period of two years, it is recommended that Council continue with the precedent of electing the Mayor for a one-year term.

The term of office of Mayor will commence on 23 November 2022 upon appointment by Council.

#### RECOMMENDATION

That Council determines that the Mayoral term will be for one year in accordance with ss.25 and 26 of the Local Government Act 2020.

**RESOLUTION**

**MOVED:** Councillor Schelling

**SECONDED:** Councillor Davies

**That Council determines that the Mayoral term will be for one year in accordance with ss.25 and 26 of the Local Government Act 2020.**

**CARRIED UNANIMOUSLY**

## REPORT

Section 26(4) of the Act requires that the election of the Mayor (and Deputy Mayor) is to be held as close to the end of one-year term as is reasonably practicable. The election and appointment of the previous Mayor meeting took place on 17 November 2021.

Section 25(3)(a)(b) of the Act states that the CEO presides as Temporary Chair at the Meeting until the Mayor is elected. This is also in accordance with Council's *Governance Rules*, Part B Clause 5.3.

The election of the Mayor will be supervised by Kerry Ellis, the Chief Executive Officer who will be the Returning Officer for this Mayoral election.

The role of the Mayor, as defined in s.18 of the Act, is to take precedence at all municipal proceedings within the municipal district and the Mayor must take the chair at all meetings of the Council at which they are present.

Council may, before electing a Mayor, resolve to elect a Mayor for two years.

Council's Governance Rules clause 5.4(a) also states that Council:

*'Must determine whether the Mayor is to be elected for a 1 year or a 2 year term, before the election of the Mayor takes place. If no such resolution is passed the term of the Mayor remains at 1 year'*

The term of office of Mayor will commence on 23 November 2022 upon appointment by Council and become vacant when an additional Council Meeting is scheduled following the completion of the term in accordance with s.26(4)(5) of the Act.

## CONSULTATION / COMMUNITY ENGAGEMENT

Councillors have considered this report prior to this Additional Council Meeting. Due consideration has been given to the responsibilities to be undertaken by the Mayor and its associated workload.

## RESOURCES / FINANCIAL VIABILITY

The Mayor and Councillors are provided with an allowance to assist them in undertaking their civic duties. Section 39 of the Act sets out the requirements for Councillor allowances.

The Mayoral allowance is higher than the Councillors' allowance to reflect the increased workload and responsibilities required of the Mayor.

These allowances are funded in the annual budget for each four-year term.

## **RISKS**

Council is required by law to elect a Mayor. Failing to appoint a Mayor would result in a breach of the Act. The Additional Council Meeting to elect a Mayor has been held to ensure Council meets its legislative requirements under ss.25 and 26 of the Act.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

### **Legislative Provisions**

Local Government Act 2020

## 2.2. ELECTION OF MAYOR

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Governance                 |

### Council Plan

*Objective - Leading with Integrity*

*Council is required to abide by the Local Government Act 2020 and Council's Governance Rules (C82) 2022 in the proceedings of appointing a Mayor and Deputy Mayor.*

### EXECUTIVE SUMMARY

The purpose of this report is to facilitate the election of the Mayor.

Section 25 of the *Local Government Act 2020* (the Act), stipulates that Councillors must elect a Mayor of the Council, at a meeting that is open to the public. Section 26 requires that the election of the Mayor (and Deputy Mayor) is to be held as close to the end of one-year term as is reasonably practicable.

The election of the Mayor must be chaired by the Chief Executive Officer (CEO) until the Mayor is elected and subject to s.25, be conducted in accordance with the Council's *Governance Rules (C82)* (Governance Rules). Once the Mayor has been elected, they will assume the position of the Chair.

The term of office for the Mayor will commence on 23 November 2022 upon appointment by Council and become vacant at the time and on the day of the election of the next Mayor, unless circumstances arise under ss.20, 22, 23 and 35 of the Act which leads to the position of Mayor becoming vacant prior.

### RECOMMENDATION

That Council:

1. Proceed to elect a Mayor of the South Gippsland Shire Council, in accordance with ss.25 and 26 of the Local Government Act 2020, for the duration resolved in the 'Determination of Term of Mayor' report; and
2. Determines that the term will conclude on a day determined by the Council that is as close to the end of the Mayor term as is reasonably practicable, unless the Office of Mayor becomes vacant earlier under ss.20, 22, 23 or 35 of the Local Government Act 2020.

**Kerryn Ellis, Chief Executive Officer, (CEO) addressed Councillors that one nomination for Mayor had been received for Councillor Nathan Hersey, prior to the commencement of the Meeting. Councillor Hersey accepted the nomination.**

**Kerryn Ellis, CEO stated that as there was only one nomination and it was accepted, Cr Nathan Hersey was declared the elected Mayor for the 2022 - 2023 term.**

**To formalise this result, the following Motion was moved.**

## **RESOLUTION**

**MOVED:** Councillor Hersey

**SECONDED:** Councillor Keerie

**That Council:**

- 1. Duly elect Councillor Nathan Hersey as Mayor of the South Gippsland Shire Council for the 2022 - 2023 term; and**
- 2. Determines that the term is to conclude on a day to be determined by Council that is as close to the end of the one year term as possible, unless the Office of Mayor becomes vacant earlier under ss.20, 22, 23 or 35 of the *Local Government Act 2020*.**

## **CARRIED UNANIMOUSLY**

**Kerryn Ellis, Chief Executive Officer on congratulated Cr Hersey on his appointment as Mayor and welcomed him to take the Mayoral seat to Chair the remainder of the Meeting.**

## REPORT

### Background

Section 25(3)(a)(b) of the Act states that the CEO presides as Temporary Chair at the Meeting until the Mayor is elected. This is also in accordance with Council's *Governance Rules*, Part B Clause 5.3.

The election of the Mayor will be supervised by Kerryn Ellis, the Chief Executive Officer who will be the Returning Officer for this Mayoral election.

Section 26(4) of the Act requires that the election of the Mayor (and Deputy Mayor) is to be held as close to the end of one-year term as is reasonably practicable.

As defined in s.18 of the Act:

1. *The role of the Mayor is to –*
  - a. *chair Council meetings; and*
  - b. *be the principal spokesperson for the Council; and*
  - c. *lead engagement with the municipal community on the development of the Council Plan; and*
  - d. *report to the municipal community, at least once each year, on the implementation of the Council Plan; and*
  - e. *promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and*
  - f. *assist Councillors to understand their role; and*
  - g. *take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and*
  - h. *provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and*
  - i. *perform civic and ceremonial duties on behalf of the Council.*
2. *The Mayor is not eligible to be elected to the office of Deputy Mayor.*

As defined in s.19 of the Act:

1. *The Mayor has the following specific powers –*
  - a. *to appoint a Councillor to be the chair of a delegated committee;*

- b. to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;*
  - c. to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.*
- 2. An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.*

As per the *Governance Rules* Part B clause 7.3, all nominations for the office of Mayor can be made by any Councillor and are to be submitted in writing to the CEO prior to the meeting. The nomination form must be seconded by another Councillor prior to it being submitted.

All nominees will indicate their acceptance of the nomination during the meeting. Any nominees not present at the meeting held to elect the Mayor, must have provided their acceptance in writing to the CEO, prior to the meeting.

Once nominations have been accepted, all Councillors contesting the election of the Mayor shall be known as candidates. The CEO will declare nominations closed before the meeting begins. If no nominations are received prior, the CEO will call for nominations at the meeting.

If there is only one nomination, the candidate nominated must be declared to be duly elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.

Section 61 of the Act requires that voting is to be carried out by a show of hands by each Councillor and is determined by the *absolute majority* which is greater than half the total number of the Councillors present at the meeting. With the exception of the voting method, the general provisions of Council's *Governance Rules* apply in regard to the election of Mayor and counting of votes.

Candidates may address Council for up to three minutes prior to the vote for the election of Mayor being conducted.

The term of office for Mayor will commence on 23 November 2022 upon appointment by Council and will end following the completion of the term resolved by Council in the 'Determination of Term of Mayor' report and in accordance with s.25 and 26 of the Act.

## **CONSULTATION / COMMUNITY ENGAGEMENT**

Councillors have considered this report prior to this Additional Council Meeting. Due consideration has been given to the responsibilities to be undertaken by the Mayor and its associated workload.

## **RESOURCES / FINANCIAL VIABILITY**

The Mayor and Councillors are provided with an allowance to assist them in undertaking their civic duties. Section 39 of the Act sets out the requirements for Councillor allowances.

The Mayoral allowance is higher than the Councillors' allowance to reflect the increased workload and responsibilities required of the Mayor.

These allowances are funded in the annual budget for each four-year term.

## **RISKS**

Council is required by law to elect a Mayor. Failing to appoint a Mayor would result in a breach of the Act. The Additional Council Meeting to elect a Mayor has been held to ensure Council meets its legislative requirements under ss.25 and 26 of the Act.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

### **Legislative Provisions**

Local Government Act 2020

## 2.3. DETERMINATION OF DEPUTY MAYOR

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Governance                 |

### Council Plan

*Objective - Leading with Integrity*

*Council is required to abide by the Local Government Act 2020 and Council's Governance Rules (C82) 2022 in the proceedings of appointing a Deputy Mayor.*

### EXECUTIVE SUMMARY

The purpose of this report is to determine if a Deputy Mayor is to be appointed by Council. The Council may also resolve to elect a Deputy Mayor for a term of one or two years. Establishing a Deputy Mayor's role is to assist and reduce the workload pressures of the Mayor.

Section 20A of the *Local Government Act 2020* (the Act) allows for Council to establish an office of Deputy Mayor by resolution of Council. Council's *Governance Rules (C82)* (Governance Rules), also provides for the election of a Deputy Mayor, if desired by Council under Part B clause 5.4(c).

Section 27 of the Act, indicates that ss.25 and 26 applies to the election of a Deputy Mayor as if any reference in those sections to the Mayor was a reference to the Deputy Mayor.

### RECOMMENDATION

That Council:

1. Resolves to elect a Deputy Mayor of the South Gippsland Shire Council; and
2. Resolves to elect a Deputy Mayor for a term of one year in accordance with ss.25, 26 and 27 of the Local Government Act 2020.

**RESOLUTION**

**MOVED:** Councillor Davies

**SECONDED:** Councillor Rae

**That Council:**

- 1. Resolves to elect a Deputy Mayor of the South Gippsland Shire Council;  
and**
- 2. Resolves to elect a Deputy Mayor for a term of one year in accordance with  
ss.25, 26 and 27 of the Local Government Act 2020.**

**CARRIED UNANIMOUSLY**

## REPORT

Section 26(4) of the Act requires that the election of the Deputy Mayor is to be held as close to the end of one-year term as is reasonably practicable. The election and appointment of the previous Deputy Mayor meeting took place on 17 November 2021.

Council's *Governance Rules* provides for the election of a Deputy Mayor if determined by Council. This role is to deputise for the Mayor in providing a leadership and formal representational presence at civic, ceremonial and public engagements; and chairs Council Meetings on occasions when the Mayor is unable to do so.

As defined in s.21 of the Act:

1. *The Deputy Mayor must perform the role of the Mayor and may 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.*

This report provides Council the opportunity to resolve to elect a Deputy Mayor and also to determine the term of office of one or two years.

## CONSULTATION / COMMUNITY ENGAGEMENT

Councillors have considered this report prior to this Additional Council Meeting. Due consideration has been given to the responsibilities to be undertaken by the Deputy Mayor and its associated workload.

## RESOURCES / FINANCIAL VIABILITY

The Deputy Mayor and Councillors are provided with an allowance to assist them in undertaking their civic duties. Section 39 of the Act sets out the requirements for Councillor allowances.

The Deputy Mayor allowance is higher than the Councillors' allowance to reflect the increased workload and responsibilities required to assist the Mayor.

These allowances are funded in the annual budget for each four-year term.

## **RISKS**

Establishing a Deputy Mayor's role reduces the workload pressures on the Mayor, and aims to mitigate a potential occupational health and safety concern for the Mayor.

## **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

## **ATTACHMENTS**

*Attachments are available on Council's website at the following [LINK](#).*

Nil

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

### **Legislative Provisions**

Local Government Act 2020

## 2.4. ELECTION OF DEPUTY MAYOR

|              |                            |
|--------------|----------------------------|
| Directorate: | Performance and Innovation |
| Department:  | Governance                 |

### Council Plan

*Objective - Leading with Integrity*

*Council is required to abide by the Local Government Act 2020 in the proceedings of appointing a Deputy Mayor.*

### EXECUTIVE SUMMARY

The purpose of this report is to facilitate the election of the Deputy Mayor, if Council has resolved to elect a Deputy Mayor today. Establishing a Deputy Mayor's role is to assist and reduce the workload pressures of the Mayor.

Section 20A of the *Local Government Act 2020* (the Act) allows for Council to establish an office of Deputy Mayor by resolution of Council. Council's *Governance Rules (C82)* (Governance Rules), also provides for the election of a Deputy Mayor, if desired by Council under Part B clause 5.4.

Section 27 of the Act, indicates that ss.25 and 26 applies to the election of a Deputy Mayor as if any reference in those sections to the Mayor was a reference to the Deputy Mayor.

The election of the Deputy Mayor will be chaired by the newly elected Mayor in accordance with Council's *Governance Rules*.

The term of office for the Deputy Mayor will commence on 23 November 2022 upon appointment by Council and become vacant at the time and on the day of the election of the next Deputy Mayor, unless circumstances arise under ss.20, 22, 23 and 35 of the Act which leads to the position of Deputy Mayor becoming vacant prior.

### RECOMMENDATION

That Council:

1. Proceeds to elect a Deputy Mayor of the South Gippsland Shire Council, in accordance with ss.25, 26 and 27 of the Local Government Act 2020, for the duration resolved in the 'Determination and Election of Deputy Mayor' report; and

2. Determines that the term will conclude on a day determined by the Council that is as close to the end of the Deputy Mayor term as is reasonably practicable, unless the Office of Mayor becomes vacant earlier under ss.20, 22, 23 or 35 of the Local Government Act 2020.

**The Mayor, Councillor Nathan Hersey in calling for nominations asked the CEO if any nominations had been lodged prior to the commencement of the Meeting.**

**Kerryn Ellis, CEO addressed Councillors by stating that one nomination for Deputy Mayor had been received; Councillor Hersey nominated Councillor Clare Williams and Councillor Schelling seconded this nomination.**

**The Mayor, Councillor Nathan Hersey asked if the nomination was accepted. Councillor Williams accepted the nomination.**

**The Mayor, Councillor Nathan Hersey stated that as there was only one nomination and it was accepted, Councillor Clare Williams was declared the elected Deputy Mayor for the 2022 - 2023 term.**

**To formalise this result, the following Motion was moved.**

## **RESOLUTION**

**MOVED:** Councillor Schelling

**SECONDED:** Councillor Darakai

**That Council:**

1. **Duly elect Councillor Clare Williams as Deputy Mayor of the South Gippsland Shire Council for the 2022 - 2023 term; and**
2. **Determines that the term is to conclude on a day to be determined by Council that is as close to the end of the one-year term as possible, unless the Office of Mayor becomes vacant earlier under ss.20, 22, 23 or 35 of the *Local Government Act 2020*.**

## **CARRIED UNANIMOUSLY**

**The Mayor, Councillor Nathan Hersey on behalf of Councillors congratulated Cr Williams on her appointment as Deputy Mayor.**

**The Mayor extended his thanks to the former Mayor Councillor Davies on her service in the role, for bringing the Councillor group together, sharing expertise, history and knowledge, this has been appreciated.**

**The Mayor addressed Councillors with some opening remarks for his term.**

**The Deputy Mayor, Councillor Clare Williams congratulated Councillor Hersey on his appointment as Mayor.**

**The Deputy Mayor extended her thanks to the former Mayor Councillor Davies on her leadership, and hard work over the previous 12months.**

**The Deputy Mayor addressed Councillors with some opening remarks for her term.**

## REPORT

Council's *Governance Rules* provides for the election of a Deputy Mayor if determined by Council. This role is to deputise for the Mayor in providing a leadership and formal representational presence at civic, ceremonial and public engagements; and chairs Council Meetings on occasions when the Mayor is unable to do so.

As defined in s.21 of the Act:

1. *The Deputy Mayor must perform the role of the Mayor and may 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.*

As per the *Governance Rules*, all nominations for the office of Deputy Mayor can be made by any Councillor and are to be submitted in writing to the CEO prior to the meeting. The nomination form must be seconded by another Councillor prior to it being submitted.

All nominees will indicate their acceptance of the nomination during the meeting. Any nominees not present at the meeting held to elect the Deputy Mayor, must have provided their acceptance in writing to the CEO, prior to the meeting.

Once nominations have been accepted, all Councillors contesting the election of the Deputy Mayor shall be known as candidates. The CEO will declare nominations closed before the meeting begins. If no nominations are received prior, the CEO will call for nominations at the meeting.

If there is only one nomination, the candidate nominated must be declared to be duly elected as Deputy Mayor. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.

Section 61 of the Act requires that voting is to be carried out by a show of hands by each Councillor and is determined by the *absolute majority* which is greater than half the total number of the Councillors present at the meeting. With the exception of the voting method, the general provisions of Council's *Governance Rules* regarding the election of Deputy Mayor and counting of votes apply.

Candidates may address Council for up to three minutes prior to the vote for the election of the Deputy Mayor being conducted.

The term of office for Deputy Mayor will commence on 23 November 2022 upon appointment by Council and will end following the completion of the term resolved by Council in the 'Determination and Election of Deputy Mayor' report and in accordance with s.25 and 26 of the Act.

If a Deputy Mayor is not elected then Council will be required to make a Council resolution each time the Mayor is unable to fulfil their role. This may cause problems for the Council if faced with a situation where an Acting Mayor is required at short notice and a resolution cannot be made at a Council Meeting in time.

### **CONSULTATION / COMMUNITY ENGAGEMENT**

Councillors have considered this report prior to this Additional Council Meeting. Due consideration has been given to the responsibilities to be undertaken by the Deputy Mayor and its associated workload.

### **RESOURCES / FINANCIAL VIABILITY**

The Deputy Mayor and Councillors are provided with an allowance to assist them in undertaking their civic duties. Section 39 of the Act sets out the requirements for Councillor allowances.

The Deputy Mayor allowance is higher than the Councillors' allowance to reflect the increased workload and responsibilities required to assist the Mayor.

These allowances are funded in the annual budget for each four-year term.

### **RISKS**

Establishing a Deputy Mayor's role reduces the workload pressures on the Mayor, and aims to mitigate a potential occupational health and safety concern for the Mayor.

### **STAFF DISCLOSURE**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **ATTACHMENTS**

Nil

## **REFERENCE DOCUMENTS**

### **Council's Good Governance Framework**

Pillar 1. Direction & Leadership

### **Council Policy / Strategy / Plans**

*Documents are available on Council's website at the following [LINK](#).*

Governance Rules (C82)

### **Legislative Provisions**

Local Government Act 2020

### 3. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

**Nil**

#### **4. MEETING CLOSED**

##### **NEXT MEETING**

The next Council Meeting open to the public will be held on Wednesday, 14 December 2022 commencing at 2pm in the Council Chambers, Leongatha.

**The Council Meeting closed at 2.28pm.**

**Confirmed this 14<sup>th</sup> day of December 2022**

**Mayor, Councillor Nathan Hersey**