

SOUTH GIPPSLAND SHIRE COUNCIL

# Special (Statutory) Meeting

Election of Mayor, Deputy Mayor and Councillor  
Appointment to Committees

MINUTES

**16 November 2016**

**Council Chambers, Leongatha**

**Commenced at 10:30am**



*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 Maxine Kiel Cr Don Hill Cr Meg Edwards Cr Ray Argento Cr Alyson Skinner Cr Jeremy Rich Cr Andrew McEwen Cr Lorraine Brunt Cr Aaron Brown
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APOLOGY:

Nil
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OFFICERS:

Tim Tamlin, Chief Executive Officer Vanessa Adams, Acting Director Community and Corporate Services Bryan Sword, Director Development Services Anthony Seabrook, Director Sustainable Communities & Infrastructure Rick Rutjens, Coordinator Media & Communications June Ernst, Coordinator Corporate Planning and Council Business Natasha Berry, Corporate and Council Business Officer Jodi Cumming, Corporate and Council Business Officer
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## **SOUTH GIPPSLAND SHIRE COUNCIL**

Notice is hereby given that the Special (Statutory) Meeting of the South Gippsland Shire Council will be held on 16 November 2016 in the Council Chambers, Leongatha commencing at 10.30am

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Tim Tamlin  
Chief Executive Officer

**Mr Tim Tamlin, Chief Executive Officer, presided over the Meeting in the role of Temporary Chair in accordance with Clause 7 of the South Gippsland Shire Council Local Law No 3. 2010 – Processes of Municipal Government until after the election of the Mayor.**

## **1. PRELIMINARY MATTERS**

### **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. APOLOGIES**

Nil

### 1.5. 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. This legislation can be obtained by contacting the Council's Corporate Services Directorate (Governance Services) 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 June 2011*.

Nil

### 1.6. 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 Department of Planning and Community Development in 'Conflict of Interest A Guide for Council staff', October 2011.

Nil

## **2. COUNCIL REPORTS**

### **2.1. DETERMINATION OF TERM OF MAYOR**

Corporate and Community Services Directorate

#### **EXECUTIVE SUMMARY**

Section 71 of the Local Government Act (the Act) 1989, states that the Mayor is to be elected by Councillors at a meeting that is open to the public.

Section 71(2) of the Act requires that before a Mayor is elected, the Council may resolve to elect a Mayor for a term of two years. Council's Local Law No 3. 2010 clause 6(d) also states that if Council does not resolve to elect a Mayor for a term of two years the term of the Mayor remains at one year.

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 16 November 2016 upon appointment by Council.

#### **RECOMMENDATION/S**

That Council elect the Mayor for a term of one year in accordance with section 71(2) of the Local Government Act 1989.

**MOVED:** Cr Hill

**SECONDED:** Cr McEwen

**THAT COUNCIL ELECT THE MAYOR FOR A TERM OF ONE YEAR IN ACCORDANCE WITH SECTION 71(2) OF THE LOCAL GOVERNMENT ACT 1989.**

**CARRIED UNANIMOUSLY**

## REPORT

### Background

The Chief Executive Officer presides as Temporary Chair at the Meeting until the Mayor is elected as provided for in Council's Local Law No. 3 2010 - clauses 6 and 7.

Section 71 of the Act requires the election of Mayor to take place after the fourth Saturday in October but no later than 30 November each year.

The role of the Mayor, as defined in section 73 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 he or she is present.

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

Council's Local Law No 3. 2010 clause 6(d) also states that:

*Council may resolve to elect the Mayor for a term of two years at the Special (Statutory) Meeting of Council prior to nominations being called for by the Temporary Chair. If no such resolution is passed, the term of the Mayor remains at one year.*

The term of office of Mayor will commence 16 November 2016 upon appointment by Council and become vacant at 6.00am on the day of a Special (Statutory) Meeting to be scheduled following the completion of the term in accordance with section 71 and 72 of the Act.

### Options

Council may elect a Mayor for a one or two year term. Outlined below are some considerations for each option.

- **One year Mayoral term:** enables flexibility and provides an opportunity for the Mayoral workload to be distributed across Councillors during the four year Council term. It also allows for the personal development of Councillors appointed to this position.
- **Two year Mayoral term:** provides for stability of office for a longer period.

Council retains the right to appoint the Mayor for a further one year period if desired, if the one year Mayoral term option is selected now.

### Proposal

That Council determines to elect a Mayor for a term of one year commencing 16 November 2016 upon appointment by Council and that the role becomes vacant at 6.00am on the day of a Statutory Meeting to be scheduled in November 2017.



## **CONSULTATION**

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

## **RESOURCES**

The Mayor and Councillors are provided an allowance to assist them in undertaking their civic duties. The Act sets out the requirements for setting 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 Special (Statutory) Meeting to elect a Mayor has been held to ensure Council meets its legislative requirements under section 71 and 72 of the Act.

## **REFERENCE DOCUMENTS**

- Local Government Act 1989, section 71, 71, 89 and 90
- Local Law No. 3 2010 - Processes of Municipal Government (Meeting Procedures and Common Seal) - clause 6,7

## **2.2. ELECTION OF MAYOR**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Section 71 of the Local Government Act (the Act) 1989, stipulates that Councillors must elect a Mayor of the Council, at a meeting that is open to the public after the fourth Saturday in October, but not later than 30 November.

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

The term of office of Mayor will commence on 16 November 2016 upon appointment by Council and become vacant at 6.00am on the day of a Special (Statutory) Meeting to be scheduled following the completion of the term determined today in the 'Determination of Term of Mayor' report and in accordance with section 71 and 72 of the Act.

### **RECOMMENDATION/S**

That Council proceed to elect a Mayor of the South Gippsland Shire Council, in accordance with section 71 of the Local Government Act 1989, for the duration resolved in the 'Determination of Term of Mayor' report.

#### **Election of Mayor**

The Temporary Chairperson, Tim Tamlin, CEO called for nominations for the Election of Mayor.

Councillor Andrew McEwen nominated Councillor Ray Argento.

The nomination was accepted by Cr Argento.

Mr Tamlin called for further nominations for Mayor. As there were none forthcoming, Mr Tamlin declared nominations closed.

Mr Tamlin declared that there was only one nomination and declared Cr Argento as the Mayor for the South Gippsland Shire Council for the 2016 - 2017 term. The newly elected Mayor, Cr Argento was congratulated by those present at the Meeting.

Mr Tamlin confirmed the result with Sheryl Bruce, Returning Officer. He then invited the Mayor to take the Chair for the remainder of the Special Statutory Meeting.

The Mayor, Cr Argento addressed Council by thanking Councillors for their support and that he would enjoy working with them all over the next 12 months. Cr Argento further commented that he was excited about the future and that he is confident that the new Council would tackle the challenges ahead, that Council will lead by example and that its actions will speak louder than its words.

## **REPORT**

### **Background**

The Chief Executive Officer presides as Temporary Chair at the Meeting until the Mayor is elected as provided for in Council's Local Law No. 3 2010 - clauses 6 and 7.

The election of the Mayor will be supervised by Sheryl Bruce, Returning Officer from the Victorian Electoral Commission (VEC), appointed by the Chief Executive Officer to act as the Returning Officer.

Section 71 of the Act requires the election of the Mayor to be held in a meeting that is open to members of the public. Section 89 and 90 require the voting method to be undertaken by a show of hands. With the exception of the voting method, the general provisions of Council's Local Law No 3. 2010 regarding the election of Mayor and counting of votes apply.

Section 71 of the Act requires the election of Mayor to take place after the fourth Saturday in October but no later than 30 November each year.

The role of the Mayor, as defined in section 73 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 he or she is present.

Mayoral functions under section 73AA of the Act also include:

- providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- Acting as the principal spokesperson for the Council; and
- Supporting good working relations between Councillors; and
- Carrying the civic and ceremonial duties of the office of Mayor.

The term of office of Mayor will commence 16 November 2016 upon appointment by Council and become vacant at 6.00am on the day of a Special (Statutory) Meeting to be scheduled following the completion of the term resolved by Council in the 'Determination of Term of Mayor' report and in accordance with section 71(3) and 72 of the Act.

### **Proposal**

That Council call for nominations to elect a Mayor using the Election Guidelines attached.

## CONSULTATION

Councillors have considered this report prior to this Special (Statutory) Meeting. Due consideration has been given to the responsibilities to be undertaken by the Mayor, the associated workload and the leadership traits required.

## RESOURCES

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

Councils are divided into three categories based on the income and population of each Council. South Gippsland Shire Council falls into Category 2 and the allowances (excluding 9.5% superannuation) are currently:

Mayoral allowance up to \$74,655 per annum; and

Councillor allowance range between \$10,033 and \$24,127 per annum.

In addition to the above salaries, Councillor's are entitled to 9.5% superannuation. This is added to the allowance shown above.

The Minister for Local Government approved an adjustment factor increase of 2.5% to the Mayor and Councillor Allowances, effective 1 December 2015, under section 73B(4) of the Act. A further adjustment factor increase is anticipated to be required in December 2016.

Section 74(1) of the Act requires that Councils must review and determine the level of Mayoral and Councillor Allowances by 30 June 2017. The current allowances apply until Council adopts allowances as per requirements of Category 2 Councils set by Local Government Victoria.

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. This Special (Statutory) Meeting to elect a Mayor has been held to ensure Council meets its legislative requirements under section 71 of the Act.

## REFERENCE DOCUMENTS

- Local Government Act 1989, section 71, 72, 89 and 90
- Local Law No. 3 2010 - Processes of Municipal Government (Meeting Procedures and Common Seal) - clause 6, 7

**2.3. DETERMINATION IF A DEPUTY MAYOR IS TO BE ELECTED**

Corporate and Community Services Directorate

**EXECUTIVE SUMMARY**

Councillors are required to elect a Mayor of the Council as required under section 71 of the Local Government Act 1989. However, Council's Local Law No 3. 2010 also provides for the election of a Deputy Mayor, if desired by Council.

Electing a Deputy Mayor for a one year term allows more Councillors to nominate for this role as both a development opportunity and to share the associated workload.

**RECOMMENDATION/S**

That Council resolves to elect a Deputy Mayor of the South Gippsland Shire Council for a one year term.

**MOVED:** Cr Skinner

**SECONDED:** Cr Brunt

**THAT COUNCIL RESOLVES TO ELECT A DEPUTY MAYOR OF THE SOUTH GIPPSLAND SHIRE COUNCIL FOR A ONE YEAR TERM.**

**CARRIED UNANIMOUSLY**

## **REPORT**

### **Background**

Council's Local Law No 3. 2010 provides for the election of a Deputy Mayor. This role deputises for the Mayor 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.

Council has traditionally elected a Deputy Mayor and for the past four years has elected a Deputy Mayor for a one year term.

### **Proposal**

That Council resolves to elect a Deputy Mayor for a one year term to deputise for the Mayor when required.

## **CONSULTATION**

Councillors have considered this report prior to this Special (Statutory) Meeting.

## **RESOURCES**

Councillor allowances are currently funded in annual budgets. No additional allowance is paid to a Deputy Mayor beyond the Councillor allowance as per section 73B(4) of the Act.

## **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.

## **REFERENCE DOCUMENTS**

- Local Government Act 1989, section 71, 90
- Local Law No. 3 2010 - Processes of Municipal Government (Meeting Procedures and Common Seal) - clause 6,7

## **2.4. ELECTION OF DEPUTY MAYOR**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to facilitate the election of Deputy Mayor, if Council has resolved to elect a Deputy Mayor today in the 'Determination if a Deputy Mayor is to be Elected' report.

The election of the Deputy Mayor will be chaired by the newly elected Mayor in accordance with Council's Local Law No. 3, 2010 clauses 6 and 7 and supervised by Sheryl Bruce, Returning Officer from the Victorian Electoral Commission (VEC).

A one year term is recommended to Council, even if a two year term is decided for the Mayor, to allow an increased opportunity for Councillors to nominate for this role as both a development opportunity and to share the associated workload.

### **RECOMMENDATION/S**

That Council proceeds to elect a Deputy Mayor of the South Gippsland Shire Council for the 2016/17 term.

#### **Election of Deputy Mayor**

The Mayor, Councillor Ray Argento called for nominations for the election of Deputy Mayor.

Councillor Don Hill nominated Councillor Maxine Kiel.

The nomination was accepted by Cr Kiel.

The Mayor called for further nominations for Deputy Mayor. As there were none forthcoming, the Mayor declared nominations closed.

The Mayor, declared Cr Kiel as Deputy Mayor for the South Gippsland Shire Council for the 2016 - 2017 term. The newly elected Deputy Mayor, Cr Kiel was congratulated by those present at the Meeting.

The Mayor confirmed the result with Sheryl Bruce, Returning Officer and declared Cr Kiel the Deputy Mayor for the 2016 - 2017 term.

The Deputy Mayor, Cr Kiel addressed Council by thanking her colleagues for their show of support. Cr Kiel further commented that it is a great honour to represent the people of South Gippsland and that she looks forward to listening to the needs of the region.

The Mayor thanked the Returning Officer, Sheryl Bruce for officiating today.

The Mayor invited other Councillors to speak.

Councillor Andrew McEwen addressed Council by concurring with the Deputy Mayor that Council needs a vision of creating jobs, opportunities and prosperity

for the Shire. With a focus on listening deeply to the community and renewing community infrastructure. Cr McEwen said that there is a great diversity of backgrounds and talents in the room and that the Council are looking to work together in a collaborative, respectful, mutual way and that the commitment is solid as a group to work towards the common good of the Shire.



## **REPORT**

### **Background**

Council's Local Law No 3. 2010 provides for the election of a Deputy Mayor. 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.

Council has traditionally elected a Deputy Mayor and for the past four years has elected a Deputy Mayor for a one year term.

Section 89 of the Act requires the election of the Mayor to be held in a meeting that is open to members of the public with the voting method for the election to be undertaken by a show of hands. With the exception of the voting method, the general provisions of Council's Local Law No 3. 2010 regarding the election of Mayor and counting of votes apply. Council will follow the same transparent procedure for the election of the Deputy Mayor and the counting of votes.

The term of Deputy Mayor will commence on 16 November 2016 upon appointment by Council and becomes vacant at 6am on the day of the Special (Statutory) Meeting to be scheduled following the completion of the term in accordance with section 71 and 72 of the Act and the Council resolution made today for the 'Determination if a Deputy Mayor is to be Elected'.

### **Proposal**

That Council elects a Deputy Mayor for the term adopted today in the 'Determination if a Deputy Mayor is to be Elected' utilising the Election Details for Deputy Mayor attached.

## **CONSULTATION**

Councillors have considered this report prior to this Special (Statutory) Meeting.

## **RESOURCES**

Councillor allowances are currently funded in annual budgets. No additional allowance is paid to a Deputy Mayor beyond the Councillor allowance as per section 73B(4) of the Act.

## **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.

## **ATTACHMENTS**

1. Special Statutory Meeting - Council Agenda Report - Election Details for Deputy ~ 16 November 2016 [2.4.1]

## REFERENCE DOCUMENTS

- Local Government Act 1989, section 71, 89 and 90
- Local Law No. 3 2010 - Processes of Municipal Government (Meeting Procedures and Common Seal) - clause 6, 7

## **2.5. COUNCILLOR APPOINTMENTS TO THE CEO REVIEW COMMITTEE, AUDIT COMMITTEE AND WEST GIPPSLAND REGIONAL LIBRARY**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

Council has traditionally appointed Councillors to a range of internal and external Committees for the period of one year.

These appointments are reviewed annually, generally at, or close to, the Special (Statutory) Meeting of Council, to ensure appropriate representation and contribution by Councillors.

This report concerns the appointment of Councillors to Council's Chief Executive Officer (CEO) Review Committee, Audit Committee and the West Gippsland Regional Library Board for the period commencing 16 November 2016 for a one year term.

Appointments to the remaining internal, external, Council's Special Section 86 Committees and Local Government bodies will take place at an open Ordinary Meeting of Council on 14 December 2016. This allows Councillors time to review their preferences and representation on these Committees.

### **RECOMMENDATION/S**

That Council:

1. Appoints the Mayor, Deputy Mayor and one Councillor to Council's Chief Executive Officer Review Committee;
2. Appoints the Mayor and one Councillor to Council's Audit Committee, and;
3. Appoints one Councillor and one Substitute Councillor to the West Gippsland Regional Library Board.

### **Appointment to CEO Review Committee**

Councillor Andrew McEwen nominated Councillor Jeremy Rich for the membership to the CEO Review Committee.

Cr Rich accepted the nomination.

The Mayor declared Cr Rich as nominated to the CEO Review Committee along with the Mayor and Deputy Mayor.

**Appointment to Council's Audit Committee**

Councillor Meg Edwards nominated Councillor Lorraine Brunt for membership for Council's Audit Committee.

Cr Brunt accepted the nomination.

The Mayor declared Cr Brunt as nominated to the Council's Audit Committee, along with the Mayor.

**Appointment to Council's West Gippsland Regional Library Board**

Cr Brunt nominated Cr Edwards for membership for Council's West Gippsland Regional Library Board and Councillor Alyson Skinner as substitute Councillor.

Councillors Edwards and Skinner accepted the nominations.

The Mayor declared Cr Edwards as nominated to the West Gippsland Regional Library Board and Cr Skinner as substitute Councillor.

MOVED: Cr McEwen

SECONDED: Cr Brunt

THAT COUNCIL:

1. APPOINTS THE MAYOR, COUNCILLOR RAY ARGENTO AND DEPUTY MAYOR, COUNCILLOR MAXINE KIEL AND COUNCILLOR JEREMY RICH TO COUNCIL'S CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE;
2. APPOINTS THE MAYOR, COUNCILLOR RAY ARGENTO AND COUNCILLOR LORRAINE BRUNT TO COUNCIL'S AUDIT COMMITTEE, AND;
3. APPOINTS COUNCILLOR MED EDWARDS AND SUBSTITUTE COUNCILLOR ALYSON SKINNER TO THE WEST GIPPSLAND REGIONAL LIBRARY BOARD.

CARRIED UNANIMOUSLY

## **REPORT**

### **Background**

Council has traditionally appointed Councillors to external Committees to provide leadership, advocacy, support and active engagement with the community and to have access to strategic advice and information arising from these Committees. During the year Council may nominate to form internal Council Committees or receive additional requests for representation on external Committees.

South Gippsland Shire Council's CEO Review Committee is established to review the CEO's performance and progress made against set key performance indicators (KPIs) throughout the year, and report back to the full Council as required. Representation is required so that a review can be scheduled early in 2017.

South Gippsland Shire Council's Audit Committee Charter requires that the Audit Committee consists of up to five members, comprising two Councillors and a minimum of two and up to three independent members.

Traditionally, Council has appointed the Mayor and one other Councillor to attend the Audit Committee.

The Audit Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require. All Audit Committee members are expected to attend each meeting, in person or through teleconferencing or video conferencing. An Audit Committee Meeting scheduled in early December requires these appointments to be made as soon as practicable.

The West Gippsland Regional Library Board (Library Board) requires the appointment of one Councillor and one Substitute Councillor. The Library Board meets eight times a year and the Councillor will be a member of the Board. The Board makes decisions around strategic matters relating to the West Gippsland Libraries Corporation and the provision of Library services in the region.

These meetings are rotated at various locations within the member shires of South Gippsland, Bass Coast and Baw Baw.

The substitute appointee role is to provide back-up support should the first Councillor be unable to attend a scheduled Committee meeting.

An important strategic decision to appoint a new CEO to the West Gippsland Regional Library has been delayed due to Election Period Provisions. The appointment of Council's representative to the Library Board will allow this recruitment to progress.

### **Proposal**

It is proposed that Council appoints the Mayor, Deputy Mayor and one Councillor to Council's CEO Review Committee for a one year term.

It is proposed that Council appoints the Mayor and one Councillor to Council's Audit Committee for a one year term.

It is proposed that Council appoints one Councillor and one Substitute to the West Gippsland Regional Library Board for a one year term.

### **CONSULTATION**

Councillors have considered and discussed potential appointments to these Committees at a Council Briefing on 9 November 2016.

### **RESOURCES**

Funds are allocated in current and forward annual budgets where appropriate for membership fees and any subscriptions required as part of the memberships.

### **RISKS**

The investment of Councillor time and resources returns positive outcomes and opportunities for Council and the community through access to strategic information, and through Councillors providing advocacy and leadership for the advantage of the community. The appointment of Councillors to these three committees minimises Council's risk of under-representation in Library service provision, risk management and oversight of organisational responsibilities.

### **REFERENCE DOCUMENTS**

- Local Government Act 1989, section 3D, section 139
- [South Gippsland Shire Council Audit Committee Charter policy](#)

## **2.6. COUNCILLOR DECLARATION OF THE OATH OF OFFICE MINUTE**

Corporate and Community Services Directorate

### **EXECUTIVE SUMMARY**

The purpose of this report is to minute that candidates elected to South Gippsland Shire Council at the Council election of 22 October 2016 have taken the oath or affirmation of office and read, signed and dated their declaration to abide by the Councillor Code of Conduct as required by Section 63(1)(a) and (b) of the Local Government Act 1989 (the Act) at a ceremony conducted at 12.45pm on 9 November 2016.

The oaths/affirmations and declarations have been made with the Chief Executive Officer (CEO), Tim Tamlin, as their witness. A person elected to be a Councillor is not capable of acting as a Councillor until these two declarations are made and witnessed by the CEO.

Under Section 84A of the Act the Chief Executive Officer must summon a special meeting of Council within 14 days after the day the Returning Officer for a general election publicly declares the result of the election. This meeting includes the declarations made by Councillors on 9 November 2016 for inclusion in the Minutes, as required by section 63(2)(c) of the Act.

### **RECOMMENDATION/S**

That Council notes:

1. That all Councillors elected in the 22 October 2016 Council election for South Gippsland Shire Council have taken, signed and dated the oath or affirmation of office at a ceremony held at 12.45pm on 9 November 2016.
2. That all Councillors have read, signed and dated that they will abide by the Councillor Code of Conduct.
3. That the signed and dated oaths or affirmations, and Councillor Code of Conduct declarations, will be recorded and included in the minutes at the Special (Statutory) Meeting of Council held at the Council Chambers, Leongatha on 16 November 2016.
4. That the signed and dated oaths or affirmations and the signed and dated Councillor Code of Conduct will be displayed on Council's website.

**MOVED: Cr Hill**

**SECONDED: Cr Brown**

**THAT COUNCIL NOTES:**

- 1. THAT ALL COUNCILLORS ELECTED IN THE 22 OCTOBER 2016 COUNCIL ELECTION FOR SOUTH GIPPSLAND SHIRE COUNCIL HAVE TAKEN, SIGNED AND DATED THE OATH OR AFFIRMATION OF OFFICE AT A CEREMONY HELD AT 12.45PM ON 9 NOVEMBER 2016.**
- 2. THAT ALL COUNCILLORS HAVE READ, SIGNED AND DATED THAT THEY WILL ABIDE BY THE COUNCILLOR CODE OF CONDUCT.**
- 3. THAT THE SIGNED AND DATED OATHS OR AFFIRMATIONS, AND COUNCILLOR CODE OF CONDUCT DECLARATIONS, WILL BE RECORDED AND INCLUDED IN THE MINUTES AT THE SPECIAL (STATUTORY) MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, LEONGATHA ON 16 NOVEMBER 2016.**
- 4. THAT THE SIGNED AND DATED OATHS OR AFFIRMATIONS AND THE SIGNED AND DATED COUNCILLOR CODE OF CONDUCT WILL BE DISPLAYED ON COUNCIL'S WEBSITE.**

**CARRIED UNANIMOUSLY**



## **REPORT**

### **Background**

Section 63(1)(a) of the Act stipulates that a person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken an oath of office and has declared they will abide by the Councillor Code of Conduct under section 63(1)(b). A Councillor has the option to make an affirmation in place of the oath should they wish.

Section 63(2) of the Act requires the oath (or affirmation) of office to be:

- a. Made before the Chief Executive Officer; and
- b. Dated and signed before the Chief Executive Officer; and
- c. Recorded in the minutes of the Council meeting.

Section 63(3) of the Act requires the Councillors' declaration to abide by the Code to be:

- a. In writing; and
- b. Witnessed by the Chief Executive Officer.

Under section 64 the office of Councillor becomes vacant if a person elected to be a Councillor does not, within three months after the day on which the person was declared elected:

- a. Take the oath of office; or
- b. Make the declaration specified in section 63(1)(b).

### **Proposal**

That Council notes that all Councillors elected in the 22 October 2016 Council Election for South Gippsland Shire Council have taken the oath or affirmation of office and declared in writing they will abide by the Councillor Code of Conduct as required by section 63 of the Act.

## **CONSULTATION**

Councillors were provided with information on the requirements to take up the office of Councillor at several briefing sessions held prior to the declaration ceremony on 9 November 2016.

## **RISKS**

Council is required by law to ensure all newly elected Councillors take, sign and date the oath or affirmation of office and read, sign and date the Councillor Code of Conduct before they can take up the office of Councillor.

The briefing sessions held on 2, 8 and 9 November and the declaration ceremony held on 9 November 2016, along with the Minutes being captured in the 16 November 2016 Special (Statutory) Meeting, have all contributed to ensuring Councillors are elected in accordance with the legislative requirements of section 63 of the Act.

#### **ATTACHMENTS**

1. Oath of Council [2.6.1]
2. Affirmation of Office [2.6.2]
3. Oath and Affirmation of Office [2.6.3]

#### **REFERENCE DOCUMENTS**

- Local Government Act 1989, section 63

### 3. URGENT OR OTHER BUSINESS

There are two basic parts to the section of the Agenda:

#### 1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

The Meeting Procedure Local Law No. 3 (Clause 46) allows for where a situation has not been provided for under the Local Law, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Ordinary Meeting of Council or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

‘That consideration of (*the issue*) be dealt with as a matter of urgent business and Councillor ....be allowed a ‘short period’ to indicate the reason(s) why they matter should be considered as a matter of urgent business.” If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Local Law No. 3 will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

#### 2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

Nil

## **4. MEETING CLOSED**

### **NEXT MEETING**

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 23 November 2016 commencing at 2pm in the Council Chambers, Leongatha.

**The Meeting Closed at 10.59am.**

The Council Meeting closed at {time}.

Confirmed this                      day of                      2016

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Mayor Cr Ray Argento

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