

Hepburn

SHIRE COUNCIL

HEPBURN SHIRE COUNCIL STATUTORY MEETING OF COUNCIL PUBLIC MINUTES

Tuesday 16 November 2021

Virtual Meeting
via Video Conference

6:00 PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED
VIA [COUNCIL'S FACEBOOK PAGE](#)

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Tuesday 16

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MINUTES

Tuesday 16 November 2021

Virtual Meeting

via Video Conference

Commencing at 6:00 PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 16 November 2021

CONDUCTING COUNCIL MEETINGS VIRTUALLY

Council continues to be guided by government directives and wants to do the right thing for the health of our community during the COVID-19 pandemic. In line with these directives, the public are unable to attend this meeting in person. This meeting is being held virtually to protect the health and wellbeing of Councillors, Council Officers, and the community.

In the spirit of open, transparent and accountable governance, this Statutory meeting will be live-streamed on Council's Facebook page. The meeting will also be recorded and made available on Council's website as soon as practicable after the meeting.

Pursuant to the Ministerial Guidelines, should technology problems be encountered and we are unable to broadcast this meeting, the meeting will be adjourned until resolution or postponed.

Council's Statutory Meeting will be conducted tonight in accordance with:

- The Local Government Act 2020
- The COVID-19 Omnibus (Emergency Measures) Act 2020
- The Minister's Good Practice Guideline MGPG-1: Virtual Meetings
- Council's Governance Rules; and
- The Hepburn Shire Council Councillor Code of Conduct.

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters on which we live and work. On these lands, Djaara have performed age-old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession and it is a testament to their continuing culture and tradition, which is strong and thriving.

We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our South East and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.

2 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday, Cr Tim Drylie

OFFICERS PRESENT: Mr Bradley Thomas - Chief Executive Officer, Mr Andrew Burgess - Director Organisational Services, Mr Bruce Lucas - Director Infrastructure and Delivery, Ms Leigh McCallum - Director Community and Development, Mr Chris Whyte – Manager Information and Communication Technology, Ms Krysten Forte - Manager People and Governance

The meeting opened at 6:01pm.

STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF
GOOD GOVERNANCE
SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS
COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”

3 APOLOGIES

Nil.

4 DECLARATIONS OF CONFLICTS OF INTEREST

Pursuant to section 129 of the Local Government Act 2020 and section 7(e) of the Local Government (Governance and Integrity) Regulations 2020 a conflict of interest does not apply to the election of a Councillor to the office of Mayor or Deputy Mayor under section 25 or 27 of the Act.

5 ELECTION OF THE MAYOR AND DEPUTY MAYOR

5.1 TERM OF THE MAYOR

Section 26 (3) of the *Local Government Act 2020* states that:

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.

RECOMMENDATION

That Council elects the Mayor for a term of one year.

MOTION

That Council elects the Mayor for a term of one year.

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

5.2 ELECTION OF THE MAYOR

The Office of Mayor became vacant at 6:00pm on 16 November 2021.

The Local Government Act 2020 (the Act) section 25(1) states that Councillors must elect a Councillor to be the Mayor at a meeting of the Council that is open to the public. In accordance with the Act, the Mayor is to be elected no later than one month after the general election.

ROLE OF THE MAYOR

The *Local Government Act 2020*, section 18 states that 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.*

The Mayoral Position Guidance Document provides clarity on the array of duties and functions the Mayor is to undertake:

1. Guidance Document - Mayor of Hepburn Shire Council - adopted 24 November 2020 [5.2.1 - 6 pages]

CALL FOR NOMINATIONS

In accordance with Council's Governance Rules and Election Period Policy, the determining of the Mayor will be conducted in the following manner:

- 6.2 Any nominations for the office of Mayor must be:
 - 6.2.2 in writing and in a form prescribed by the Chief Executive Officer; and
 - 6.2.3 seconded by another Councillor.
- 6.3 Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:

6.3.2 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.3 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.4 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.5 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.6 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.7 in the event of two or more candidates having an equality of votes and one of them having to be declared:

- (a) a defeated candidate; and
- (b) duly elected

the declaration will be determined by lot.

6.3.8 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

- (a) each candidate will draw one lot;
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless

there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

In accordance with Council's Governance Rules and Election Period Policy, voting will be conducted by show of hands.

The Chief Executive Officer will now call for Nominations.

RECOMMENDATION

That Council pursuant to section 25 of the Local Government Act 2020 and section 6 of the Hepburn Shire Council Governance Rules and Election Period Policy, declares Councillor _____ elected as Mayor of Hepburn Shire Council for the 2021/2022 term of office.

MOTION

That Council pursuant to section 25 of the Local Government Act 2020 and section 6 of the Hepburn Shire Council Governance Rules and Election Period Policy, declares Councillor Cr Tim Drylie elected as Mayor of Hepburn Shire Council for the 2021/2022 term of office.

Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Carried

PRESENTATION OF MAYORAL MEDALLION

The Chief Executive Officer will present the Mayor with Mayoral Medallion.

CONGRATULATORY REMARKS TO MAYOR

Each Councillor and the Chief Executive Officer may offer their congratulations to the Mayor.

INCOMING MAYORAL SPEECH

The Mayor is invited to address the meeting.

RECOMMENDATION

That Council receives and notes the Mayor's inaugural speech.

MOTION

That Council receives and notes the Mayor's inaugural speech.

Moved: Cr Juliet Simpson

Seconded: Cr Tessa Halliday

THE MAYOR TAKES THE CHAIR

The Mayor takes the chair for the remainder of the meeting.

POSITION:	Mayor of the Hepburn Shire Council
CLASSIFICATION:	Elected Representative of the Hepburn Shire Council
DATE APPROVED:	Tuesday 24 November 2020

Purpose

The purpose of the Guidance Document gives rise to the significance of the position of the Mayor of Hepburn Shire Council and to provide clarity on the array of duties and functions they are to undertake. The Guidance Document has been developed in line with the relevant provisions in the *Local Government Act 2020* that relate to the role of the Mayor.

It is important to note that the Guidance Document is simply that, a guidance document. The role of the Mayor and the obligations bestowed upon them during their Term are not limited to the information in this document and all provisions in the *Local Government Act 2020 and Local Government Act 1989* and other relevant legislation, policies and procedures, and the Hepburn Shire Council Councillor Code of Conduct that relate to the obligations of Councillors and the Mayor take precedence.

The Mayor – Overarching roles and responsibilities

The mayor is "first among equals" and takes precedence at all municipal proceedings within the city and chairs meetings of Council. The mayor is elected by Council to represent the views and directions of Council, and councillors, in performing various roles and duties including:

- chair Council meetings
- be the principal spokesperson for the Council
- lead engagement with the municipal community on the development of the Council Plan

- report to the municipal community, at least once each year, on the implementation of the Council Plan
- promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct
- assist Councillors to understand their role
- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings
- perform civic and ceremonial duties on behalf of the Council
- The Mayor cannot also be elected to the office of Deputy Mayor while serving as Mayor.

Specific powers of the Mayor

The Mayor has the following specific powers:

- to appoint a Councillor to be the chair of a delegated committee
- 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
- to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

Office of the Mayor

Pursuant to section 20 of the *Local Government Act*, the office of Mayor elected by the Councillors becomes vacant —

- (a) at the time and on the day of the election of the next Mayor; or
- (b) on the day the Mayor resigns from the office of Mayor by giving the Chief Executive Officer a written notice of resignation; or
- (c) on the day the Mayor ceases to hold the office of Councillor; or
- (d) on the day the Mayor's office as a Councillor is suspended for any period; or

- (e) on the day the Mayor becomes ineligible to hold the office of Mayor as a result of a decision by a Councillor Conduct Panel; or
- (f) on the day the office of Mayor is declared vacant by the Council in accordance with section 23.

Section 23 of the Local Government Act 2020 relates to the declaration of the office of the Mayor and Deputy Mayor

Election of the Mayor

Pursuant to section 26 of the Local Government Act 2020:

- (1) A Mayor is to be elected no later than one month after the date of a general election.
- (2) The Mayor of the Greater Geelong City Council must be elected for a 2 year term.
- (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.
- (4) If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.
- (5) If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.
- (6) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
- (7) The election of a Mayor after the period specified in this section does not invalidate the election.
- (8) A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.

The Mayor is to continue to fulfil their roles as defined in section 28 of the *Local Government Act 2020* relating to the role of a Councillor and all obligations detailed in the legislation that relates to Councillors.

The Mayor should be committed to and involved in the Hepburn Shire community, be motivated to succeed, be politically astute and possess a keen political awareness, be an innovator and creative thinker, enjoy and be able to meet the demands of a public profile, be an effective communicator, have a positive and professional presentation, be committed to personal and professional development, be able to work with a wide range of people from diverse backgrounds and groups, be fair, impartial and objective.

The Mayor must have a combination of skills, qualifications and experience, and personal attributes to enable him or her to provide the leadership, motivation and support to ensure the sustained and continuing development of the Hepburn Shire Council, the staff and the Hepburn Shire community.

The Mayor must be able to gain the co-operation, trust and respect of Councillors, staff and the community and have the ability to motivate other people to achieve stated outcomes and results in a team environment.

The Mayor must be able to establish, maintain and present at all times a positive, professional and dynamic image of Council and the community.

A commitment to ongoing professional development, especially in change management and industry trends and issues, is highly desirable and encouraged.

The Mayor is required to adhere to all Hepburn Shire Council's policies and procedures including but not limited to:

- Councillor Code of Conduct
- Governance Rules and Election Period Policy
- Public Transparency Policy
- Privacy Policy
- Council Expenses and Resources Policy
- Public Interest Disclosures Procedures

The Mayor is required to adhere to the following legislation including but not limited to:

- *The Local Government Act 2020*
- *The Local Government Act 1989*
- *The Privacy and Data Protection Act 2014*
- *The Freedom of Information Act 1982*
- *The Public Interest Disclosure Act 2012*

The COMMON SEAL of the HEPBURN SHIRE COUNCIL
was affixed on this day of 2020

24 November 2020

on the authority of the Council and signed by:



Mayor

Chief Executive Officer

5.3 TERM OF THE DEPUTY MAYOR

Under Section 27 (2) of the *Local Government Act 2020*, Section 26 (3) also applies to the election of the Deputy Mayor. Therefore, before the election of the Deputy Mayor, Council must determine by resolution whether the Deputy Mayor is to be elected for a 1 year or a 2 year term.

RECOMMENDATION

That Council elects the Deputy Mayor for a term of one year.

MOTION

That Council elects the Deputy Mayor for a term of one year.

Moved: Cr Juliet Simpson

Seconded: Cr Don Henderson

Carried

5.4 ELECTION OF THE DEPUTY MAYOR

The Office of Deputy Mayor became vacant at 6:00pm on 16 November 2021.

The Local Government Act 2020 (the Act) section 25(1) states that Councillors must elect a Councillor to be the Deputy Mayor at a meeting of the Council that is open to the public. In accordance with the Act, the Deputy Mayor is to be elected no later than one month after the general election.

ROLE OF THE DEPUTY MAYOR

The *Local Government Act 2020*, section 21 states that the role of the Deputy Mayor is to:

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.

CALL FOR NOMINATIONS

In accordance with Council's Governance Rules and Election Period Policy, the determining of the Deputy Mayor will be conducted in the same manner as the determining of the Mayor. Voting will be conducted by show of hands.

The Chief Executive Officer will now call for Nominations for the role of Deputy Mayor.

RECOMMENDATION

That Council, pursuant to section 25 of the Local Government Act 2020 and section 7 of the Hepburn Shire Council Governance Rules and Election Period Policy, declares Councillor _____ elected as Deputy Mayor of Hepburn Shire Council for the 2021/2022 term of office.

MOTION

That Council, pursuant to section 25 of the Local Government Act 2020 and section 7 of the Hepburn Shire Council Governance Rules and Election Period Policy, declares Councillor Cr Jen Bray elected as Deputy Mayor of Hepburn Shire Council for the 2021/2022 term of office.

Moved: Cr Juliet Simpson

Seconded: Cr Tim Drylie

Carried

CONGRATULATORY REMARKS TO DEPUTY MAYOR

Each Councillor and the Chief Executive Officer may offer their congratulations to the Deputy Mayor.

INCOMING DEPUTY MAYOR'S SPEECH

The Deputy Mayor is invited to address the meeting.

RECOMMENDATION

That Council receives and notes the Deputy Mayor's inaugural speech.

MOTION

That Council receives and notes the Deputy Mayor's inaugural speech.

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

6 OFFICER REPORTS

6.1 COUNCILLOR REPRESENTATION ON COMMITTEES, BOARDS AND EXTERNAL BODIES DIRECTOR ORGANISATIONAL SERVICES

In providing this advice to Council as the Coordinator Governance, I Rebecca Smith have no interests to disclose in this report.

This report will be presented by Andrew Burgess, Director Organisation Services.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

On an annual basis, following the appointment of the Mayor and Deputy Mayor, Council reviews Councillor representation on Advisory Committees, community reference groups, boards and external bodies that Council represents.

OFFICER'S RECOMMENDATION

That Council appoint the following Councillors to the listed committees, boards and external bodies:

<i>External bodies</i>	<i>Representative</i>
<i>Committee of Management for DELWP (26 Committees)</i>	<i>All Councillors represent their ward at these meetings when required</i>
<i>Municipal Association of Victoria</i>	<i>Mayor</i>
<i>Grampians Central West Waste and Resource Recovery Group Forum</i>	<i>Cr...</i>
<i>World Heritage Listing of the Victorian Goldfields Region Steering Committee</i>	<i>Cr and Manager Economic Development and Recreation</i>
<i>Central Highlands Councils Victoria</i>	<i>Mayor</i>
<i>Loddon Campaspe Councils Victoria</i>	<i>Mayor</i>
<i>Municipal Emergency Management Planning Committee</i>	
<i>Audit and Risk Committee</i>	<i>Cr ... and Cr ...</i>

(two positions)

**Council Advisory Committees
(Councillor representative will also
Chair)**

Representative

Disability Advisory Committee

Gender Equity Advisory Committee

*Heather Mutimer International
Women's Day Honour Roll Advisory
Committee*

LGBTIQA+ Advisory Committee

*Mineral Springs Reserves Advisory
Committee*

Public Art Advisory Committee

*Reconciliation Action Plan Advisory
Committee*

Mayor (as per Terms of Reference)

Advisory and Reference Groups

Representative

*Hepburn Hub at the Rex Project
Advisory Group*

Mayor and Cr ...

*Hepburn Shire Health and Wellbeing
Working Group*

MOTION

That Council appoint the following Councillors to the listed committees, boards and external bodies:

External bodies

Representative

*Committee of Management for
DELWP*

*All Councillors represent their ward at
these meetings when required*

(26 Committees)

Municipal Association of Victoria

Mayor Cr Drylie and Cr Hewitt

*Grampians Central West Waste and
Resource Recovery Group Forum*

Mayor Cr Drylie

World Heritage Listing of the

Cr Henderson

Victorian Goldfields Region Steering Committee and
Manager Economic Development and Recreation

Central Highlands Councils Victoria Mayor Cr Drylie

Loddon Campaspe Councils Victoria Mayor Cr Drylie

Municipal Emergency Management Planning Committee Cr Hood

Audit and Risk Committee Mayor Cr Drylie and Cr Hood
(two positions)

Council Advisory Committees **Representative**
(Councillor representative will also Chair)

Disability Advisory Committee Cr Hewitt

Gender Equity Advisory Committee Cr Hewitt

Heather Mutimer International Women's Day Honour Roll Advisory Committee Cr Simpson
Cr Henderson

LGBTIQA+ Advisory Committee Cr Halliday

Mineral Springs Reserves Advisory Committee Cr Simpson

Public Art Advisory Committee Cr Halliday

Reconciliation Action Plan Advisory Committee Mayor Cr Drylie

Advisory and Reference Groups **Representative**

Hepburn Shire Health and Wellbeing Working Group Cr Halliday

Moved: Cr Juliet Simpson

Seconded: Cr Tessa Halliday

Carried

BACKGROUND

On an annual basis, following the appointment of the Mayor and Deputy Mayor, Council reviews Councillor representation on Advisory Committees of Council, and external bodies.

Councillors are appointed for 12 months, with appointments reviewed each year at the Statutory Meeting of Council.

Where one Councillor is mandated by the Terms of Reference, Councillors may wish to nominate an alternate to step in when the Councillor Representative cannot attend.

KEY ISSUES

The below table provides a summary of the committees and boards and the form of representation for each group:

Organisation/Committee	Required Representation	Current Representative
External Bodies		
Committee of Management for DELWP (26 Committees)	All Councillors represent their ward at these meetings when required	All Councillors represent their ward at these meetings when required
Municipal Association of Victoria	Mayor	Mayor
Grampians Central West Waste and Resource Recovery Group Forum	One Councillor	Cr Tim Drylie
World Heritage Listing of the Victorian Goldfields Region Steering Committee	One Councillor and Manager Economic Development and Recreation	Cr Don Henderson Alternate: Cr Tessa Halliday
Central Highlands Councils Victoria	Mayor	Mayor
Loddon Campaspe Councils Victoria	Mayor	Mayor
Municipal Emergency Management Planning Committee	One Councillor	Cr Brian Hood

Audit and Risk Committee (two positions)	Two Councillors, usually the Mayor and one other.	Mayor and Deputy Mayor
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Council Advisory Committees (Councillor representative will also Chair)

Disability Advisory Committee	One Councillor (as per Terms of Reference)	Cr Lesley Hewitt Alternate: Cr Tessa Halliday
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Gender Equity Advisory Committee	One Councillor (as per Terms of Reference)	New Committee
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Heather Mutimer International Women’s Day Honour Roll Advisory Committee	One Councillor (as per Terms of Reference)	Cr Juliet Simpson Cr Don Henderson
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LGBTIQA+ Advisory Committee	One Councillor (as per Terms of Reference)	New Committee
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Mineral Springs Reserves Advisory Committee	One Councillor (as per Terms of Reference)	Cr Juliet Simpson
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Public Art Advisory Committee	One Councillor (as per Terms of Reference)	Cr Tessa Halliday Alternate: Cr Tim Drylie
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Reconciliation Action Plan Advisory Committee	Mayor (as per Terms of Reference)	Mayor and Cr Jen Bray
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Advisory and Reference Groups

Hepburn Hub at the Rex Project Advisory Group	Mayor and one other Councillor (as per Terms of Reference)	New Group
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Hepburn Shire Health and Wellbeing Working Group	One Councillor	Cr Tessa Halliday
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POLICY AND STATUTORY IMPLICATIONS

Many of these committees have been established to advise Council, or for Council to provide input, in the development of policy and strategy.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

There are no sustainability implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK IMPLICATIONS

Councillor representation is required on committees, boards and external bodies to ensure that public views are incorporated into the decision-making process.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The purpose of these committees, boards and external bodies is to achieve effective community and stakeholder engagement both internally and externally.

7

CLOSE OF MEETING

The Meeting closed at 6:58pm.