

Hepburn

SHIRE COUNCIL

Confirmed at the Ordinary Meeting of Council held 1 December 2020



Chair, Cr Lesley Hewitt, Mayor

HEPBURN SHIRE COUNCIL

STATUTORY MEETING OF COUNCIL

PUBLIC MINUTES

Tuesday 24 November 2020

Daylesford Town Hall
76 Vincent Street Daylesford

6:00 PM

The meeting will be conducted in person, but members of the public will not be able to attend in person due to the COVID-19 Pandemic restrictions.

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

MINUTES

Tuesday 24 November 2020

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 6:00 PM

TABLE OF CONTENTS

1	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	3
2	OPENING OF MEETING	3
3	APOLOGIES	4
4	DECLARATIONS OF CONFLICTS OF INTEREST	4
5	TERM OF THE MAYOR	4
6	ELECTION OF THE MAYOR	5
7	TERM OF THE DEPUTY MAYOR	9
8	ELECTION OF THE DEPUTY MAYOR	10
9	COUNCILLOR REPRESENTATION ON COMMITTEES, BOARDS AND EXTERNAL BODIES ..	12
10	CLOSE OF MEETING	16

EVAN KING

CHIEF EXECUTIVE OFFICER

Tuesday 24 November 2020

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

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

2 OPENING OF MEETING

This Statutory Meeting of Council has been called for the election of the Hepburn Shire Council Mayor and Deputy Mayor.

In accordance with the *Local Government Act 2020* division 4 - Election of Mayor and Deputy Mayor and Hepburn Shire Council's Governance Rules and Election Period Policy the Chief Executive Officer will chair the meeting.

The meeting will also provide for the opportunity for Councillors of Hepburn Shire Council to be appointed to represent Council on a range of committees, boards and external bodies.

The next Ordinary Meeting of Council will be held on Tuesday 1 December 2020 at 6:00pm. Any regular Council business and public participation time will be conducted at that time.

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 Evan King - Chief Executive Officer, Mr Bradley Thomas - Director Community and Corporate Services, Mr Bruce Lucas - Director Infrastructure and Development Services, Mr Chris Whyte – Manager Information and Communication Technology, Ms Krysten Forte - Manager Governance and Risk, Ms Rebecca Smith – Governance Specialist

The meeting opened at 6:05pm.

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.

No conflicts were declared.

5 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 Brian Hood

Seconded: Cr Lesley Hewitt

Carried

6 ELECTION OF THE MAYOR

The Office of Mayor became vacant at 6:00am on 24 October 2020 (Election Day).

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 will be made available with the meeting minutes.

- Attachment 1 – Guidance Document - Mayor of Hepburn Shire Council - signed and sealed (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.

Cr Lesley Hewitt was nominated by Cr Don Henderson. The nomination was seconded by Cr Jen Bray. Cr Hewitt accepted the nomination.

No further nominations were received.

MOTION

That Council:

- 1. 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 Lesley Hewitt elected as Mayor of Hepburn Shire Council for the 2020/2021 term of office;*
- 2. Receives and adopts the Mayoral Position Guidance Document as tabled at the meeting;*
- 3. Approves for the Mayor to sign the guidance document for the Mayor of Hepburn Shire Council as detailed at Attachment 6.1.1 outlining the roles and responsibilities for the Mayor of the Hepburn Shire Council.*

Moved: Cr Tim Drylie

Seconded: Cr Tessa Halliday

Carried

PRESENTATION OF MAYORAL MEDALLION

The Chief Executive Officer presented the Mayor with Mayoral Medallion.

CONGRATULATORY REMARKS TO MAYOR

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

Cr Bray addressed the meeting to offer congratulations to the Mayor.

Cr Halliday addressed the meeting to offer congratulations to the Mayor.

Cr Hood addressed the meeting to offer congratulations to the Mayor.

Cr Drylie addressed the meeting to offer congratulations to the Mayor.

Cr Henderson addressed the meeting to offer congratulations to the Mayor.

Cr Simpson addressed the meeting to offer congratulations to the Mayor.

INCOMING MAYORAL SPEECH

The Mayor is invited to address the meeting.

Cr Hewitt addressed Council in her inaugural Mayor's speech.

MOTION

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

Moved: Cr Don Henderson

Seconded: Cr Tim Drylie

Carried

THE MAYOR TAKES THE CHAIR

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

7 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

MOTION

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

Moved: Cr Brian Hood

Seconded: Cr Tim Drylie

Carried

8 ELECTION OF THE DEPUTY MAYOR

The Office of Deputy Mayor became vacant at 6:00am on 24 October 2020 (Election Day).

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.

Cr Brian Hood was nominated by Cr Tessa Halliday. The nomination was seconded by Cr Tim Drylie. Cr Hood accepted the nomination.

No further nominations were received.

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 Brian Hood elected as Deputy Mayor of Hepburn Shire Council for the 2020/2021 term of office.

Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Carried

CONGRATULATORY REMARKS TO DEPUTY MAYOR

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

Cr Bray addressed the meeting to offer congratulations to the Deputy Mayor.

Cr Halliday addressed the meeting to offer congratulations to the Deputy Mayor.

Cr Drylie addressed the meeting to offer congratulations to the Deputy Mayor.

Cr Henderson addressed the meeting to offer congratulations to the Deputy Mayor.

Cr Simpson addressed the meeting to offer congratulations to the Deputy Mayor.

Cr Hewitt addressed the meeting to offer congratulations to the Deputy Mayor.

INCOMING DEPUTY MAYOR'S SPEECH

The Deputy Mayor is invited to address the meeting.

Cr Hood addressed Council in his inaugural Deputy Mayor's speech.

MOTION

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

Moved: Cr Jen Bray

Seconded: Cr Juliet Simpson

Carried

9 COUNCILLOR REPRESENTATION ON COMMITTEES, BOARDS AND EXTERNAL BODIES DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Councillors as the Director Community and Corporate Services, I Bradley Thomas have no interests to disclose in this report.

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.

MOTION

That Council appoints the following councillors to the listed committees, boards and external bodies:

External Bodies

<i>Committee of Management for DELWP (26 Committees)</i>	<i>Ward Councillor</i>
<i>Municipal Association of Victoria</i>	<i>Mayor</i>
<i>Grampians Central West Waste and Resource Recovery Group Forum</i>	<i>Cr Tim Drylie</i>
<i>World Heritage Listing of the Victorian Goldfields Region Steering Committee</i>	<i>Cr Don Henderson Alternative: Cr Tessa Halliday</i>
<i>Central Highlands Councils Victoria</i>	<i>Mayor</i>
<i>Loddon Campaspe Councils Victoria</i>	<i>Mayor</i>
<i>Audit and Risk Committee (two positions)</i>	<i>Mayor Cr Brian Hood</i>
<i>Council Advisory Committees</i>	
<i>Disability Advisory Committee</i>	<i>Cr Lesley Hewitt Alternative: Cr Tessa Halliday</i>
<i>2021 Heather Mutimer International Women's Day Honour Roll Interim Selection Panel*</i>	<i>Cr Juliet Simpson Cr Don Henderson</i>
<i>Mineral Springs Reserves Advisory Committee</i>	<i>Cr Juliet Simpson</i>
<i>Municipal Emergency Management</i>	<i>Cr Brian Hood</i>

<i>Planning Committee</i>	
<i>Public Art Advisory Committee</i>	<i>Cr Tessa Halliday</i> <i>Alternate: Cr Tim Drylie</i>
<i>Reconciliation Action Plan Advisory Committee</i>	<i>Mayor</i> <i>Cr Bray</i>
Community Reference Groups	
<i>Collection of Firewood Local Law no. 2 Community Reference Group</i>	<i>Cr Don Henderson</i>
<i>Salvaging at Transfer Stations Local Law no. 2 Community Reference Group</i>	<i>Cr Jen Bray</i>
<i>Planting on Nature Strips Local Law no. 2 Community Reference Group</i>	<i>Cr Jen Bray</i>

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.

KEY ISSUES

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

Organisation/Committee	Proposed Representation for 2020/2021
External Bodies	
Committee of Management for DELWP (26 Committees)	All Councillors represent their ward at these meetings when required
Municipal Association of Victoria	Mayor
Victorian Local Governance Association	Councillor

Grampians Central West Waste and Resource Recovery Group Forum	Councillor
World Heritage Listing of the Victorian Goldfields Region Steering Committee	Councillor and Manager Community and Economic Development
Central Highlands Councils Victoria	Mayor
Loddon Campaspe Councils Victoria	Mayor
Audit and Risk Committee (two positions)	Mayor and one other Councillor
Council Advisory Committees	
Disability Advisory Committee	Councillor
2021 Heather Mutimer International Women's Day Honour Roll Interim Selection Panel*	Two Councillors
Mineral Springs Reserves Advisory Committee	Councillor
Municipal Emergency Management Planning Committee	Councillor
Public Art Advisory Committee	Councillor/s
Reconciliation Action Plan Advisory Committee	Mayor
Community Reference Groups	
Collection of Firewood Local Law no. 2 Community Reference Group	Councillor
Salvaging at Transfer Stations Local Law no. 2 Community Reference Group	Councillor
Planting on Nature Strips Local Law no. 2 Community Reference Group	Councillor

*As per Council Resolution, Councillors will be appointed to an Interim Selection Panel to review nominations for the 2021 Heather Mutimer International Women's Day Honour Roll. Once a review of the review of the International Women's Day

Committee and other associated gender equality initiatives (including White Ribbon Committee) has been completed, a proposed structure will be brought to Council for consideration and to appoint Councillor representatives as required.

At the Ordinary Council Meeting on 15 September 2020, the resolution was:

That Council:

- *Notes the process to progress the 2021 Heather Mutimer International Women's Day (IWD) Honour Roll nomination and event;*
- *Appoints an interim selection panel, of two former International Women Day committee members, Sue Craven and Robyn Rodgers, plus two Councillors to be determined at the November Statutory Council Meeting;*
- *Agrees that the appointed panel recommends to Council at a subsequent Council Meeting, inductees to the Heather Mutimer International Women's Day (IWD) Honour Roll 2021; and*
- *Notes that Council Officers will conduct a review of the International Women's Day Committee and other associated gender equality initiatives (including White Ribbon Committee) and propose a structure moving forward.*

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.

10 CLOSE OF MEETING

The Meeting closed at 6:25pm.