



HEPBURN SHIRE COUNCIL  
STATUTORY MEETING OF COUNCIL  
MINUTES

TUESDAY 8 NOVEMBER 2016

DOUG LINDSAY RECREATION RESERVE  
LUTTET ST, CRESWICK

6:00PM

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# *MINUTES*

TUESDAY 8 NOVEMBER 2016

Doug Lindsay Recreation Reserve

Luttet St, Creswick

Commencing 6:00PM

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AARON VAN EGMOND  
CHIEF EXECUTIVE OFFICER  
08 NOVEMBER 2016

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.

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2. **ACKNOWLEDGEMENT OF PAST MAYORS AND COUNCILLORS**

We would like to acknowledge the past Mayors and Councillors who are in attendance tonight. We thank them for their dedication and contributions to the Hepburn Shire community, they have helped shape Hepburn Shire Council into the high performing organisation that it is today.

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3. **OPENING OF MEETING: WELCOME BY CHIEF EXECUTIVE OFFICER,  
MR AARON VAN EGMOND**

**PRESENT: CR SEBASTIAN KLEIN, CR JOHN COTTRELL, CR DON HENDERSON,  
CR FIONA ROBSON, CR GREG MAY, CR KATE REDWOOD AM, CR NEIL  
NEWITT**

**IN ATTENDANCE: AARON VAN EGMOND CHIEF EXECUTIVE OFFICER, BRUCE  
LUCAS GENERAL MANAGER INFRASTRUCTURE, GRANT SCHUSTER GENERAL  
MANAGER CORPORATE SERVICES, KATHLEEN BRANNIGAN GENERAL  
MANGER COMMUNITY SERVICES, MARIA ABATE COMMUNICATIONS  
OFFICER, MICHELLE DOVE EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE  
OFFICER, ALEX DALGLEISH GOVERNANCE AND INFORMATION  
COORDINATOR**

The Statutory Meeting of Council has been called to conduct the business associated with the oath of office for new councillors, terms of office for the Mayor and the Deputy Mayor, the election of the Hepburn Shire Council Mayor and the Deputy Mayor for 2016/17, and commencing the review of Mayoral and Councillor allowances.

▶ STATUTORY MEETING OF COUNCIL  
TUESDAY 8 NOVEMBER 2016

The Ordinary Meeting of Council for the month of November will be held on **Tuesday 15 November 2016**. Any normal Council business and public question time will be conducted at that time.

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4. APOLOGIES

Nil

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5. DECLARATIONS OF CONFLICTS OF INTEREST

Under section 79C of the *Local Government Act 1989*, a Councillor does not have a Conflict of Interest if the matter relates to the election of the Mayor.

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No Conflicts of Interests declared

6. **TAKING THE OATH OF OFFICE AND DECLARATION TO ABIDE BY THE CODE OF CONDUCT**

**LEGISLATIVE REQUIREMENTS**

As per section 63 (1) of the Local Government Act 1989, before being capable of acting as a Councillor, all persons elected to be Councillors must:

- a. take the oath of office; and
- b. read the Council's Councillor Code of Conduct; and
- c. make a declaration that they will abide by the Council's Code of Conduct.

Until each of these requirements has been completed an elected person cannot act as a Councillor. It is an Offence under section 66 of the Local Government Act 1989 (Act) to act as a Councillor while being incapable to do so. Further if an elected person does not complete the requirements within three (3) months of the date they were declared elected, their position will become vacant and a new election (which they cannot participate in) will be held to fill this vacancy.

There are no exceptions to these requirements and they must be complied with.

**AFFIRMATION**

Under section 102 of the Evidence (Miscellaneous Provisions) Act 1958;

- 1) A person who is required to take an oath may choose whether to take an oath or to make an affirmation.
- 2) The officer administering the oath or affirmation is to inform the person that he or she has this choice, unless the officer is satisfied that the person has already been informed or knows that he or she has the choice.
- 3) The officer administering the oath or affirmation may direct the person to make an affirmation if—
  - (a) the person refuses to choose whether to take an oath or make an affirmation; or
  - (b) it is not reasonably practicable for the person to take an appropriate oath.

### Oath of Office

*" I swear (or the person taking the oath may promise) by Almighty God (or the person may name a god recognised by his or her religion) that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."*

(2) The oath of office must 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.*

### Affirmation

*"I (name), do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment ."*

The Affirmation must be dated and signed before the Chief Executive Officer and recorded in the Minutes of Council.

(2) The affirmation of office must 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.*

### CODE OF CONDUCT DECLARATION

*" I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."*

Councillor <Name>



*Signature*

*Date*

*CEO (as witness) Aaron van Egmond*

*Signature*

*Date*

*The declaration to abide by a Councillor Code of Conduct must be:*

- a. In writing; and*
- b. dated and signed before the Chief Executive Officer;*

Each Councillor Elect was invited by the Chief Executive Officer to take the oath of Office and declare to abide by the Code of Conduct in Alphabetical order of Ward followed by surname.

#### **BIRCH WARD**

1. Councillor Elect Kate Redwood AM
2. Councillor Elect Fiona Robson

#### **CAMERON WARD**

1. Councillor Elect Neil Newitt

#### **COLIBAN WARD**

1. Councillor Elect Sebastian Klein

#### **CRESWICK WARD**

1. Councillor Elect Don Henderson
2. Councillor Elect Greg May

#### **HOLCOMBE WARD**

1. Councillor Elect John Cottrell

ATTACHMENT 1 - SIGNED AFFIRMATION OF OFFICE AND DECLARATION  
TO ABIDE BY CODE OF CONDUCT

▶ AFFIRMATION AND DECLARATION TO  
ABIDE BY THE CODE OF CONDUCT

AFFIRMATION

"I Kate Redwood, do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Councillor name: Kate Redwood

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

8/11/2016

Date:

8/11/2016.

CODE OF CONDUCT DECLARATION

" I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."

Councillor name: Kate Redwood

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

8/11/2016

Date:

8/11/2016.

▶ AFFIRMATION AND DECLARATION TO  
ABIDE BY THE CODE OF CONDUCT

AFFIRMATION

"I Fiona Kay Robson, do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Councillor name: Fiona Kay Robson

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

8 Nov 2016

Date:

8/11/2016

CODE OF CONDUCT DECLARATION

"I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."

Councillor name: Fiona Kay Robson

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

8 Nov 2016

Date:

8/11/2016

▶ AFFIRMATION AND DECLARATION TO ABIDE BY THE CODE OF CONDUCT

AFFIRMATION

"I Neil Raymond Newitt, do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Councillor name: Neil Raymond Newitt

CEO: (as witness) Aaron van Egmond

Signature:

Signature:

Date:

8/11/16.

Date:

8/11/16

CODE OF CONDUCT DECLARATION

" I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."

Councillor name: Neil Raymond Newitt

CEO: (as witness) Aaron van Egmond

Signature:

Signature:

Date:

8/11/16

Date:

8/11/16

▶ AFFIRMATION AND DECLARATION TO  
ABIDE BY THE CODE OF CONDUCT

AFFIRMATION

"I Sebastian John Klein do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Councillor name: Sebastian John Klein

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

8 November 2016

Date:

8/11/2016

CODE OF CONDUCT DECLARATION

" I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."

Councillor name: Sebastian John Klein

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

8 November 2016

Date:

8/11/2016.

▶ AFFIRMATION AND DECLARATION TO  
ABIDE BY THE CODE OF CONDUCT

AFFIRMATION

"I Don Henderson, do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Councillor name: Don Henderson

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

08/11/2016

Date:

8/11/2016

CODE OF CONDUCT DECLARATION

" I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."

Councillor name: Don Henderson

CEO: (as witness) Aaron van Egmond

Signature:



Signature:



Date:

08/11/2016.

Date:

8/11/2016

▶ AFFIRMATION AND DECLARATION TO  
ABIDE BY THE CODE OF CONDUCT

AFFIRMATION

"I Greg May, do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Councillor name: Greg May

CEO: (as witness) Aaron van Egmond

Signature:

Signature:

Date:

8/11/16.

Date:

8/11/16.

CODE OF CONDUCT DECLARATION

" I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."

Councillor name: Greg May

CEO: (as witness) Aaron van Egmond

Signature:

Signature:

Date:

8/11/16

Date:

8/11/16



▶ AFFIRMATION AND DECLARATION TO  
ABIDE BY THE CODE OF CONDUCT

AFFIRMATION

"I John Cottrell, do solemnly, sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of Hepburn Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Councillor name: John Cottrell

CEO: (as witness) Aaron van Egmond

Signature:



Date:

8/11/2016

Signature:



Date:

8/11/16.

CODE OF CONDUCT DECLARATION

" I hereby declare that I have read the Councillor Code of Conduct for Hepburn Shire Council adopted on 19 July 2016 and declare that I will abide by this Code."

Councillor name: John Cottrell

CEO: (as witness) Aaron van Egmond

Signature:



Date:

8/11/2016

Signature:



Date:

8/11/2016

## 7. ACKNOWLEDGEMENT OF PREVIOUS MAYOR FOR 2015/16

### 7.1. PREVIOUS MAYOR'S REPORT 2015/16

#### **Previous Mayor Neil Newitt's report for 2015/16**

It has been a rewarding and inspiring experience serving as Mayor for this past year.

A year ago on taking this position - as this council approached the final year of the four year term - I remained committed to delivering on what council had set out to achieve in its council plan.

It also coincided with the first year of rate capping imposed by the state government, saw a federal election, and for parts of the shire record rainfall over a number of months which has strained local infrastructure, communities and council works teams.

Over and above these challenges however have been numerous highlights - some major projects brought to fruition, and others that while smaller in dollar value, were just as welcomed by our communities.

This past year saw the construction and opening of Daylesford's Victoria Park complex and the revamped library and Creswick Hub - two projects that delivered better facilities for our communities.

Within the Creswick Hub we also saw Council's continued investment in our libraries - with all libraries across the shire increasing the number of books available per capita, and a larger number of activities, including external programs, movie screenings and projects aimed at our youth.

Improvements in customer service were also part of the roll out at the Creswick Hub which now joins Clunes and the new Duke Street customer service centre in providing better access to Council. Improvements to online and phone services has also improved the communication between Council and residents.

I was pleased to attend the launch of the Creswick of the Lindsay's Arts Trail and attend a number of our rural shows, events and festivals. These are important to not only attract visitors but also to celebrate the history of our communities.

These events, our Visitor Information Centres and other areas of service could only be delivered with the dedicated commitment of the many volunteers within our communities. I thank the volunteers of the shire who play such a vital part.

Looking toward the future, the decision to purchase the Rex building is another highlight of the year. It is one that will bring significant rewards on many levels.

Although the project initially centered on the Daylesford town hall, the opportunity and possibilities around the Rex were embraced by this Council and by the community.

It will not only centrally house many council staff and offices, but will expand the library, provide an annual return to council, whilst still retaining a retail presence in the shopping precinct. It also gives the chance for the Town Hall to become more of an arts and community precinct.

But this year was not just about new projects.

I was also proud that this Council committed to restoring the Clunes Town Hall. This historically significant building is approaching its 150th birthday, is used by the community some 260 days a year and is a symbol of not only the history of the gold discovery in Clunes but a key component in the "sense of place" enjoyed by the community. Increasingly, our communities are identifying the things that matter (such as township amenity) and making them a priority for Council.

In closing, I would like to thank my councillor colleagues over the past year for their support and for their commitment to their communities. I acknowledge former Councillors Bill McClenaghan and Pierre Niclas for their service to their communities. I would also like to thank the Officers of the Shire of Hepburn, and the volunteers who remain committed to building better communities.

I look forward to working with the new council, to continue to bring the community's voice forward for the next four years.

## RECOMMENDATION

7.1.1. That Council receives and notes the previous Mayor's report for 2015/16.

## MOTION

7.1.1. *That Council receives and notes the previous Mayor's report for 2015/16.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**Carried**

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**7.2. VOTE OF THANKS TO PREVIOUS MAYOR**

Councillors and the Chief Executive Officer expressed their thanks and appreciation to the outgoing Mayor for his term of office.

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Cr Sebastian Klein

Cr Kate Redwood AM

Cr Don Henderson

Cr Greg May

Aaron van Egmond - CEO

8. APPOINTMENT OF TEMPORARY CHAIRPERSON TO CONDUCT ELECTION OF MAYOR

As there have recently been Council elections held to determine the Councillors for this term, there is currently no Mayor. Consequently, the Chief Executive Officer will conduct the appointment of a temporary Chairperson to chair the meeting until the Mayor is elected.

The Hepburn Shire Council Local Law No 1 Meeting Procedures section 15.2.2 states:

'At any meeting to elect the Mayor, any Councillor may be appointed as a temporary Chairperson to deal with:

- a) the fixing of the allowances for the Mayor and Councillors under section 74 of the Act, when such allowances need to be fixed;
- b) the receipt of nominations for the election of Mayor; and
- c) the election of Mayor'.

The Chief Executive Officer will call for nominations to act as temporary Chairperson.

Following the election of the Mayor, the incoming Mayor shall assume the Chair to deal with the remaining matters before the meeting.

**RECOMMENDATION**

8.1. That Council appoints Councillor \_\_\_\_\_ to fulfil the position of temporary Chairperson until the Mayor is elected.

**MOTION**

8.1. *That Council appoints Councillor Neil Newitt to fulfil the position of temporary Chairperson until the Mayor is elected.*

**Moved:** Cr Don Henderson

**Seconded:** Cr Greg May

**Carried**

---

## 9. TERM OF MAYOR

Section 71 (2) of the *Local Government Act 1989* states that:

Before a Mayor is elected under this section, the Council *may* resolve to elect a Mayor for a term of two years.

This implies that Council must consider the Mayoral term before the election of the Mayor.

### RECOMMENDATION

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

### MOTION

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

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**

## 10. ELECTION OF MAYOR

### 10.1. ELECTION OF MAYOR 2016/17

The Office of Mayor is currently vacant. Any Councillor is eligible for election to the office of Mayor.

The *Local Government Act 1989* (the Act) section 71 (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 after the fourth Saturday in October but not later than 30 November in each year.

The Act section 90 (1) (ca) states that voting at a meeting that is open to members of the public must not be in secret. Voting at Council Meetings is by show of hands.

Nominations are to be called. When the Mayor is elected and given his or her incoming speech, he or she will assume the Chair.

The aims of the position of Mayor are:

- To provide leadership in pursuing the objectives of the Council Plan and other strategic priorities of Council; and
- To be the ceremonial head at official civic and community functions.

The role of the Mayor includes:

- Liaising closely with the Chief Executive Officer to ensure effective relationships between Council and administration in pursuing Council goals;
- Creating and maintaining political stability;
- Embodying the community's democratic leadership and providing a symbol of democracy to the community;
- Leading, co-ordinating and providing guidance for the Council and Councillors;
- Chairing Council meetings to ensure adequate Council discussions and community debate on key issues and providing leadership and direction;
- Speaking publicly about local government's role and developments in the community; and
- Representing the municipality at key ceremonial occasions and in political forums.

### RECOMMENDATION

That Council:

10.1.1. Pursuant to the provisions of section 71 of the Local Government Act 1989 elects Councillor \_\_\_\_\_ as Mayor of Hepburn Shire Council for 2016/17.

10.1.2. Resolves that the term of office of the Mayor shall expire at 6:00am on the day of the next election of the Mayor.

The Chair called for nomination for Mayor.

Only one nomination was received:

Cr Sebastian Klein was nominated by Cr Kate Redwood AM.

### MOTION

*That Council:*

10.1.1. Pursuant to the provisions of section 71 of the Local Government Act 1989 elects Councillor Sebastian Klein as Mayor of Hepburn Shire Council for 2016/17.

10.1.2. Resolves that the term of office of the Mayor shall expire at 6:00am on the day of the next election of the Mayor.

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**

---

### 10.2. PRESENTATION OF MAYORAL MEDALLION

The Chief Executive Officer presented the Mayor with Mayoral Medallion.

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### 10.3. CONGRATULATORY REMARKS TO MAYOR

Councillors and the Chief Executive Officer offered their congratulations to the Mayor.

Cr Kate Redwood AM

Cr Don Henderson

Cr Fiona Robson

Cr John Cottrell

Cr Greg May



Cr Neil Newitt

Aaron Van Egmond - CEO

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#### 10.4. INCOMING MAYORAL SPEECH

The Mayor's speech provides the opportunity for the elected Mayor to make a short speech speaking to the appointment and highlighting key priorities for the forthcoming Mayoral year.

##### **Incoming Mayoral Speech from Cr Sebastian Klein**

Well I've been doing a lot of leg work getting around speaking to all of the councillors about their priorities for the coming four years and it seems that was a good idea.

I've been hearing a lot about roadside weeds and drainage and that's obviously on everyone's minds with the wettest winter on record.

That of course points to the increasing role that Local Government is playing in emergency management and recovery. As we pick up the pieces of these floods, we are starting look at how we prepare for the next season of fire danger with rampant vegetation growth.

Beyond that we have a community asking us look forward to a changing climate, who do want us to set the standard. They also want us to strike the balance between fire fuel control and biodiversity at a strategic level.

And finally, I've been elected by community and now this council on the basis of a call for equity.

To me this means equity for each of the communities and wards, but also for all of our residents, not just ratepayers.

I look forward to delivering on this agenda across the shire because more than any other role, the mayor is a councillor for the whole shire.

I endeavour to do justice to the trust and the faith shown in me by this vote of confidence.

Thank you

#### **RECOMMENDATION**

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

**MOTION**

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

**Moved:** Cr Don Henderson

**Seconded:** Cr Kate Redwood AM

**Carried**

---

The Mayor took the Chair.

## 11. DEPUTY MAYOR

Council may elect a Deputy Mayor.

The aims of the position of Deputy Mayor are:

- To assist the Mayor to carry out his or her day to day duties as and when required; and
- To carry out the functions of Mayor in his or her absence.

Council has an obligation under section 73 (3) of the *Local Government Act 1989* (the Act) to appoint a Councillor as an Acting Mayor in the instance that there is a vacancy in the Office of the Mayor or the Mayor is otherwise absent.

Councils often elect and appoint a Deputy Mayor to serve this purpose under section 73 (3) of the Act after they have elected the Mayor. In the absence of the Mayor, the Deputy Mayor will become the Acting Mayor and in accordance with section 73 (4) of the Act '*may perform any function or exercise any power conferred on the Mayor*'. For example, it will be the role of the Deputy Mayor to chair any meetings of Council in the absence of the Mayor.

In the instance where Council resolves not to appoint a Deputy Mayor and there is an absence of the Mayor, the Council will need to appoint an Acting Mayor in accordance with section 73 (3) of the Act.

### RECOMMENDATION

11.1.1. That Council resolves to elect a Deputy Mayor for a term of one year.

### MOTION

11.1.1. *That Council resolves to elect a Deputy Mayor for a term of one year.*

**Moved:** Cr Kate Redwood

**Seconded:** Cr Don Henderson

**Carried**

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## 12. ELECTION OF A DEPUTY MAYOR

### 12.1. ELECTION OF DEPUTY MAYOR FOR 2016/17

*Local Law No 1 Meeting Procedures*, section 15.3 provides that to elect a Deputy Mayor, the provisions for election of the Mayor will apply to the election of the Deputy Mayor with all necessary adaptations.

Nominations for the position of Deputy Mayor to be called.

#### RECOMMENDATION

That Council

12.1.1. Pursuant to the provisions of Council's Local Law No 1 – Meeting Procedures, section 15.3 elects Councillor \_\_\_\_\_ as Deputy Mayor of Hepburn Shire Council for 2016/17.

12.1.2. Resolves that the term of office of the Deputy Mayor shall expire at 6:00am on the day of the next election of the Mayor.

The Chair called for nominations.

Only one nomination was received:

Cr John Cottrell was nominated by Cr Kate Redwood AM

#### MOTION

*That Council*

12.1.1. Pursuant to the provisions of Council's Local Law No 1 – Meeting Procedures, section 15.3 elects Councillor John Cottrell as Deputy Mayor of Hepburn Shire Council for 2016/17.

12.1.2. Resolves that the term of office of the Deputy Mayor shall expire at 6:00am on the day of the next election of the Mayor.

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Don Henderson

**Carried**

---

## 12.2. INCOMING DEPUTY MAYOR'S SPEECH

### Deputy Mayor Cr John Cottrell's inaugural speech.

A big job a head, as the new 'kid' on the block, so I will certainly be looking to Mayor Klein for the stewardship and mentorship, and looking forward to working with this extraordinary group of people that have been assembled as Councillors for Hepburn Shire, over the coming term. There are some real skills around this table, and I am looking forward to working with the group, to be progressive in our thinking, and look towards the future of Hepburn Shire and a whole, and for the wards individually for their specific needs.

### RECOMMENDATION

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

### MOTION

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

**Moved:** Cr Greg May

**Seconded:** Cr Neil Newitt

**Carried**

## 13. MAYORAL AND COUNCILLOR ALLOWANCES

### 13.1. REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES

*In providing this advice to Council as the General Manager Corporate Services, I Grant Schuster have no interests to disclose in this report.*

#### PURPOSE

The purpose of this report is to consider the proposed Mayoral and Councillor allowances and to invite public feedback on the proposed allowances.

#### BACKGROUND

Pursuant to Section 74 (1) of the Local Government Act 1986, "A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 7 months after a general election."

The Minister for Local Government reviews the limits and ranges of Mayoral and Councillors allowances on an annual basis. In accordance with section 73B (5) of the *Local Government Act 1989*, "a Council must increase the level of Mayoral and Councillors allowances in accordance with the adjustment factor specified in the notice".

Under section 74(4) of the *Local Government Act 1989*, "A person has a right to make a submission under section 223 in respect of a review of allowances"

### ISSUE/DISCUSSIONS

Hepburn Shire Council is classified by Local Government Victoria as a Category 1 Council. On this basis, the range of Mayoral and Councillor allowances permitted (*adjusted by Minister as at 25 November 2015*) is:

Councillors \$8,121 – \$19,350 plus superannuation guarantee.

Mayor Up to \$57,812 plus superannuation guarantee

The Mayoral and Councillor allowances were adjusted in accordance with the Minister's advice received in November 2015.

Current allowances paid are:

Councillors: \$19,350 plus superannuation guarantee.

Mayor: \$57,812 plus superannuation guarantee.

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Section 73B of the *Local Government Act 1989* requires the Minister, at least once every year, to review the allowance category for each Council. Additionally Section 73B (5) states "If a notice is published in the *Government Gazette* under subsection (4), a Council must increase the level of Councillor and Mayoral allowances in accordance with the adjustment factor specified in the notice."

Section 74 outlines under what circumstances that a Council may vary the allowances for Councillors and the Mayor

- 3) A Council can only vary the allowances determined under subsection (1) if—
  - a. the Council has conducted a review under subsection (1), (1A) or (1B); or
  - b. the Council is required to increase allowances in accordance with a notice published under section 73B specifying an adjustment factor; or
  - c. the Council is required to increase allowances by an Order in Council under section 74B.

- 4) *A person has a right to make a submission under section 223 in respect of a review of allowances.*

#### **FINANCIAL IMPLICATIONS**

The 2016/17 budget has an inflation factor included in the current Mayoral and Councillor allowances budget to cover the Minister's determination on the adjustment factor later in the year.

#### **RISK IMPLICATIONS**

Reviewing the Mayoral and Councillors allowances will ensure compliance with the *Local Government Act 1989* provisions pertaining to Mayoral and Councillor allowances.

#### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Not applicable

#### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Not applicable

#### **CONCLUSION**

Pursuant to Section 74 (1) of the Local Government Act 1986, "A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 7 months after a general election."

## RECOMMENDATION

- 13.1.1. Proposes to set the Mayoral allowance at \$(value) ..... plus superannuation guarantee, subject to any future adjustment by the Minister for Local Government.
- 13.1.2. Proposes to sets the Councillor allowance at \$(value) ..... plus superannuation guarantee, subject to any future adjustment by the Minister for Local Government.
- 13.1.3. Gives Public Notice of the proposed Mayoral and Councillor allowances.
- 13.1.4. Makes the Proposed Mayor and Councillor allowances available for public inspection for 28 days at Council offices in Daylesford, Creswick and Clunes; at Libraries in Daylesford and Trentham and on Council's website.
- 13.1.5. Invites any person to make a written submission up until 5:00 pm on Wednesday 14 December 2016, addressed to the Chief Executive Officer.

## MOTION

*That Council:*

- 13.1.1. *Proposes to set the Mayoral allowance at \$57,812 plus superannuation guarantee, subject to any future adjustment by the Minister for Local Government.*
- 13.1.2. *Proposes to sets the Councillor allowance at \$19,350 plus superannuation guarantee, subject to any future adjustment by the Minister for Local Government.*
- 13.1.3. *Gives Public Notice of the proposed Mayoral and Councillor allowances.*
- 13.1.4. *Makes the Proposed Mayor and Councillor allowances available for public inspection for 28 days at Council offices in Daylesford, Creswick and Clunes; at Libraries in Daylesford and Trentham and on Council's website.*
- 13.1.5. *Invites any person to make a written submission up until 5:00 pm on Wednesday 14 December 2016, addressed to the Chief Executive Officer.*

**Moved:** Cr Kate Redwood AM

**Seconded:** Cr Neil Newitt

**Carried**



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14. CLOSE OF MEETING

The Mayor closes the meeting and invites guest to join Councillors for refreshments.

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Meeting Closed at 6:52pm