



HEPBURN SHIRE COUNCIL
STATUTORY MEETING OF COUNCIL
MINUTES

WEDNESDAY 8 NOVEMBER 2017

DAYLESFORD TOWN HALL

6:00PM

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Daylesford Town Hall
Vincent Street, Daylesford
Commencing 6:00PM

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AARON VAN EGMOND
CHIEF EXECUTIVE OFFICER
8 NOVEMBER 2017

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. **ACKNOWLEDGEMENT OF PAST MAYORS AND COUNCILLORS**

We would like to acknowledge the past Mayors and Councillors of Hepburn Shire Council 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.

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

PRESENT: Cr Neil Newitt, Cr Sebastian Klein, Cr Don Henderson, Cr Kate Redwood AM, Cr John Cottrell, Cr Greg May

IN ATTENDANCE: Aaron van Egmond Chief Executive Officer, Grant Schuster General Manager Corporate Services, Kathleen Brannigan General Manager Community Services, Katherine Toom Coordinator Governance and Information, Maria Abate Communications Officer

The Statutory Meeting of Council has been called to conduct the business associated with the terms of office for the Mayor and the Deputy Mayor, the election of the Hepburn Shire Council Mayor and the Deputy Mayor for 2017/18.

The Ordinary Meeting of Council for the month of November will be held on **Tuesday 21 November 2017**. Any normal Council business and public question time will be conducted at that time.

4. STATEMENT OF COMMITMENT

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”

5. APOLOGIES

Councillor Fiona Robson
Mr Bruce Lucas

6. 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.

7. ACKNOWLEDGEMENT OF PREVIOUS MAYOR FOR 2016/17

7.1. PREVIOUS MAYOR'S REPORT 2016/17

Well it's been a great year here at Hepburn Shire Council.

Honour to work with a positive, constructive and collaborative council.

For my part, I have taken pride in what could be seen to be the boring parts of Council – strategy, team-building, relationships, and fulfilling our role in terms of governance.

This is really the task for a Mayor in the First year of a council term – collaborating to achieve a strategic vision, outline the four year Council Plan, setting the agenda together and getting the settings right for the culture of the Council to carry us through for the next four years.

Early in the piece we set a vision for Our Council. Our Council with capital letters – a simple motto that would shape our ambition to be a body of governance, inform an organisation and inspire our communities to take ownership and participate in Local Governance such that we all of us talk about Our Council.

And I have to say that with very few exceptions – we have achieved that.

We have been collegiate, supportive, polite (within realism and reason) and strategic. I think above all we have set a standard - among my 9 years on Council around leadership – by example and in our aspirations and thinking. It has been refreshing and mentally rewarding to be a part of.

In that time, Hepburn Shire organisation has been growing in strength – gradually building the right team for the years ahead and to meet the expectations of the strategy set by Council.

Beyond that – in terms of my own personal impact – I have aimed to hasten slowly...

Setting strategy in terms of how we can address climate change in a way that benefits our economy and community – this approach has given rise to our Towards Zero emissions roadmap for the Council as an organisation, and has led us to lead carbon-free community conversations which we hope will lead to an approach that delivers jobs and economic benefits as well as clean energy. Our biodiversity strategy is in its draft form and is promising to deliver a step change in terms of how we preserve our environment. Our Agriculture Development Strategy is also in the pipeline.

For me as Mayor the conversation has come full circle regarding marriage equality – and for our LGBTI community it has been a sad two months and I was glad to be a part of a Council who raised the rainbow flags in solidarity with our community. While we have finally achieved action at a Federal level, but this was not what was envisioned when we advocated for marriage equality in 2012. It is good to be beyond this low point in our history now and we look forward to a rapid resolution of this important human rights issue.

This year we also started the conversation on reconciliation. It has been enervating to be a part of a Council willing to start the conversation and contribute to the debate about recognition and reconciliation in this country. I am confident that we will deliver a Reconciliation Plan in which the whole community can participate and that we will be able to say with pride, that we are a nation that can inclusively and maturely debate these issues.

Thanks finally for support from Cr Cottrell for your support over the past year. Your broad knowledge of governance matters, support on setting the strategic direction and vision for the Council has been invaluable. You have been consistent in your application to the task, attending meetings with the CEO, providing second opinions and new ideas on a range of matters.

Thanks again to the Council for a collaborative and constructive year – there has been a most refreshing tone to our engagement. To the CEO, Aaron van Egmond also, it has been really great to work across a whole year with a person so clearly committed to not just administering an organisation but engaging with a strategic vision.

Finally thanks to Sophia, you've been a wonderful support and while you couldn't be here last year, it's great to have you here now.

That's the year and my Mayoral report, I would like to thank everyone for the opportunity.

RECOMMENDATION

7.1.1. That Council receives and notes the previous Mayor's report for 2016/17.

MOTION

7.1.1. *That Council receives and notes the previous Mayor's report for 2016/17.*

Moved: Cr Kate Redwood AM

Seconded: Cr Neil Newitt

Carried

7.2. VOTE OF THANKS TO PREVIOUS MAYOR

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

8. APPOINTMENT OF TEMPORARY CHAIRPERSON TO CONDUCT ELECTION OF MAYOR

Section 72 of the *Local Government Act 1989* specifies that the office of Mayor became vacant at 6:00am today, the day of election. 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 a motion to appoint a 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 a 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 Kate Redwood AM

Seconded: Cr Don Henderson

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 Sebastian Klein

Seconded: Cr Greg May

Carried

10. ELECTION OF MAYOR

10.1. ELECTION OF MAYOR 2017/18

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 a Councillor as Mayor of Hepburn Shire Council for 2017/18.

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.

MOTION

That Council:

10.1.1. *Pursuant to the provisions of section 71 of the Local Government Act 1989 elects Councillor John Cottrell as Mayor of Hepburn Shire Council for 2017/18.*

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 Don Henderson

Seconded: Cr Sebastian Klein

Carried

10.2. PRESENTATION OF MAYORAL MEDALLION

The Chief Executive Officer presented the Mayor with Mayoral Medallion.

10.3. CONGRATULATORY REMARKS TO MAYOR

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

10.4. INCOMING MAYORAL SPEECH

Councillor Cottrell made a short speech on his appointment as Mayor of Hepburn Shire Council and highlighted his key priorities for the forthcoming Mayoral year.

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 Sebastian Klein

Seconded: Cr Don Henderson

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 Sebastian Klein

Seconded: Cr Neill Newitt

Carried

12. ELECTION OF A DEPUTY MAYOR

12.1. ELECTION OF DEPUTY MAYOR FOR 2017/18

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 a Councillor as Deputy Mayor of Hepburn Shire Council for 2017/18.

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

MOTION

That Council

12.1.1. *Pursuant to the provisions of Council's Local Law No 1 – Meeting Procedures, section 15.3 elects Councillor Don Henderson as Deputy Mayor of Hepburn Shire Council for 2017/18.*

12.1.2. *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 Sebastian Klein

Seconded: Cr Kate Redwood AM

Carried

12.2. INCOMING DEPUTY MAYOR'S SPEECH

Councillor Henderson made a short speech on his appointment as Deputy Mayor of Hepburn Shire Council and highlighted his key priorities for the forthcoming year.

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 Kate Redwood AM

Seconded: Cr Neil Newitt

Carried

13. CLOSE OF MEETING

The Mayor closed the meeting at 6.48 pm and invited guests to join Councillors for refreshments.
