



HEPBURN SHIRE COUNCIL
STATUTORY MEETING OF COUNCIL
PUBLIC AGENDA

Tuesday 14 November 2023

Daylesford Town Hall
76 Vincent Street Daylesford

5:30 PM

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

AGENDA

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Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 5:30 PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 14 November 2023

CONDUCTING HYBRID COUNCIL MEETINGS

In the spirit of open, transparent and accountable governance, this 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.

- Council's meeting will be conducted tonight in accordance with:
- The Local Government Act 2020
- 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:

OFFICERS PRESENT:

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

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 one year or a two year term.

RECOMMENDATION

That Council notes that under the Local Government Act 2020 s29(1)(b), the current Council term ends at 6:00am on 26 October 2024 (Election Day). The mayor will be appointed until that date.

5.2 NOMINATIONS FOR MAYOR

The Office of Mayor became vacant at 5:30pm on 14 November 2023.

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

A Councillor can nominate themselves or another Councillor.

In accordance with Council's Governance Rules and Election Period Policy 2022, any nominations for the office of Mayor must be seconded by another Councillor.

The Chief Executive Officer will call for Nominations.

Each candidate will be given the opportunity to address Councillors where there is more than one candidate nominated.

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 ELECTION OF THE MAYOR

VOTING FOR THE MAYOR

To be elected Mayor, a candidate must be elected by an absolute majority of the Councillors. For the purposes of the election of the Mayor, an absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Voting will be conducted by show of hands. Under the *Local Government Act 2020* no Councillor can abstain from voting.

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.

5.4 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 one year or a two year term.

RECOMMENDATION

That Council notes that under the Local Government Act 2020 s29(1)(b), the current Council term ends at 6:00am on 26 October 2024 (Election Day). The deputy mayor will be appointed until that date.

5.5 NOMINATIONS FOR DEPUTY MAYOR

The Office of Deputy Mayor became vacant at 5:30pm on 14 November 2023.

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

A Councillor can nominate themselves or another Councillor.

In accordance with Council's Governance Rules and Election Period Policy 2022, any nominations for the office of Deputy Mayor must be seconded by another Councillor.

The Chief Executive Officer will call for Nominations.

Each candidate will be given the opportunity to address Councillors where there is more than one candidate nominated.

5.6 ELECTION OF THE DEPUTY MAYOR

VOTING FOR THE DEPUTY MAYOR

To be elected Deputy Mayor, a candidate must be elected by an absolute majority of the Councillors. An absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Voting will be conducted by show of hands. Under the *Local Government Act 2020* no Councillor can abstain from voting.

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.

6 OFFICER REPORTS

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

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

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 appoints the following Councillors to the listed committees, boards and external bodies until 6:00am on 26 October 2024 (Election Day):

<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>Cr...</i>
<i>World Heritage Listing of the Victorian Goldfields Region Steering Committee</i>	<i>Cr</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>Cr</i>
<i>Z-NET Community Roundtable</i>	<i>Cr</i>
<i>Audit and Risk Committee (two positions)</i>	<i>Cr ... and Cr ...</i>
<i>Council Advisory Committees (Councillor representative will also Chair)</i>	<i>Representative</i>

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*

Reconciliation Action Plan Advisory Committee *Mayor (as per Terms of Reference)*

*Sustainable Hepburn Community
Advisory Committee*

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. As the Local Government Elections are scheduled for October 2024, these appointments will stand until 6:00am on 26 October 2024 (Election Day).

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	One Councillor	Mayor Cr Lesley Hewitt
World Heritage Listing of the Victorian Goldfields Region Steering	One Councillor	Cr Don Henderson

Committee		
Central Highlands Councils Victoria	Mayor	Mayor
Loddon Campaspe Councils Victoria	Mayor	Mayor
Municipal Emergency Management Planning Committee	One Councillor	Cr Tim Drylie
Z-NET Community Roundtable	One Councillor	Cr Tim Drylie
Audit and Risk Committee (two positions)	Two Councillors, usually the Mayor and one other.	Cr Brian Hood (Mayor) Cr Juliet Simpson
Council Advisory Committees (Councillor representative will also Chair)		
Disability Advisory Committee	One Councillor (as per Terms of Reference)	Cr Lesley Hewitt
Gender Equity Advisory Committee	One Councillor (as per Terms of Reference)	Cr Lesley Hewitt
Heather Mutimer International Women's Day Honour Roll Advisory Committee	One Councillor (as per Terms of Reference)	Cr Jen Bray Cr Don Henderson
LGBTIQA+ Advisory Committee	One Councillor (as per Terms of Reference)	Cr Tessa Halliday
Mineral Springs Reserves Advisory Committee	One Councillor (as per Terms of Reference)	Cr Jen Bray
Reconciliation Action Plan Advisory Committee	Mayor (as per Terms of Reference)	Mayor
Sustainable Hepburn Community Advisory Committee	One Councillor (as per Terms of Reference)	New Committee. No current appointment.

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.

7.1 CLOSURE OF THE MEETING TO THE PUBLIC

Pursuant to section 66(1) of the *Local Government Act 2020* (the Act) Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

The circumstances detailed in section 66(2) of the Act are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

RECOMMENDATION

That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:

1.1 APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBERS

This agenda item is confidential information for the purposes of section 3(1) of the Local Government 2020:

- *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- *This ground applies because the item concerns applications to Council's Audit and Risk Committee and personal information of the applicants.*

8 CLOSE OF MEETING