



HEPBURN SHIRE COUNCIL  
STATUTORY MEETING OF COUNCIL  
PUBLIC AGENDA

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](#)

# AGENDA

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Commencing at 6:00 PM

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**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:**

**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 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*

## 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.

### 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:*

- 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 \_\_\_\_\_ 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.*

### **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.*

### **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**

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



## 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.

### 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 2020/2021 term of office.*

### 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.*

## 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.

### **OFFICER'S RECOMMENDATION**

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

#### ***External Bodies***

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*Committee of Management for DELWP  
(26 Committees)*

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*Municipal Association of Victoria*

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*Victorian Local Governance Association*

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*Grampians Central West Waste and  
Resource Recovery Group Forum*

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*World Heritage Listing of the Victorian  
Goldfields Region Steering Committee*

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*Central Highlands Councils Victoria*

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*Loddon Campaspe Councils Victoria*

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#### ***Audit and Risk Committee***

***(two positions)***

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#### ***Council Advisory Committees***

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*Disability Advisory Committee*

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*2021 Heather Mutimer International  
Women's Day Honour Roll Interim  
Selection Panel\**

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*Mineral Springs Reserves Advisory  
Committee*

*Municipal Emergency Management  
Planning Committee*

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*Public Art Advisory Committee*

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*Reconciliation Action Plan Advisory  
Committee*

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**Community Reference Groups**

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*Collection of Firewood Local Law no. 2  
Community Reference Group*

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*Salvaging at Transfer Stations Local Law  
no. 2 Community Reference Group*

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*Planting on Nature Strips Local Law no.  
2 Community Reference Group*

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**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.

<b>Organisation/Committee</b>	<b>Proposed Representation for 2020/2021</b>
<b>External Bodies</b>	
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
<b>Audit and Risk Committee (two positions)</b>	Mayor and one other Councillor
<b>Council Advisory Committees</b>	
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
<b>Community Reference Groups</b>	
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**