



CORANGAMITE
SHIRE

Agenda

Council Meeting

**Tuesday 12 November
2024**

To be held in the Killara Centre
At the Camperdown Community
Centre
Commencing at 5:00 pm

Vision

We strive for a connected and thriving community.

Mission

We will foster opportunities, celebrate our identity and lifestyle, and provide high quality and responsive services.

Values

Teamwork

Integrity

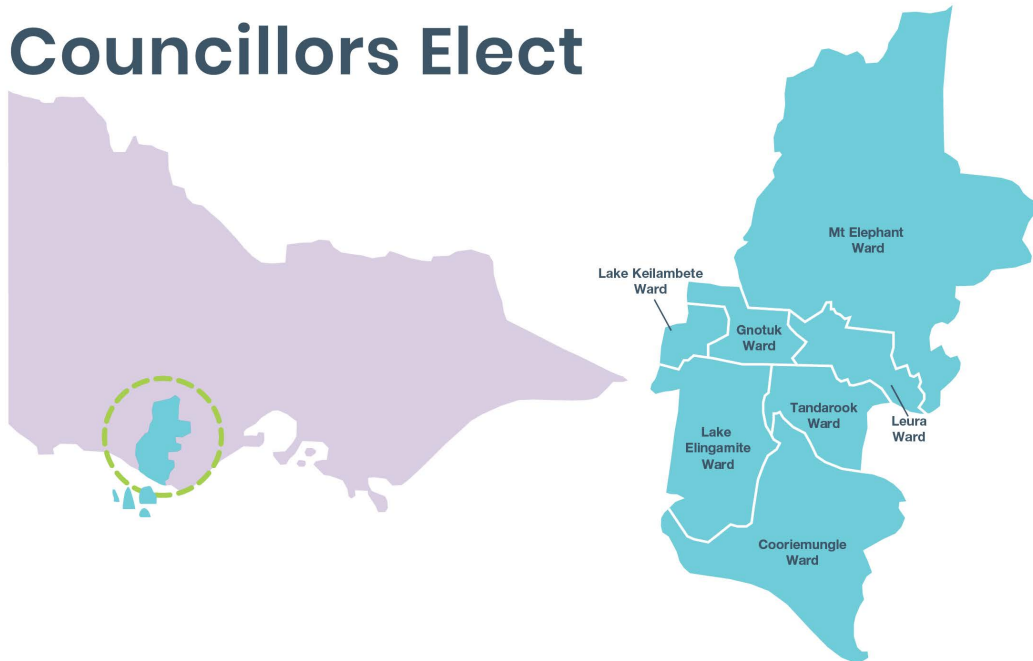
Respect

Disclaimer

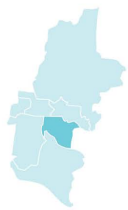
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Council meetings are livestreamed on the Internet to provide members of the community greater access to Council decisions and debate. A recording of the meeting will be available on Council's website after the meeting (usually within 48 hours). Visitors in the public gallery may be filmed and/or recorded during the meeting. By attending the meeting, it is assumed consent is given in the event that this occurs.

Councillors Elect



Cr Elect Jo Beard
Tandarook Ward



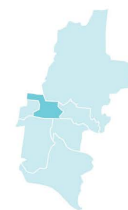
Cr Elect Geraldine Conheady
Lake Keilambete Ward



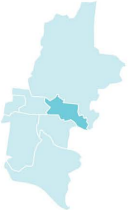
Cr Elect Nick Cole
Mount Elephant Ward



Cr Elect Ruth Gstrein
Gnotuk Ward



Cr Elect Laurie Hickey
Laura Ward



Cr Elect Kate Makin
Lake Elingamite Ward



Cr Elect Jamie Vogels
Cooriemungle Ward



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Order of Business

1 Prayer

We ask for guidance and blessing on this Council. May the true needs and wellbeing of our communities be our concern. Help us, who serve as leaders, to remember that all our decisions are made in the best interests of the people, culture and the environment of the Corangamite Shire.

Amen.

2 Acknowledgment of Country

We acknowledge the traditional custodians of the land around Corangamite Shire, the Eastern Maar and Wadawurrung people.

We pay our respects to all Aboriginal Elders and peoples past, present and emerging.

3 Apologies

4 Officer's Reports

4.1 Oaths & Affirmations of Office

Directorate: Governance and Civic Support

Author: David Rae, Chief Executive Officer

Attachments: 1. Model Councillor Code of Conduct [4.1.1 - 5 pages]

Declaration

Chief Executive Officer – David Rae

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author – David Rae

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Summary

The purpose of this report is to receive and document the Oaths and Affirmations of Office of Corangamite Shire's newly elected Councillors.

Introduction

Under the *Local Government Act 2020*, each person elected to Council is required to take the Oath or Affirmation of Office before they can act as a Councillor.

Issues

The Oath or Affirmation of Office must be administered by the Chief Executive Officer, dated and signed before the Chief Executive Officer and recorded in the Minutes of the Council.

Once the newly elected Councillors have taken their Oath or Affirmation, as a Council they will be required to receive (by resolution) the signed documents for incorporation into the Minutes.

In undertaking the Oath or Affirmation, Councillors commit to abiding by the Model Councillor Code of Conduct and upholding the standards of conduct set out in the Model Councillor Code of Conduct.

The Model Code of Conduct is attached and guidance to support Councillors in performing their role in a manner consistent with the Model Code of Conduct has previously been provided.

Policy and Legislative Context

This report is also in keeping with the commitments in the Council Plan 2021-2025:

- Theme Five
 - Community Leadership
 - Having strong governance practices

Section 30 of *Local Government Act 2020* (the Act) governs the Oath or Affirmation of Office for Councillors. A person is unable to act as a Councillor until the Oath or Affirmation of Office has been taken.

Under section 31 of the Act, if a person elected to Council fails to take the Oath or Affirmation of Office within three months after he or she is declared elected, their position will become vacant.

The form of the Oath or Affirmation of Office is provided in the *Local Government (Governance and Integrity) Amendment Regulations 2024*, and requires the Oath or Affirmation be taken in accordance with the *Oaths and Affirmations Act 2018*.

The Oath of Office is as follows:

I swear (or promise) by Almighty God (or the person may name a god recognised by the person's religion) that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

The Affirmation of Office is as follows:

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

Internal / External Consultation

Elected Councillors have been advised about their obligations regarding the Oath or Affirmation of Office, and were provided with the opportunity to choose which one to take.

Conclusions

Persons elected to Council must take the Oaths or Affirmation of Office before being able to act as a Councillor. Once the Oaths and Affirmations have been taken, Council is asked to receive, by resolution, the signed documents for incorporation into the Minutes.

RECOMMENDATION - 4.1

That Council receives the signed Oaths and Affirmations of Office of Councillors Beard, Cole, Conheady, Gstrein, Hickey, Makin and Vogels, administered by the Chief Executive Officer, for recording in the Minutes of Council.

Model Councillor Code of Conduct

Local Government (Governance and Integrity) Amendment
Regulations 2024

Model Councillor Code of Conduct

Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024

Definitions

In this Schedule—

discrimination means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

Standards of Conduct

1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—
 - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
 - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

2. Behaviours

- (1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, **courtesy and respect**, including by—

- (a) not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature; and
 - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
 - (c) not engaging in discrimination or vilification; and
 - (d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and
 - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and
 - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by—
- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
 - (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- (3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

- (a) the Council's expenses policy adopted and maintained under section 41 of the Act;

- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to—
 - (i) conduct in Council meetings or meetings of delegated committees; and
 - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
 - (iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;
- (d) any direction of the Minister given under section 175 of the Act.

4. Integrity

- (1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—
 - (a) ensuring that their behaviour does not bring discredit upon the Council; and
 - (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
 - (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

Note

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

5. The Model Councillor Code of Conduct does not limit robust public debate

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.

4.2 Election of Mayor - Term of Office

Directorate: Governance and Civic Support
Author: David Rae, Chief Executive Officer
Attachments: Nil

Declaration

Chief Executive Officer – David Rae

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author – David Rae

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Summary

The purpose of this report is to determine the term of office for the Mayor of Corangamite Shire.

Introduction

The *Local Government Act 2020* (the Act) requires Council to determine the length of the Mayoral term prior to the election of Mayor. The term decided will apply to the Deputy Mayor if one is also elected.

Issues

Council has historically elected a Mayor for a term of one year, however the term of office may be for one or two years.

Under the Act, the next election of the Mayor and Deputy Mayor must be held on a day to be determined by the Council that is as close to the end of the term. Should Council continue to hold its scheduled meetings on the fourth Tuesday of the month, the next Mayoral election would be held on 25 November 2025 or 24 November 2026, depending on the length of the term of office.

Policy and Legislative Context

This report is also in keeping with the commitments in the Council Plan 2021-2025:

- Theme Five
 - Community Leadership
 - Having strong governance practices

Section 26(3) of the *Local Government Act 2020* (the Act) requires that before a Mayor is elected, the Council must by resolution resolve whether the Mayoral term is a period of one or two years.

Section 26(4) and 26(5) of the Act governs when the next election of the Mayor is to be held.

Internal / External Consultation

Elected Councillors have been advised about their obligations regarding the term of office for the Mayor and Deputy Mayor.

Financial and Resource Implications

Nil

Options

Council may resolve to set the Mayoral term as a period of one or two years and determine when the next Mayoral election should subsequently be held.

Conclusions

Persons elected to Council must take the Oaths or Affirmation of Office before being able to act as a Councillor. Once the Oaths and Affirmations have been taken, Council is asked to receive, by resolution, the signed documents for incorporation into the Minutes.

RECOMMENDATION - 4.2

That Council

1. **Determines the length of the Mayoral term be a period of _____ year(s).**
2. **Determines the next Mayoral election be held at the scheduled meeting of Council in November ____.**

4.3 Election of Mayor

Directorate: Governance and Civic Support

Author: David Rae, Chief Executive Officer

Attachments: Nil

Declaration

Chief Executive Officer – David Rae

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author – David Rae

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Summary

This report provides advice on the process for the election of Mayor of Corangamite Shire.

Introduction

The *Local Government Act 2020* (the Act) requires Council to elect a Councillor to be Mayor at a meeting open to the public, by an absolute majority of all Councillors elected to the Council. The Act also requires the Chief Executive Officer to chair the election of the Mayor.

Issues

The role of Mayor and specific powers of the Mayor are set out in the Act and includes:

- Chairing all meetings of the Corangamite Shire Council.
- Being principal spokesperson of the Council.
- Leading engagement with the community on the development of the Council Plan and reporting annually on the implementation of the plan.
- Promoting behaviour amongst Councillors that meet the standards in the Code of Conduct.
- Assisting Councillors to understand their role.
- Leading the regular review of the Chief Executive Officer's performance.
- Taking precedence at all municipal proceedings within the Shire.

In accordance with Council's Governance Rules, the election of Mayor must be by a show of hands at a meeting open to the public.

Nominations are to be called for and seconded. A candidate may nominate themselves, but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is only one nominee, they must be declared elected as Mayor in accordance with the Act.

If there are two nominees, Council will vote by show of hands and the candidate with an absolute majority of all Councillors (at least four votes) will be declared elect.

If there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until there is a final vote between two remaining candidates.

If there is a tied vote or an absolute majority of at least four votes cannot be achieved, a second vote will be undertaken.

The successful Councillor will be Mayor of Corangamite Shire until the time and on the day the next Mayor is to be elected, as previously determined by Council.

Once the Mayor is elected, he or she will assume the Chair for the remainder of the Council meeting and may briefly address the meeting prior to chairing the election of Deputy Mayor.

Policy and Legislative Context

This report is also in keeping with the commitments in the Council Plan 2021-2025:

- Theme Five
 - Community Leadership
 - Having strong governance practices

Sections 25 and 26 of the *Local Government Act 2020* governs the election of Mayor and when a Mayor is to be elected. Section 20 of the Act provides for when the office of the Mayor becomes vacant.

The process for electing the Mayor is to be conducted in accordance with Corangamite Shire's Governance Rules.

Internal / External Consultation

No consultation is required for the election of Mayor.

Financial and Resource Implications

The Councillor elected as Mayor will receive a mayoral allowance and the use of a vehicle within existing budget allocations. The mayoral base allowance is currently \$84,498 per annum.

Options

Council is required to elect a Mayor.

Conclusions

Council is required to elect a mayor at a meeting open to the public. The successful Councillor will be Mayor of Corangamite Shire until the conclusion of the term of office, as previously determined by Council. After the Mayor is elected, they will assume the Chair for the remainder of the meeting, including the election of Deputy Mayor.

RECOMMENDATION - 4.3

That Council proceeds to elect a mayor.

4.4 Election of Deputy Mayor

Directorate: Governance and Civic Support
Author: David Rae, Chief Executive Officer
Attachments: Nil

Declaration

Chief Executive Officer – David Rae
In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author – David Rae

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Summary

This report provides advice on the process for the election of Deputy Mayor of Corangamite Shire.

Introduction

The *Local Government Act 2020* (the Act) states Council may establish an office of Deputy Mayor. Council's Governance Rules outlines the process for the election of a deputy mayor.

Issues

Under the Act, the Deputy Mayor must perform the role of Mayor and may exercise any powers of the Mayor if the Mayor is unable to attend a meeting (or part thereof), or if the Mayor is incapable of performing the duties of the office of Mayor for any reason (including illness), or if the office of Mayor is vacant. The Deputy Mayor does not hold any other additional powers or functions.

In accordance with Governance Rules, the election of Deputy Mayor must be by a show of hands at a meeting open to the public.

The process for the election of a deputy mayor is the same as the process for the election of Mayor. Nominations are to be called for and seconded. A candidate may nominate themselves but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is one nominee, they are to be declared elected in accordance with the Act. If there are two nominees, Council will vote by show of hands and the candidate with the absolute majority of all Councillors (at least four votes) will be declared elected. If there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until a final vote between two remaining candidates. If there is a tied vote or an absolute majority of at least four votes cannot be obtained, a second vote may be taken.

The successful Councillor will hold the position of Deputy Mayor until the term of office for the Mayor concludes, as previously determined by Council.

Policy and Legislative Context

This report is also in keeping with the commitments in the Council Plan 2021-2025:

- Theme Five
 - Community Leadership
 - Having strong governance practices

Section 20A of the Act provides for an office of Deputy Mayor, section 21 outlines the role and powers of the Deputy Mayor (as previously outlined in this report), and section 22 provides for when the position becomes vacant. The election of Deputy Mayor is governed by section 27 of the Act and Council's Governance Rules.

Internal / External Consultation

No consultation is required for the election of Mayor.

Financial and Resource Implications

The Councillor elected as Deputy Mayor will receive a deputy mayoral base allowance which is currently \$42,248 per annum.

Options

Council may proceed to elect a Deputy Mayor, or resolve not to elect a Deputy Mayor.

Conclusions

The *Local Government Act 2020* and Council's Governance Rules provides for the position of Deputy Mayor and governs the process for the election. At its meeting on 27 November 2018, Council resolved to establish the office of a Deputy Mayor. Should Council proceed to elect a Deputy Mayor, the successful Councillor would hold the position of Deputy Mayor until the Mayoral term of office concludes, as previously determined by Council.

RECOMMENDATION - 4.4

That Council proceeds to elect a deputy mayor.

5 Close Meeting