



STATUTORY COUNCIL MEETING

Tuesday 26 November 2024

6pm, Maryborough Town Hall and

Live Streamed

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EXPLANATORY NOTES

Under section 25 of the Local Government Act 2020

(3) The election of the Mayor must—

- (a) be chaired by the Chief Executive Officer; and
- (b) subject to this section, be conducted in accordance with the Governance Rules.

Council's Governance Rules require The Chief Executive Officer to:

- facilitate the election of the Mayor in accordance with the provisions of the Act.
- open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor.

1. COMMENCEMENT OF MEETING AND WELCOME

The commencement of the meeting and welcome will be conducted by the Interim Chief Executive Officer, Sally Jones.

The Interim Chief Executive Officer will act as Chairperson to conduct the formal process of Mayoral Election.

2. APOLOGIES

3. CONFLICTS OF INTEREST

4. ELECTION OF MAYOR

Author: Governance Officer

Responsible Officer: General Manager Corporate Performance

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

In accordance with section 25(3)(a) of the *Local Government Act 2020*, the CEO will take the Chair until the Mayoral election concludes.

SUMMARY/PURPOSE

The purpose of this report is to provide for Council to set the Mayoral and Deputy Mayor term at one or two years.

To elect a Councillor to the office of Mayor and decided if the council is to establish an office of a deputy mayor.

S20A (1) A Council may establish an office of Deputy Mayor. (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply. (3) If a Council has not established an office of Deputy Mayor, section 20B applies.

S26 Clause 3 of the Local Government Act 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.”

The Mayoral election must be chaired by the Chief Executive Officer who will call for nomination.

Motion for Establishment of the Office of Deputy Mayor

RECOMMENDATION:

That Council, due to historical practice, determines not to establish an office of the Deputy Mayor.

Motion for Term of Mayoral (and Deputy Mayor) term

RECOMMENDATION:

That Council determines the length of term of the Mayor to be set at one year.

Motion for Election of Mayor

RECOMMENDATION:

That nominations be called for the office of Mayor.

After nominations are called for and provided, the election of the Mayor will take place in accordance with the Governance Rules, as described below.

Immediately following the election of the Mayor, the Mayor may wish to call for a motion for suspension of standing orders to allow them to address the meeting, and for photographs to be taken.

RECOMMENDATION:

That standing orders be suspended to allow for the incoming Mayor to address the meeting, and for photographs to be taken.

RECOMMENDATION:

That standing orders be resumed.

BACKGROUND

The Local Government Act 2020 provides that:

Section 25 Election of Mayor

- (1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.
- (3) The election of the Mayor must—
 - (a) be chaired by the Chief Executive Officer; and
 - (b) subject to this section, be conducted in accordance with the Governance Rules.
 - (4) Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.
- (5) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
- (6) If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- (7) In this section, "absolute majority" means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Section 26 When is a Mayor to be elected?

- (1) A Mayor is to be elected no later than one month after the date of a general election.
- (2) (*refers to the Greater Geelong City Council*)

- (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.
- 5.1 The Council to determine if the term of Mayor is to be for one or two years.
 - 5.2 The Chief Executive Officer to invite nominations for position of Mayor.
 - 5.3 Councillors to vote on the election of the Mayor.
 - 5.4 The Chief Executive Officer to declare the position of Mayor.
 - 5.5 The Chief Executive Officer to be invited to present newly elected Mayor with the Mayor medallion.
 - 5.6 The newly elected Mayor to take the Chair.

Determining the election of the Mayor

Following the nomination of Mayoral candidate/s, the election will be conducted in accordance Council's Governance Rule 6 as follows:

6. Determining the election of the Mayor

- 6.1. The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor.
- 6.2. Any nominations for the office of Mayor must be:
 - 6.2.1. seconded by another Councillor; and
 - 6.2.2. accepted by the nominee.
- 6.3. Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:
 - 6.3.1. if there is only one nomination, the candidate nominated must be declared to be duly elected;
 - 6.3.2. if there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates;
 - 6.3.3. in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
 - 6.3.4. 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 in attendance at the meeting will then vote for one of the remaining candidates;
 - 6.3.5. if one of the remaining candidates receives an absolute majority of the votes, that candidate 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;
 - 6.3.6. in the event of two or more candidates having an equality of votes and one of them having to be declared:
 - a defeated candidate; and
 - duly elected the Council may resolve to conduct a new election at a later specified time and date.

Election of Deputy Mayor

The *Local Government Act 2020* allows Councils to determine whether or not to elect a Deputy Mayor.

7.1 At a meeting to elect the Mayor, Council may resolve to elect a Deputy Mayor.

7.2 Any election for:

7.2.1 any office of Deputy Mayor; or

7.2.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

7.2.3 Chief Executive Officer is a reference to the Mayor; and

7.2.4 Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).

FINANCIAL & RESOURCE IMPLICATIONS

The Mayoral Allowance is set by the Victorian Independent Remuneration Tribunal at \$86,722 p/a from 18th December 2024, and until then \$84,498.

In addition to the allowance the Mayor car expenses which calculated and reported on annually.

The Mayoral Allowance is met from the existing operating budget.

If a Deputy Mayor is appointed there is a difference between the base councillor rate and the Deputy Mayor rate of \$16,069 as of 18th December 2024.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by conducting the election of the Mayor at a public meeting.

CONCLUSION

The Mayor Election process has been conducted in accordance with the Council governance Rules and is compliant with the requirements of the Act.

ATTACHMENTS

Nil.

5. APPOINTMENT OF REPRESENTATIVE/S TO COMMITTEES AND ORGANISATIONS

Author: Governance Officer

Responsible Officer: General Manager Corporate Performance

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

Councillors have the option to be appointed to various committees and statutory or regional bodies.

The purpose of this report is to provide information to Council regarding current Committees of Council, Council representation committees and to seek appointments to these bodies.

RECOMMENDATION

That Council nominates its representatives to the committees and organisations as detailed in the table below for a one-year term.

External Committees

Committee/Statutory Body	Proposed Representative/s <i>(pending the nomination of a Councillor representative/s)</i>
Municipal Association of Victoria	
Audit and Risk Committee	
Australia Day Committee	
Rural Councils Victoria	
CEO Employment Matters Advisory Committee	
Central Victoria Greenhouse Alliance	
Municipal Emergency Management Committee/ Municipal Fire Management Committee	
Energy Breakthrough Committee	
Climate Action Stewarding Group	
Walking and Cycling Advisory Group	
Tullaroop Creek Carisbrook Advisory Group	
Aerodrome Advisory Group	
Maryborough Heritage Review Reference Group	

<u>Community Asset Committees (CACs)</u>	
Committee/Statutory Body	Proposed Representative/s <i>(pending the nomination of a Councillor representative/s)</i>
Daisy Hill Community Centre Committee	
Adelaide Lead Hall Committee	
Talbot Town Hall Committee	
Talbot Community Homes Committee	
Dunolly Historic Precinct Management Committee	
Tullaroop Leisure Centre Committee	

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025:

Strategy Leading Change
objective:

Strategic Priority: Provide financial sustainability and good governance

BACKGROUND INFORMATION

Currently there are nineteen committees which Central Goldfield Shire Council may wish to have representation on.

REPORT

It is appropriate for Council to have representation on various committees, especially where significant policy and strategy matters are being considered.

In considering who should be appointed, Councillors are encouraged to consider their personal interests to ensure both that conflicts can be managed appropriately, and that Council can be represented through these positions.

Audit and Risk Committee

Under section 53 of the Local Government Act 2020;

Council must establish an Audit and Risk Committee

(1) A Council must establish an Audit and Risk Committee.

(2) An Audit and Risk Committee is not a delegated committee.

(3) An Audit and Risk Committee must—

(a) include members who are Councillors of the Council; and

(b) consist of a majority of members who are not Councillors of the Council and who collectively have—

(i) expertise in financial management and risk;

(ii) experience in public sector management; and

(C) not include any person who is a member of Council staff of the Council.

External Committees

Current committees include Associations and Regional Alliances which have a board position available for a member of Central Goldfields Shire Council.

Community Asset Committees

Community Asset Committees (CACs) are established to manage a specific community asset. Not all community assets are subject to or appropriate for oversight by a CAC, and some may be managed by The Department of Energy, Environment and Climate Action (DEECA).

Council currently has six CACs, and a Councillor representative is usually appointed to a CAC established within their ward.

CONSULTATION / COMMUNICATION:

Consultation with Councillors will take place prior to the 26 November Statutory Meeting.

FINANCIAL & RESOURCE IMPLICATIONS:

There are no financial implications outside of the standard Councillor allowance for travel and expenses.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices.

Considered appointments to these committees increases their effectiveness and benefit for the community.

CONCLUSION

Council has a number of committees and is associated with or represented on various organisations that require nomination of either Councillors or officers.

ATTACHMENTS

Nil

6. RECORDING OF THE OATH OR AFFIRMATION OF OFFICE

Author: Interim CEO

Responsible Officer: Interim CEO

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

Following the declaration of the Local Government Election Poll on 8 November 2024, Councillors were sworn into office on 13 November and 14 November 2024, as required by the Local Government Act 2020.

RECOMMENDATION

That Council notes the affirmations and oath of office taken by Councillors on 13 and 14 November 2024.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 – Leading Change

The Community's vision 4. Good planning, governance, and service delivery

BACKGROUND INFORMATION

Local Government Elections were conducted across Victoria in October 2024 and overseen by the Victorian Electoral Commission (VEC). The declaration of the poll for Central Goldfields Shire took place on 8 November 2024, with the following candidates elected to office:

- Jacob Meyer
- Anna De Villers
- Ben Green
- Liesbeth Long
- Geoff Bartlett
- Grace La Vella
- Gerard Murphy

Candidates commence their term as Councillors once they have taken the oath or affirmation of office.

REPORT

Under the Local Government Act 2020 s30(2), the oath or affirmation of office must be:

- (a) administered by the Chief Executive Officer; and
- (b) dated and signed before the Chief Executive Officer; and
- (c) recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

Councillors took the oath or affirmation of office in compliance with the Local Government Act 2020 and the Oaths and Affirmations Act 2018.

Their signed oaths / affirmations of office are attached to this report.

CONSULTATION/COMMUNICATION

Councillors took the oath or affirmation of office before the CEO on 13 and 14 November 2024.

FINANCIAL & RESOURCE IMPLICATIONS

Councillor allowances are included in the Council operating budget.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by the tabling of this report. This ensures compliance with the requirements that the oaths or affirmations be recorded in the minutes of Council (s30(2)(c)).

CONCLUSION

All Councillors have completed the Oath of Office or Affirmation process as required by the Local Government Act 2020.

ATTACHMENTS

6.1 Signed Oath of Office/ Affirmations

7. MEETING CLOSURE



**CENTRAL
GOLDFIELDS**
SHIRE COUNCIL

OATH OF OFFICE

Councillor Jacob Meyer

"I swear by Almighty God 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"

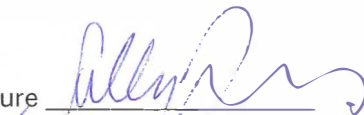
Signed before the Interim Chief Executive Officer

Signature 

Name Cr Jacob Meyer

Date 13 November 2024

Witnessed by the Interim Chief Executive Officer

Signature 

Name Sally Jones

Date 13 November 2024



OATH OF OFFICE

Councillor Ben Green

"I swear by Almighty God 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"

Signed before the Interim Chief Executive Officer

Signature _____

Name Cr Ben Green

Date 13 November 2024

Witnessed by the Interim Chief Executive Officer

Signature _____

Name Sally Jones

Date 13 November 2024



AFFIRMATION OF OFFICE

Councillor Grace La Vella

"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."

Signed before the Interim Chief Executive Officer

Signature

Name Cr Grace La Vella

Date 13 November 2024

Witnessed by the Interim Chief Executive Officer

Signature

Name Sally Jones

Date 13 November 2024



AFFIRMATION OF OFFICE

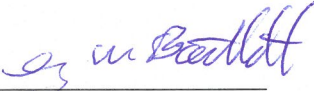
Councillor Geoff Bartlett

"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."


Signed before the Interim Chief Executive Officer

Signature 

Name Cr Geoff Bartlett

Date 13 November 2024

Witnessed by the Interim Chief Executive Officer

Signature 

Name Sally Jones

Date 13 November 2024

Date _____



OATH OF OFFICE

Councillor Liesbeth Long

"I swear by Almighty God 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"

Signed before the Interim Chief Executive Officer

Signature

Liesbeth Long

Name Cr Liesbeth Long

Date 13 November 2024

Witnessed by the Interim Chief Executive Officer

Signature

Sally Jones

Name Sally Jones

Date 13 November 2024



AFFIRMATION OF OFFICE


Councillor Gerard Murphy

"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."

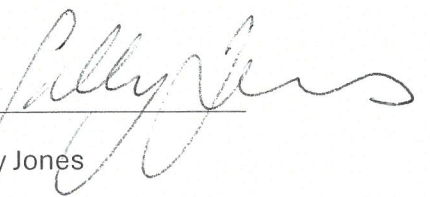
Signed before the Interim Chief Executive Officer

Signature 

Name Cr Gerard Murphy

Date 14 November 2024

Witnessed by the Interim Chief Executive Officer

Signature 

Name Sally Jones

Date 14 November 2024



**CENTRAL
GOLDFIELDS**
SHIRE COUNCIL

OATH OF OFFICE

Councillor Anna De Villiers

"I swear by Almighty God 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"

Signed before the Interim Chief Executive Officer

Signature

Name Cr Anna De Villiers

Date 13 November 2024

Witnessed by the Interim Chief Executive Officer

Signature

Name Sally Jones

Date 13 November 2024