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| **MINUTES**  **Statutory Meeting of Council** | |
| **Date:** | **Monday, 23 November 2020** |
| **Time:** | **6.00pm** |
| **Location:** | **Council Chamber, 15 Stead Street, Ballan** |

**Order Of Business**

[1. Opening Of Meeting 3](#_Toc57284994)

[2. Acknowledgement of Country 3](#_Toc57284995)

[3. Recording of Meeting 3](#_Toc57284996)

[4. Present 3](#_Toc57284997)

[5. Apologies 4](#_Toc57284998)

[6. Disclosure of Conflicts of Interest 4](#_Toc57284999)

[7. Business 4](#_Toc57285000)

[7.1 Former Mayor's Report 4](#_Toc57285001)

[7.2 Vote of Thanks to the Outgoing Mayor 4](#_Toc57285002)

[7.3 Determining the Term of Office of Mayor 5](#_Toc57285003)

[7.4 Election of Mayor 5](#_Toc57285004)

[7.5 Determination to Elect a Deputy Mayor and Term of Office of Deputy Mayor 5](#_Toc57285005)

[7.6 Election of Deputy Mayor 6](#_Toc57285006)

[8. Chief Executive Officer Reports 6](#_Toc57285007)

[8.1 Receipt Of Oaths Of Office 6](#_Toc57285008)

[8.2 Mayoral And Councillor Allowances 9](#_Toc57285009)

[9. Meeting Closure 12](#_Toc57285010)

1. Opening Of Meeting

The Chief Executive Officer opened the meeting and welcomed everyone to the Statutory Meeting of Council.

* 1. Appointment of Temporary Chair

As there was no appointed Chairperson, in accordance with Council’s Governance Rules, the Chief Executive Officer invited nominations for a Temporary Chairperson.

Cr Paul Tatchell nominated Cr David Edwards.

There being only one nomination, Cr David Edwards was declared as Temporary Chairperson.

Cr David Edwards assumed the Chair.

1. Acknowledgement of Country

2.1 Prayer

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

2.2 Acknowledgement of Country

We respectfully acknowledge the traditional owners of this land, their spirits and ancestors.

1. Recording of Meeting

In accordance with Moorabool Shire Council’s Governance Rules, the meeting is livestreamed.

1. Present

Cr Moira Berry East Moorabool Ward

Cr Tonia Dudzik East Moorabool Ward

Cr David Edwards East Moorabool Ward

Cr Ally Munari Woodlands Ward

Cr Tom Sullivan West Moorabool Ward

Cr Paul Tatchell Central Moorabool Ward

Cr Rod Ward East Moorabool Ward

**Officers:**

Mr Derek Madden Chief Executive Officer

Ms Yvonne Hansen Manager Governance, Risk & Corporate Planning

The Temporary Chairperson welcomed former Councillor, Mr Lawry Borgelt to the meeting.

1. Apologies

The Temporary Chairperson noted apologies received from invitees to the meeting, former Councillors Jarrod Bingham and John Keogh.

1. Disclosure of Conflicts of Interest

Nil.

1. Business
   1. Former Mayor's Report

The former Mayor, Cr David Edwards provided an overview of his term as Mayor and highlighted achievements of the Council, thanking his fellow Councillors and Council officers for their support over the past 12 months.

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| RESOLUTION  **Moved:** Cr Tom Sullivan  **Seconded:** Cr Paul Tatchell  That the former Mayor’s Report for the Mayoral term of November 2019 to October 2020 be received.  **CARRIED** |

* 1. Vote of Thanks to the Outgoing Mayor

Prior to calling for nominations for the position of Mayor, the Chief Executive Officer called upon any Councillors who wished to express appreciation to the outgoing Mayor for his term in Office.

Councillors Paul Tatchell and Tom Sullivan expressed their appreciation to the outgoing Mayor for his term in Office.

The Chief Executive Officer made a presentation to Cr Edwards.

* 1. Determining the Term of Office of Mayor

Prior to the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

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| resolution  **Moved:** Cr Tonia Dudzik  **Seconded:** Cr Paul Tatchell  That Council, in accordance with section 26(3) of the *Local Government Act 2020,* resolve that the term of office for the Mayor be elected for a period of one year.  **CARRIED** |

The Temporary Chairperson vacated the chair.

* 1. Election of Mayor

In accordance with Part 4 of Council’s Governance Rules, the Chief Executive Officer called for nominations for the position of Mayor for the 2020/2021 Council year.

Cr Tonia Dudzik nominated Cr Tom Sullivan.

There being no further nominations, the Chief Executive Officer declared Cr Tom Sullivan the duly elected Mayor for the 2020/2021 Council year.

Following the declaration, the newly elected Mayor was robed and made a short acceptance speech and thanked Councillors’, his wife and family for their support.

The Mayor assumed the role of Chairperson.

* 1. Determination to Elect a Deputy Mayor and Term of Office of Deputy Mayor

Section 20A of the *Local Government Act 2020* states that a Council may establish an office of Deputy Mayor. Before the election of a Deputy Mayor can be held, a Council must determine by resolution whether the Deputy Mayor is to be elected for a 1 year or a 2 year term.

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| resolution  **Moved:** Cr Tonia Dudzik  Seconded: Cr Paul Tatchell  That Council establish an office of Deputy Mayor and determine that the Deputy Mayor be elected for a one year term.  **CARRIED** |

* 1. Election of Deputy Mayor

In accordance with Part 4 of Council’s Governance Rules, the Mayor called for nominations for the position of Deputy Mayor for the 2020/2021 Council year.

Cr Moira Berry nominated Cr Tonia Dudzik. Cr Dudzik accepted the nomination.

Cr David Edwards nominated Cr Rod Ward. Cr Ward accepted the nomination.

The Mayor called for a vote by Councillors.

With an absolute majority vote, the Mayor declared Cr Rod Ward, the duly elected Deputy Mayor for the 2020/2021 Council year.

1. Chief Executive Officer Reports

8.1 Receipt Of Oaths Of Office

**Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: Oaths of Office**

Purpose

The purpose of this report is for Council to receive the oath of office undertaken by the newly elected Councillors and to record the taking of the oath of office in the Minutes of the Council Meeting.

Executive Summary

 The *Local Government Act 2020* provides that a person elected to be a Councillor is not capable of acting as a Councillor unless they have taken the Oath or Affirmation of Office

* A person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office before the Chief Executive Officer as prescribed.

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| **RESOLUTION**  **Moved:** Cr David Edwards  **Seconded:** Cr Paul Tatchell  That Council receives the Oaths of Office taken by Moorabool Shire Councillors duly dated and signed before the Chief Executive Officer on Thursday 5 November 2020 (provided as Attachment 1).  **CARRIED** |

Background

On Thursday 5 November 2020, the newly elected Councillors of Moorabool Shire, took the Oath of Office as administered by the Chief Executive Officer to undertake the duties of the office of Councillor in the best interests of the people in Moorabool Shire.

Section 30 of the *Local Government Act 2020* stipulates that a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.

The oath or affirmation of office must be—

* + - * 1. administered by the Chief Executive Officer; and
        2. dated and signed before the Chief Executive Officer; and
        3. recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

Where a Councillor fails to take the Oath or Affirmation of Office within 3 months of the day after he or she was declared elected, the office of that Councillor becomes vacant.

Proposal

It is proposed that Council receive the signed Oaths of Office as provided in **Attachment 1** from the following Councillors:

* Cr. Paul Tatchell, Central Moorabool Ward
* Cr. Rod Ward, East Moorabool Ward
* Cr. Moira Berry, East Moorabool Ward
* Cr. David Charles Edwards, East Moorabool Ward
* Cr. Tonia Dudzik East Moorabool Ward
* Cr. Thomas Gerard Sullivan, West Moorabool Ward
* Cr. Ally Munari, Woodlands Ward

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1B: Our People**

Financial Implications

There are no associated financial implications with Council receiving the signed Oaths of the newly elected Councillors.

Risk & Occupational Health & Safety Issues

There are no identified Risks or OH&S implications as a result of presenting this report.

Communications & Consultation Strategy

As the nature of this report is procedural, there is no requirement to undertake any specific consultation.

Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 130 of the *Local Government Act 2020* officers providing advice to Council must disclose any interests, including the type of interest.

*General Manager – Caroline Buisson*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Yvonne Hansen*

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

Conclusion

It is recommended that Council receives the Oath of Office taken by Moorabool Shire Councillors duly dated and signed before the Chief Executive Officer on Thursday 5 November 2020.

8.2 Mayoral And Councillor Allowances

**Author: Yvonne Hansen, Manager Governance, Risk & Corporate Planning**

**Authoriser: Caroline Buisson, General Manager Customer Care & Advocacy**

**Attachments: Nil**

Purpose

The purpose of this report is for Council to formally note the prevailing Mayoral and Councillor allowances that apply to the elected representatives of Moorabool Shire Council.

Executive Summary

 Sections 74 and 74A of the *Local Government Act* *1989* make provisions for the setting of, and application of increases to Councillor and Mayoral Allowances.

 As a designated Category 2 Council, the current maximum Mayoral and Councillor Allowances are set at $81,204 and $26,245 plus 9.5% (equivalent of superannuation guarantee contribution) respectively.

 Pursuant to section 73B(2) of the *Local Government Act 1989*, the Minister must, at least once every year, review the limits and ranges of Councillor and Mayoral allowances.

 The Minister has not yet published a notice in Government Gazette regarding the review of Councillor Allowances for the 2020-2021 year.

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| **RESOLUTION**  **Moved:** Cr David Edwards  Seconded: Cr Moira Berry  That Council receive the report on Mayoral and Councillor Allowances noting:  1. Current allowances being set at $81,204 pa (Mayoral) and $26,245 pa (Councillors) plus 9.5% (equivalent of superannuation guarantee contribution).  2. The payment of annual allowances is not to exceed more than one month in advance.  **CARRIED** |

Background

Mayor and Councillors are entitled to receive an allowance while performing their duty as an elected official.

Section 39 of the *Local Government Act 2020* stipulates that Mayors, Deputy Mayors and Councillors are entitled to receive an allowance in accordance with a Determination of the Victorian Independent Remuneration Tribunal. However, a determination made by the Tribunal at the request of the Minister for Local Government, under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019,* has not yet come into effect.

Until such time that a determination is made by the Tribunal at the request of the Minister for Local Government, under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 201,* the review of allowances will continue under s.74(1) of the *Local Government Act 1989* after the election.

The allowance for Mayor and Councillors may be adjusted accordingly with any increase, as determined by Council as a result of the annual automatic adjustment announced by the Minister for Local Government.

As at 1 December 2019, the Minister for Local Government approved an adjustment factor increase of 2.0% to the Mayoral and Councillor allowances, under section 73B(4) of the *Local Government Act 1989*.

Proposal

Pursuant to section 73B(2) of the *Local Government Act 1989*, the Minister must, at least once every year, review the limits and ranges of Councillor and Mayoral allowances.

If a review conducted by the Minister under this section results in a finding that Councillor and Mayoral allowances should be adjusted, the Minister must specify by notice published in the Government Gazette:

a) an adjustment factor; and

b) the new limits and ranges of allowances for each category of Councils, adjusted in accordance with the adjustment factor.

Further, section 73B(5) of the Act specifies that a Council must increase the level of Councillor and Mayoral allowances in accordance with the adjustment factor specified in the notice.

At the time of preparing this report, the Minister has not yet published a notice in Government Gazette regarding the review of Councillor Allowances for the 2020-2021 year. Therefore, a further report will be presented at a later date.

Council Plan

The Council Plan 2017-2021 provides as follows:

**Strategic Objective 1: Providing Good Governance and Leadership**

**Context 1B: Our People**

Financial Implications

Provision for the application of Mayoral and Councillor allowances has been made in Council’s 2020-2021 Annual Budget.

Risk & Occupational Health & Safety Issues

There are no identified Risks or OH&S implications as a result of presenting this report.

Communications & Consultation Strategy

As the nature of this report is procedural, there is no requirement to undertake any specific consultation.

Victorian Charter of Human Rights & Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer’s Declaration of Conflict of Interests

Under section 130 of the *Local Government Act 2020* officers providing advice to Council must disclose any interests, including the type of interest.

*Chief Executive Officer – Derek Madden*

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

*Author – Yvonne Hansen*

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

Conclusion

It is recommended that Council note the prevailing Mayoral and Councillor allowances.

1. Meeting Closure

The Meeting closed at 6.21pm.

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**CHAIRPERSON**