



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

COUNCIL MEETING AGENDA UNSCHEDULED MEETING

Meeting to be held via Skype

Thursday 12 November 2020, commencing at 6:00 PM

**or join Wellington on the Web:
www.wellington.vic.gov.au**

UNSCHEDULED MEETING OF COUNCIL
TABLE OF CONTENTS

0.1. TABLE OF CONTENTS2

1. DECLARATION OF CONFLICT/S OF INTEREST4

2. APOLOGIES4

3. CHIEF EXECUTIVE OFFICER.....4

3.1. COUNCILLORS TO TAKE THE OATH OR AFFIRMATION OF OFFICE.....4

3.2. APPOINTMENT OF A TEMPORARY CHAIR.....5

3.3. DETERMINATION OF MAYORAL TERM.....6

3.4. ELECTION OF THE MAYOR.....9

3.5. ELECTION OF THE DEPUTY MAYOR12

4. GENERAL MANAGER CORPORATE SERVICES14

4.1. CONFIRMATION OF COUNCILLOR AND MAYORAL ALLOWANCES.....14

5. CLOSURE OF MEETING.....17

COUNCIL MEETING INFORMATION

Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes.

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the traditional custodians of this land the Gunaikurnai people, and pay respects to their elders past and present"

PRAYER

"Almighty God, we ask your blessing upon the Wellington Shire Council, its Councillors, officers, staff and their families. We pray for your guidance in our decisions so that the true good of the Wellington Shire Council may result to the benefit of all residents and community groups."

Amen

1. DECLARATION OF CONFLICT/S OF INTEREST

NIL

2. APOLOGIES

NIL

3. CHIEF EXECUTIVE OFFICER

3.1. COUNCILLORS TO TAKE THE OATH OR AFFIRMATION OF OFFICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

In order to undertake the role of a Councillor, all persons elected as Councillors must take the oath or affirmation of office.

In accordance with sections 30(1) and (2)(a)-(c) of the *Local Government Act 2020*, all Councillors must first take their oath or affirmation of office, which is to be signed either before the Chief Executive Officer or in accordance with section 5 of the *Local Government (Governance and Integrity) Regulations 2020* and recorded in the minutes of Council.

The following elected Councillors will now take the oath or affirmation of office:

- Ian Bye
- Carolyn Crossley
- Malcolm Hole
- Marcus McKenzie
- Gayle Maher
- Scott Rossetti
- Garry Stephens
- John Tatterson
- Jill Wood

3.2. APPOINTMENT OF A TEMPORARY CHAIR

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

To appoint a temporary chair for the Council meeting prior to the election of the Mayor.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That _____ be appointed as the Temporary Chair for this Council Meeting, prior to the election of the Mayor.

3.3. DETERMINATION OF MAYORAL TERM

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

To determine whether the Mayoral term is one or two years.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council elect the Mayor for a term of _____ year(s).

BACKGROUND

Section 26(1) of the *Local Government Act 2020* requires that a Mayor is elected no later than one month after the date of a general election. Furthermore, section 26(3) requires that before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term.

The Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year; or if the Mayor is elected for a term of two years, the next election of mayor is two years after the fourth Saturday in October but not later than 30 November in the second year after the election.

ATTACHMENTS

Nil

OPTIONS

Council has the following options:

1. Elect the Mayor for a term of one year; or
2. Elect the Mayor for a term of two years.

PROPOSAL

It is proposed that Council approve an appropriate Mayoral term.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The provision for both a one or two year term is detailed in Section 26(3) of the *Local Government Act 2020*.

It should be noted that the provision in the Act overrides any provision to the contrary in Part 5 of Council's Governance Rules.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

3.4. ELECTION OF THE MAYOR

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to elect a Councillor to be the Mayor at a meeting that is open to the public.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Councillor _____ be elected as the Mayor of Wellington Shire Council for a term of _____ year(s).

BACKGROUND

In accordance with the requirements of the *Local Government Act 2020* (the Act) section 26(4), 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 resolved term as is reasonably practicable. Prior to the election of the Mayor, Council may resolve to elect a Mayor for a term of either one or two years. If Council does not resolve to appoint a Mayor for a two year term, then the term of office of the Mayor will be for one year.

ATTACHMENTS

Nil

OPTIONS

Council has the following options:

1. Elect a Councillor to be the Mayor at a meeting that is open to the public; or
2. Consider the election of a Mayor at a later meeting of Council.

PROPOSAL

It is proposed that Council elect a Councillor to be the Mayor.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

Section 26(4) of the Act requires that 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 resolved term as is reasonably practicable.

The process being undertaken is in accordance with the requirements of this legislation.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

3.5. ELECTION OF THE DEPUTY MAYOR

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to elect a Councillor to be the Deputy Mayor.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Councillor _____ be elected as the Deputy Mayor of Wellington Shire Council for a term of _____ year(s).

BACKGROUND

Council may also resolve to elect a Deputy Mayor under section 20A of the *Local Government Act 2020* (the Act). Section 21 of the Act provides for the Deputy Mayor to perform the role of the Mayor if the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting, the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness or the office of Mayor is vacant.

ATTACHMENTS

Nil

OPTIONS

Council has the following options:

1. Elect a Councillor to be the Deputy Mayor; or
2. Not elect a Deputy Mayor.

PROPOSAL

It is proposed that Council elect a Councillor to be the Deputy Mayor.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The election of a Deputy Mayor has been provided for under Part 5.3 of Council's Governance Rules however, it should be noted that the provision in the Act overrides any provision to the contrary in Part 5.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

4. GENERAL MANAGER CORPORATE SERVICES

4.1. CONFIRMATION OF COUNCILLOR AND MAYORAL ALLOWANCES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To confirm Councillor and Mayoral Allowances from 12 November 2020, until such time as a determination of the Victorian Independent Remuneration Tribunal, under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, has been made, as per Section 39(6) of the *Local Government Act 2020*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council confirm:

- 1. The Councillor Allowance continue to be \$26,245 per annum from 12 November 2020 until such time as a determination of the Victorian Independent Remuneration Tribunal, under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019, has been made; and***
- 2. The Mayoral Allowance continue to be \$81,204 per annum from 12 November 2020 until such time as a determination of the Victorian Independent Remuneration Tribunal, under the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019, has been made.***

BACKGROUND

The Minister for Local Government is required to annually review the current amounts, limits and ranges of mayoral and councillor allowances to determine whether an 'adjustment factor' should be applied. The Minister has conducted this review under section 73B of the *Local Government Act 1989* and determined that, this year, no adjustment to allowances will be made in respect of all councils.

The Minister had regard to the Victorian Premier's recent decision determining a zero per cent adjustment to Victorian Public Service executive remuneration for the 2020-21 financial year. The Minister has therefore decreed that Councils will continue to pay Mayors and Councillors the same allowance that applied prior to the current general elections until such time that a determination of the Victorian Independent Remuneration Tribunal, under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, has been made.

For Wellington Shire (Category 2), the annual allowance ranges are as follows:

Councillors: \$10,914 to \$26,245 (plus the equivalent percentage applicable for the superannuation guarantee); and

Mayor: Up to \$81,204 (plus the equivalent percentage applicable for the superannuation guarantee).

Both allowances are based on the upper limit for a Category 2 Council, which is applicable to Wellington Shire Council.

ATTACHMENTS

Nil

OPTIONS

Council has the following options available:

1. To confirm the Mayoral and Councillor allowances as currently applied until such time as a determination of the Victorian Independent Remuneration Tribunal, under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, has been made.

PROPOSAL

That in accordance with Section 39(6) of the *Local Government Act 2020*, Council confirm the following Mayoral and Councillor allowances until such time as a determination of the Victorian Independent Remuneration Tribunal, under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*, has been made:

- a) the Councillor allowance at the upper limit of a Category 2 Council, being \$26,245 plus the equivalent related percentage for the superannuation guarantee, and
- b) the Mayoral allowance at the upper limit of a Category 2 Council, being \$81,204 plus the equivalent related percentage for the superannuation guarantee.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The Minister has conducted this review under section 73B of the *Local Government Act 1989* and determined that, this year, no adjustment to allowances will be made in respect of all councils for the 2020-21 financial year. Any adjustments to allowances will be made for the 2021-22 financial year by a determination of the Victorian Independent Remuneration Tribunal, under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: *“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”*

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RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

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ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

5. CLOSURE OF MEETING

Meeting declared closed at:

The live streaming of this Council meeting will now come to a close.