



# **AGENDA**

## **Council Meeting (Mayoral Election)**

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**6.00pm Tuesday 15 November 2022**

**VENUE:**  
**Golden Plains Civic Centre**  
**Council Chamber**  
**2 Pope Street, Bannockburn**

NEXT COUNCIL MEETING  
6.00pm Tuesday 22 November 2022

Copies of Golden Plains Shire Council's Agendas & Minutes  
Can be obtained online at [www.goldenplains.vic.gov.au](http://www.goldenplains.vic.gov.au)

## **Code of Conduct Principles**

### **WORKING TOGETHER**

We Councillors will:

- acknowledge and respect that a diversity of opinion exists among us;
- recognise that each of us has different life experience, knowledge and values, and that all of these contribute collectively to our discussions;
- behave with courtesy towards each other, Council officers and our citizens;
- conform to the policy and precedents that guide the conduct of meetings;
- attend punctually and participate in all relevant meetings, workshops and briefings;
- share reasonably in the representation, ceremonial and hosting tasks of the full Council; and
- honour the majority decisions made by the Council, irrespective of our own position, and explain these decisions frankly to the community, once made.

### **BEHAVING WITH INTEGRITY**

We Councillors will:

- identify our financial and personal interest, or potential interest, in any matter that comes before the Council;
- be honest and truthful;
- comply with laws and the regulations deriving there from;
- respect Council property and be frugal in its use, where allowed;
- avoid using our position for personal gain or to achieve advantage over others or to obtain preferential treatment;
- be sympathetic to the legitimate concerns of our citizens;
- act impartially when making decisions and have due regard to the needs of the community as a whole, rather than that of narrow vested interest; and
- acknowledge the role of Council officers in providing advice to us and in implementing Council decisions.

### **MAKING COMPETENT DECISIONS**

We Councillors will:

- without diminishing the short term focus, approach decisions with due regard to the long term needs of the municipality;
- form policies with regard to the needs of the entire Shire;
- direct our attentions to the strategic and statutory needs of the municipality rather than short term, transient, operational issues;
- seek to fully inform ourselves on the issues before Council before making a decision;
- take all reasonable steps to improve our knowledge of matters relevant to our municipal duties; and
- use and respect the professional knowledge of Council officers and other advisers to Council.

## Order Of Business

<b>1</b>	<b>Opening Declaration.....</b>	<b>4</b>
<b>2</b>	<b>Acknowledgement of Country .....</b>	<b>4</b>
<b>3</b>	<b>Apologies and Leave of Absence .....</b>	<b>4</b>
<b>4</b>	<b>Declaration of Conflict of Interest.....</b>	<b>4</b>
<b>5</b>	<b>Business Reports for Decision .....</b>	<b>4</b>
5.1	CEO Acknowledgement of 2021/22 Mayor.....	5
5.2	Position of Deputy Mayor .....	6
5.3	Determination of Length of Term.....	8
5.4	Election of Mayor .....	10
5.5	Election of Deputy Mayor .....	13

**1 OPENING DECLARATION**

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest 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 Golden Plains Shire

**2 ACKNOWLEDGEMENT OF COUNTRY**

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar Peoples.

Council acknowledges them as the Traditional Owners and Custodians and pays its respects to both Wadawurrung and Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

**3 APOLOGIES AND LEAVE OF ABSENCE****4 DECLARATION OF CONFLICT OF INTEREST****5 BUSINESS REPORTS FOR DECISION**

**5.1 CEO ACKNOWLEDGEMENT OF 2021/22 MAYOR**

**File Number:**

**Author:** Elise Holmes, Executive Assistant to the CEO

**Authoriser:** Eric Braslis, CEO

**Attachments:** Nil

The administration would like to acknowledge the 2021/22 Mayor, Cr Gavin Gamble, thank him for his service to the community over the past 12 months, and present a token of appreciation.

## 5.2 POSITION OF DEPUTY MAYOR

**File Number:****Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council determines to establish the position of Deputy Mayor for the coming term.

**EXECUTIVE SUMMARY**

To resolve on the establishment of the position of Deputy Mayor for 2022/23. Section 20A(1) of the Local Government Act 2020 (the Act) provides that a Council may establish an office of Deputy Mayor, though this is not compulsory.

**BACKGROUND**

Section 20A(1) of the Act provides that a Council may establish an office of Deputy Mayor. It is not compulsory but is up to the Council to determine whether to establish the position for the following year. Under section 21, the role of the Deputy Mayor is to perform the role and exercise the powers of the Mayor if the elected Mayor is unable or incapable of performing the role at any time. If Council determines not to establish the office of Deputy Mayor for 2022/23, an Acting Mayor may be appointed to perform the role of Mayor if the elected Mayor is unavailable.

**DISCUSSION**

Council has determined to appoint a Deputy Mayor each year since 2018. Data published by the Victorian Independent Remuneration Tribunal indicates that as of 1 July 2021, 70 of the 79 Councils in Victoria had elected Deputy Mayors.

**REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No

<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## GOVERNANCE PRINCIPLES

If Council determines to establish the office of Deputy Mayor, the Deputy Mayor will play a significant role in achieving the overarching governance principles in s9 of the LGA 2020.

## POLICY/RELEVANT LAW

- Local Government Act 2020
- Governance Rules

## COMMUNICATION

The minutes and livestream of the Council Meeting, noting the decision, will be published on the Golden Plains Shire website.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

## OPTIONS

Option 1 – That Council determines to establish the position of Deputy Mayor for the 2022/23 year.

This option is the current practice at Council.

Option 2 – That Council determines not to establish the position of Deputy Mayor for the 2022/23 year.

## CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

## CONCLUSION

Council must determine whether to establish the position of Deputy Mayor for 2022/23. A Deputy Mayor has been elected each year since 2018.

### 5.3 DETERMINATION OF LENGTH OF TERM

**File Number:**

**Author:** Elise Holmes, Executive Assistant to the CEO

**Authoriser:** Eric Braslis, CEO

**Attachments:** Nil

#### RECOMMENDATION

That Council determines that the term of Mayor and, if the position has been established, Deputy Mayor for 2022/23 be twelve (12) months.

#### EXECUTIVE SUMMARY

To resolve on the term of the Mayor for 2022/23. Under the *Local Government Act 2020* (the Act) Council may elect a Mayor and Deputy Mayor for a term of either one (1) or two (2) years.

#### BACKGROUND

Section 26 (3) of the Act provides that the Council must determine by resolution whether the Mayor is to be elected for a term of one (1) or two (2) years. Section 27 of the Act states that section 26 of the Act also applies to the election of a Deputy Mayor.

Golden Plains Shire Council's Governance Rules provide at sub-rule 3.3 that the term of a Deputy Mayor is identical to the term of the Mayor as resolved by the Council.

#### DISCUSSION

It has historically been Council's practice to elect the Mayor and Deputy Mayor for a one (1) year term. As there is no restriction on a Mayor or Deputy Mayor being elected for further terms, if the term of Mayor is determined to be one year, there is no restriction on the incumbent Mayor being further elected for a second (or further) year(s).

#### REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No



<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## GOVERNANCE PRINCIPLES

The Mayor and, if Council determines to establish the office of Deputy Mayor, will play a significant role in achieving the overarching governance principles in s9 of the LGA 2020.

## POLICY/RELEVANT LAW

- Local Government Act 2020
- Governance Rules

## COMMUNICATION

The minutes and livestream of the Council Meeting, noting the decision, will be published on the Golden Plains Shire website. The Mayor has communication responsibilities as the principal spokesperson for the Council.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

## OPTIONS

Option 1 - That Council determines that the the Mayor and Deputy Mayor, if the position of Deputy Mayor has been established, for 2022/23 be elected for a term of one (1) year.

This option is the current practice at Golden Plains Shire Council.

Option 2 – That Council determines that the the Mayor and Deputy Mayor, if the position of Deputy Mayor has been established, for 2022/23 be elected for a term of two (2) year.

This option is not recommended by officers.

## CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

## CONCLUSION

Council is required to decide on the term of the Mayor and (if established) Deputy Mayor for 2022/23. Historically it has been Council's practice to elect the Mayor and Deputy Mayor for a one-year term.

## 5.4 ELECTION OF MAYOR

**File Number:****Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council duly elects the Mayor of the Golden Plains Shire Council for 2022/23.

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**EXECUTIVE SUMMARY**

In accordance with Golden Plains Shire Council's Governance Rules, nominations for the position of Mayor were required to be submitted in writing to the Chief Executive Officer by 5pm on Thursday 10 November 2022. The election of the Mayor shall take place in accordance with the process under the Governance Rules and the *Local Government Act 2020* (the Act).

**BACKGROUND**

The election of the Mayor is undertaken in accordance with Golden Plains Shire Council's Governance Rules and Section 26 and 27 of the Act. The Chief Executive Officer will chair the meeting during the election of a Mayor.

**DISCUSSION**

Golden Plains Shire Council's Governance Rules requires nominations for the Mayor to be provided in writing to the Chief Executive Officer no later than a date and time to be fixed by the Chief Executive Officer. Nominations must be accepted by the Councillor nominated at the Council meeting. No seconder is required. The election shall be by a show of hands and conducted in accordance with Chapter 2, Division 1 of the Governance Rules.

Prior to voting, each Candidate may speak for up to five (5) minutes, in the order in which their nominations were received. The candidate speech must not address matters outside the power of the Council, be derogatory, or be prejudicial to any person or the Council. No questions or debate is permitted following the candidate speeches except for the purposes of clarification.

Upon being elected, the Mayor may make a ceremonial speech for up to ten minutes. The purpose of the ceremonial Mayoral speech is to outline the priorities for the year ahead based on the adopted Council plan. The Mayoral speech may not address matters outside the powers of the Council, be derogatory, or be prejudicial to any person or the Council.

If, after following the procedures in sub-rule 5.8 of the Governance Rules, no candidate receives an absolute majority of the votes, the Chief Executive Officer will seek to resolve to conduct a new election at a meeting to be held at 6pm the following day.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

### GOVERNANCE PRINCIPLES

The Mayor will play a significant role in achieving the overarching governance principles in s9 of the LGA 2020.

### POLICY/RELEVANT LAW

- Local Government Act 2020
- Governance Rules

### RISK ASSESSMENT

Failure to elect a Mayor will result in Council being non-compliant with the Act.

### COMMUNICATION

The minutes of the Council Meeting, noting the decision, will be published on the Golden Plains Shire website. The Mayor has communication responsibilities as the principal spokesperson for the Council.

### HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

## **OPTIONS**

### Option 1 – That Council elect a Mayor

This option is recommended by officers.

### Option 2 – That Council defers the election of a Mayor

This option is not recommended by officers.

## **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

## **CONCLUSION**

Council must elect a Mayor for 2022/23. The election shall take place in accordance with the process under the Golden Plains Shire Council's Governance Rules and the *Local Government Act 2020*.

## 5.5 ELECTION OF DEPUTY MAYOR

**File Number:****Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO**Attachments:** Nil**RECOMMENDATION**

That Council duly elects the Deputy Mayor of the Golden Plains Shire Council for 2022/23.

**EXECUTIVE SUMMARY**

In accordance with Golden Plains Shire Council's Governance Rules, nominations for the position of Deputy Mayor were required to be submitted in writing to the Chief Executive Officer by 5pm on Thursday 10 November 2022. The election shall take place in accordance with the process under the Governance Rules and the *Local Government Act 2020* (the Act).

**BACKGROUND**

If the Council has determined to establish the office of Deputy Mayor for the 2022/23 year, the election of the Deputy Mayor is to be undertaken in accordance with Golden Plains Shire Council's Governance Rules and Section 26 and 27 of the Act.

**DISCUSSION**

Golden Plains Shire Council's Governance Rules requires nominations for the Deputy Mayor to be provided in writing to the Chief Executive Officer no later than a date and time to be fixed by the Chief Executive Officer. Nominations must be accepted by the Councillor nominated at the Council meeting. No seconder is required. The election shall be by a show of hands and conducted in accordance with Chapter 2, Division 1 of the Governance Rules.

Prior to voting, each Candidate may speak for up to five (5) minutes, in the order in which their nominations were received. The candidate speech must not address matters outside the power of the Council, be derogatory, or be prejudicial to any person or the Council. No questions or debate is permitted following the candidate speeches except for the purposes of clarification.

The newly elected Mayor will take the Chair for the election of the Deputy Mayor. The newly elected Mayor is not eligible to be elected to the office of Deputy Mayor and any nomination of the Councillor elected Mayor for the position of Deputy Mayor will be deemed to be withdrawn.

**REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No

<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

### GOVERNANCE PRINCIPLES

The Deputy Mayor will play a significant role in supporting the achievement the overarching governance principles in s9 of the LGA 2020.

### POLICY/RELEVANT LAW

- Local Government Act 2020
- Governance Rules

### COMMUNICATION

The minutes of the Council Meeting, noting the decision, will be published on the Golden Plains Shire website.

### HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

### OPTIONS

#### Option 1 – To elect a Deputy Mayor

This option is recommended by officers.

#### Option 2 – To defer the decision on the election of a Deputy Mayor

This option is not recommended by officers.

### CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

### CONCLUSION

If the Council has determined to establish the office of Deputy Mayor for the 2022/23 year, the election shall take place in accordance with the process under the Golden Plains Shire Council's Governance Rules and the *Local Government Act 2020*.