



Ararat Rural City

# **STATUTORY MEETING AGENDA**

***TUESDAY 8 NOVEMBER 2016***





## Ararat Rural City

4 November 2016

Dear Councillors,

You are cordially advised and invited to attend the Statutory Meeting, which will be held in the Council Chamber, Shire Hall, Barkly Street, Ararat on ***Tuesday 8 November 2016*** commencing at ***6.00pm***.

### **BUSINESS:**

- 1 **Open Meeting - Welcome by Chief Executive Officer**
- 2 **Traditional Acknowledgement/Prayer**
- 3 **Apologies**
- 4 **Disclosure of Conflicts of Interest in any item on the agenda**
- 5 **Oath of Office and Councillor Code of Conduct Declaration**
- 6 **Election of Mayor for 2016/2017**
- 7 **Election of Deputy Mayor for 2016/2017**
- 8 **Setting of Mayoral and Councillor Allowances**
- 9 **Appointment of Councillor Delegates to Committees/Organisations**
- 10 **Fixing of Ordinary Council Meeting Dates 2016/2017**
- 11 **Close Meeting**

Your attendance is respectfully requested.

Yours sincerely,

**ANDREW EVANS**  
**CHIEF EXECUTIVE OFFICER**

## INDEX

ITEM 1	OPENING OF MEETING .....	1
ITEM 2	TRADITIONAL ACKNOWLEDGEMENT AND PRAYERS .....	2
ITEM 3	APOLOGIES .....	3
ITEM 4	DISCLOSURE OF INTERESTS .....	4
ITEM 5	OATH OF OFFICE AND COUNCILLORS CODE OF CONDUCT DECLARATION.....	5
ITEM 6	ELECTION OF MAYOR .....	7
ITEM 7	ELECTION OF DEPUTY MAYOR.....	8
ITEM 8	SETTING OF MAYORAL AND COUNCILLOR ALLOWANCES .....	9
ITEM 9	APPOINTMENT OF COUNCIL DELEGATES TO COMMITTEES/ORGANISATIONS .....	11
ITEM 10	FIXING OF MEETING CYCLE 2016/2017 .....	16
ITEM 11	CLOSE OF MEETING .....	18

**ITEM 1      OPENING OF MEETING**

Under Section 72(2) of the Local Government Act 1989, the office of Mayor becomes vacant at 6am on the day of a general election whether or not the Mayor has completed his or her term of office as resolved by the Council under Section 71(1).

Under Governance Local Law 2012 Section 9(1)(b) The Chief Executive Officer must conduct the election of Mayor.

**The Chief Executive Officer (Temporary Chair), will declare the meeting open.**

**ITEM 2      TRADITIONAL ACKNOWLEDGEMENT AND PRAYERS**

The Temporary Chairperson will read the Traditional Acknowledgment and Opening Prayers.

**TRADITIONAL ACKNOWLEDGEMENT**

WE ACKNOWLEDGE THE TRADITIONAL OWNERS OF THE LAND ON WHICH WE MEET TODAY, AND PAY OUR RESPECTS TO THEIR ELDERS, PAST AND PRESENT.

**OPENING PRAYER**

ALMIGHTY GOD, WE HUMBLY ASK YOU TO HELP US, AS ELECTED COUNCILLORS OF THE ARARAT RURAL CITY COUNCIL. GUIDE OUR DELIBERATIONS. PROSPER WHAT IS YOUR WILL FOR US, TO YOUR HONOUR AND GLORY AND FOR THE WELFARE AND BENEFIT OF THE PEOPLE WHOM WE SERVE IN THE ARARAT RURAL CITY.

**THE LORD'S PRAYER**

OUR FATHER WHICH ART IN HEAVEN, HALLOWED BE THY NAME, THY KINGDOM COME, THY WILL BE DONE ON EARTH, AS IT IS IN HEAVEN. GIVE US THIS DAY OUR DAILY BREAD AND FORGIVE US OUR TRESPASSES AS WE FORGIVE THEM THAT TRESPASS AGAINST US, AND LEAD US NOT INTO TEMPTATION, BUT DELIVER US FROM EVIL, FOR THINE IS THE KINGDOM, THE POWER, AND THE GLORY, FOREVER AND EVER. AMEN.

**ITEM 3      APOLOGIES**

**ITEM 4      DISCLOSURE OF INTERESTS**

Under Section 79C of the Local Government Act 1989 a Councillor does not have a conflict of interest if the matter relates to the election of the Mayor or a decision in relation to the payment of allowances to the Mayor or Councillors.



**ITEM 5      OATH OF OFFICE AND  
COUNCILLORS CODE OF CONDUCT DECLARATION**

Section 63 of the Local Government Act 1989 states:

- (1) A person elected to be a Councillor is not capable of acting as a Councillor until the person has—
  - (a) taken the oath of office specified in subsection (1A); and
  - (b) read the Councillor Code of Conduct and, in accordance with subsection (3), made a declaration stating that they will abide by the Councillor Code of Conduct.
- (1A) The following oath of office is to be taken by a Councillor in accordance with Division 2 of Part IV of the **Evidence (Miscellaneous Provisions) Act 1958**—

"I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the **Local Government Act 1989** or any other Act to the best of my skill and judgment."
- (2) The oath of office must be—
  - (a) made before the Chief Executive Officer; and
  - (b) dated and signed before the Chief Executive Officer; and
  - (c) recorded in the minutes of the Council. **Note**  
See section 102 of the **Evidence (Miscellaneous Provisions) Act 1958** as to the making of a solemn affirmation instead of an oath.
- (3) A declaration by a person elected to be a Councillor under subsection (1)(b) must be—
  - (a) in writing; and
  - (b) witnessed by the Chief Executive Officer.

**POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE**

**Council plan reference**

5.1 Good governance through leadership.

**Financial and resource implications**

None identified.

**Risk implications**

None identified.

**Statutory Implications**

Under Section 71 of the Local Government Act, the Councillors must elect a Councillor to be the Mayor of the Council.

**Community Implications**

Election of Mayor for community representation.

**Environmental Implications**

None identified.

**Internal/external consultation**

None identified.

**Attachments**

For Councillors information a copy of the following documents are provided as attachments to this report:

- 1 Oath of Office;
- 2 Councillor Code of Conduct 2016 (*circulated to Councillors on 3 November 2016*);
- 3 Code of Conduct Declaration.

**Conclusion**

A copy of the Oath of Office and the Councillor Code of Conduct Declaration has been prepared for signing by each person elected to be a Councillors.

Councillors will have the opportunity and must review and approve the Code of Conduct within 4 months after the general election.

**The Chief Executive Officer (Temporary Chair) invites Councillors (in alphabetic order) to take the Oath of Office and sign the Oath of Office and Councillor Code of Conduct Declaration.**

**TUESDAY 08 NOVEMBER 2016**

---

**ITEM 6      ELECTION OF MAYOR  
13047340  
EXECUTIVE SERVICES**

---

Section 71 of the Local Government Act 1989 provides for the election of the Mayor after the fourth Saturday in October and no later than 30 November each year.

The process of election of the Mayor will take place in accordance with Section 9(1)(a)(ii) of Council's Governance Local Law 2012.

**Vote of thanks to the outgoing Mayor / Presentation**

**The Chief Executive Officer (Temporary Chair) calls for nominations for the position of Mayor for the forthcoming year.**

**POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE**

**Council plan reference**

5.1      Good governance through leadership.

**Financial and resource implications**

None identified.

**Risk implications**

None identified.

**Statutory Implications**

Under Section 71 of the Local Government Act, the Councillors must elect a Councillor to be the Mayor of the Council.

**Community Implications**

Election of Mayor for community representation.

**Environmental Implications**

None identified.

**Internal/external consultation**

None identified.

**Conclusion**

Under Section 71 of the Local Government Act, the Councillors must elect a Councillor to be the Mayor of the Council.

**On election of the Mayor, the Temporary Chairperson vacates the Chair and the Mayor assumes the Chair.**

**Statement by newly elected Mayor.**

*TUESDAY 08 NOVEMBER 2016*

---

**ITEM 7      ELECTION OF DEPUTY MAYOR  
13047340  
EXECUTIVE SERVICES**

---

The Mayor calls for nominations for the position of Deputy Mayor for the forthcoming year.

**POTENTIAL IMPLICATIONS ARISING FROM THIS ISSUE**

**Council plan reference**

5.1      Good governance through leadership.

**Financial and resource implications**

None identified.

**Risk implications**

None identified.

**Statutory Implications**

Governance Local Law 2012 Section 10(5) During any period that the Mayor is absent or unable to act in that position, the Council must appoint a Councillor to act as the Mayor but in making that appointment the Council shall give preference to appoint the Deputy Mayor, if there is one.

If the Mayor is unable to attend a Council Meeting for any reason:

- (a) Any Deputy Mayor will be acting Chair;
- (b) If no Deputy Mayor is elected, an acting Chair may be elected.

**Community Implications**

Election of Deputy Mayor for community representation on behalf of the Mayor.

**Environmental Implications**

None identified.

**Internal/external consultation**

None identified.

**Conclusion**

Under Governance Local Law 2012 Section 10(1) Election of Deputy Mayor, Council may determine to elect a Deputy Mayor.

**TUESDAY 08 NOVEMBER 2016**

---

**ITEM 8      SETTING OF MAYORAL AND COUNCILLOR ALLOWANCES  
16078715  
CORPORATE STRATEGY, RISK AND GOVERNANCE**

---

**Introduction**

Section 74 of the Local Government Act 1989 provides for Council to pay an allowance to the Mayor and each Councillor, within the range specified by the Minister for Local Government.

Council must review and determine the level of the Mayoral and Councillor allowances within the period of 6 months after a general election or by the next 30 June, whichever is later.

**Discussion**

On 26 November 2015, in accordance with section 73B(4)(a) of the Local Government Act 1989, notice was given that an adjustment factor of 2.5% applies to Mayoral and Councillor allowances.

In accordance with section 73B(4)(b) of the Local Government Act 1989, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, which took effect on 1 December 2015, are:

Category 1:      Councillors \$8,121 - \$19,350 per annum      Mayors up to \$57,812 per annum
--

In addition to the allowances, the Mayor and Councillors are entitled to an additional payment of 9.5% which is the equivalent to the superannuation guarantee contribution.

Under section 73B of the Local Government Act, the Minister must, at least once a year, review the limits and ranges of Councillor and Mayoral allowances. At the time of writing this report Council has not received any notification from the Minister for Local Government regarding any change to Category 1.

**Council plan reference**

5.1      Good governance through leadership.

**Financial and resource implications**

Costs for current Mayoral and Councillor Allowances are included in the current budget.

**Risk implications**

None identified.

**Statutory Implications**

None identified.

**Community Implications**

None identified.

**Environmental Implications**

None identified.

**Internal/external consultation**

This review is subject to a Section 223 consultation process, which provides an opportunity for any submitters to be heard in person by Council prior to a final decision being made.

**Conclusion**

Section 74(1) of the Act requires that Councils must review and determine the level of Mayoral and Councillor allowances within the period of six months after a general election or by next 30 June, whichever is later.

Under section 74(4) of the Act a person has a right to make a submission under section 223 to this review. Councils therefore need to allocate sufficient time to ensure that all steps in this process are undertaken so a final determination on allowances is made by the legislated deadline.

Until this review is complete and any decision subsequently made to vary existing amounts, Council must continue to pay the current allowances as adjusted above to their Mayors and Councillors. A Council cannot resolve to vary any allowances payable before then.

It is recommended that Council resolves to set the allowances at the maximum amounts, as adjusted from time to time during the entire four year term.

**Recommendation**

**That:**

- 1 Council gives notice of its intention to set the Mayoral and Councillor allowances for the entire council term (ie until November 2020) at the maximum levels for a Category 1 Council, as determined by the Minister for Local Government and published in the Victoria Government Gazette from time to time;**
- 2 The allowances be paid monthly, with the amounts being subject to any variations or adjustments made by the Minister for Local Government during the four year Council term;**
- 3 Council gives public notice of its intention to set the Mayoral and Councillor allowances for the entire Council term at the maximum levels, and invites public submissions in accordance with section 223 of the Local Government Act 1989; and**
- 4 Following completion of the section 223 consultation process (including the hearing of any submissions), a further report be presented to Council to finalise the statutory process for the setting of the Mayoral and Councillor allowances.**

**TUESDAY 08 NOVEMBER 2016**

---

**ITEM 9      APPOINTMENT OF COUNCIL DELEGATES TO  
COMMITTEES/ORGANISATIONS  
13039075  
EXECUTIVE SERVICES**

---

**Introduction**

This report is to provide clarity on Council representation on the various Council Committees and external bodies with which Council is associated for 2015/2016.

**Discussion**

Council is represented on a range of committees, which are convened by external bodies and on various internal committees, the current committees are listed below:

<b>Committee/Organisation with Council Representation</b>
<b><i>National/State/Regional Bodies</i></b>
Municipal Association of Victoria
MAV Human Services Committee
Rural Councils Victoria
Central Highlands Regional Mayors and CEOs Forum
Western Highway Action Committee
Grampians Central West Waste and Resource Recovery Region Local Government Waste Forum
Grampians Tourism Inc
Lake Fyans Recreational Area Committee of Management
<b><i>Council Committees</i></b>
Ararat Regional Art Gallery Advisory Committee
Audit Committee
Community Road Safety Steering Committee
Environmental Sustainability Advisory Group
McDonald Centre Re-Use Committee
Municipal Emergency Management Planning Committee
<b><i>S86 Special Committees</i></b>
Alexandra Hall Committee of Management
Buangor Community Sports Centre Committee (including Cobb & Co Building)
Elmhurst Public Hall Committee
Lake Bolac Complex Committee
Lake Bolac Memorial Hall Committee
Maroona Recreation Reserve Committee
Mininera Recreation Reserve Committee
Moyston Public Hall Committee
Pomonal Hall & Reserve Committee
Streatham Memorial Hall Committee
Tatyoon Hall and Recreation Reserve Committee
Warrak Public Hall Committee
Westmere Progress Association Committee
Wickliffe Action Group Wickliffe Common Committee
Wickliffe Recreation Reserve Committee

Willaura Golf Club
Willaura Memorial Hall
Willaura Recreation Reserve
Yalla-Y-Poora Community Centre

The following are newly established Committees

<b>Newly Established Council Committees</b>
Ararat Bypass Advisory Committee
Community Engagement Advisory Committee
Early Years Strategic Planning Advisory Group
Economic Strategy Advisory Committee
Future of Agriculture Advisory Forum
Health Prevention Leadership Advisory Partnership

**Council plan reference**

- 1.1 Assist communities to develop and proposer.
- 5.1 Good governance through leadership.

**Financial and resource implications**

Costs for Councillors attending (travel expenses) are included in the current budget allocations.

**Risk implications**

A definitive list will clarify who is the Council appointed delegate/s to any particular body or Committee.

**Statutory Implications**

Council representation required on all Section 86 Committees.

**Community Implications**

Council representation on Committees and Organisations across the municipality.

**Environmental Implications**

None identified.

**Internal/external consultation**

Appointments of Council Delegates to Committee/Organisations discussed at Assembly of Councillors on 14 October 2014.

**Options**

The appointment of delegates is at the discretion of the Council of the day.



**TUESDAY 08 NOVEMBER 2016**

**Conclusion**

That Council determines representation on the various Council committees and external bodies with which Council is associated for 2016/2017.

<b>Recommendation:</b>			
<b>That the appointment of Council delegates to Committees/Organisations for the Council term 2016/2017 as listed below be approved:</b>			
<b>Committee/Organisation with Council Representation</b>	<b>Basis of Representation</b>	<b>Council Delegate</b>	<b>Support Officer</b>
<i>National/State/Regional Bodies</i>			
Municipal Association of Victoria	One Councillor	Mayor Deputy Mayor (sub)	CEO
MAV Human Services Committee	One Councillor	Cr Beales	-
Rural Councils Victoria	One Councillor	Mayor	CEO
Central Highlands Regional Mayors and CEOs Forum	Mayor	Mayor	CEO
Western Highway Action Committee	One Councillor	Cr Hooper	Executive Manager Planning and Public Health
Grampians Central West Waste and Resource Recovery Region Local Government Waste Forum	One Councillor	Cr Pettman	Director Assets, Finances and Corporate Services
Grampians Tourism Inc	One Councillor	Cr Allgood	Manager Tourism and Community Information
Lake Fyans Recreational Area Committee of Management	One Councillor	Cr Hooper	-
<i>Council Committees</i>			
Ararat Bypass Advisory Committee	2 Councillors	Cr Hooper and Cr McLean	CEO
Ararat Regional Art Gallery Advisory Committee	One Councillor	Cr Armstrong	Manager Cultural Services
Audit Committee	Mayor and One Councillor	Mayor and Cr McLean	CEO
Community Engagement Advisory Committee	2 Councillors	Cr Armstrong and Cr Pettman	Executive Manager Community Life
Community Road Safety Steering Committee	One Councillor	Cr Allgood	Design and Project Management Coordinator
Early Years Strategic Planning Advisory Group	One Councillor	Cr Armstrong	Executive Manager Community Life

TUESDAY 08 NOVEMBER 2016

Economic Strategy Advisory Committee	Three Councillors	Cr Allgood, Cr Ford and Cr Hooper	Director Corporate Strategy, Risk and Governance
Environmental Sustainability Advisory Committee	One Councillor	Cr Pettman	Waste and Sustainability Coordinator
Future of Agriculture Advisory Group	2 Councillors	Cr Armstrong and Cr Hooper	Executive Manager Community Life
Health Prevention Leadership Advisory Partnership	One Councillor	Cr Pettman	Executive Manager Community Life
McDonald Centre Re-Use Committee	One Councillor	Cr Allgood	Executive Manager Community Life
Municipal Emergency Management Planning Committee	One Councillor	Cr Beales	Manager Emergency Services, Safety and Local Laws
<i>S86 Special Committees</i>			
Alexandra Hall Committee of Management	One representative (non-voting)	Cr Allgood	-
Buangor Community Sports Centre Committee (including Cobb & Co Building)	One representative (non-voting)	Cr Hooper	
Elmhurst Public Hall Committee	One representative (non-voting)	Cr Beales	
Lake Bolac Complex Committee	One representative (non-voting)	Cr Beales	
Lake Bolac Memorial Hall Committee	One representative (non-voting)	Cr Beales	
Maroona Recreation Reserve Committee	One representative (non-voting)	Cr Pettman	
Mininera Recreation Reserve Committee	One representative (non-voting)	Cr Beales	
Moyston Public Hall Committee	One representative (non-voting)	Cr Hooper	
Pomonal Hall & Reserve Committee	One representative (non-voting)	Cr Hooper	
Streatham Memorial Hall Committee	One representative (non-voting)	Cr Armstrong	

<b>Tatyoan Hall and Recreation Reserve Committee</b>	<b>One representative (non-voting)</b>	<b>Cr Beales</b>	
<b>Warrak Public Hall Committee</b>	<b>One representative (non-voting)</b>	<b>Cr Allgood</b>	
<b>Westmere Progress Association Committee</b>	<b>One representative (non-voting)</b>	<b>Cr Armstrong</b>	
<b>Wickliffe Action Group Wickliffe Common Committee</b>	<b>One representative (non-voting)</b>	<b>Cr McLean</b>	
<b>Wickliffe Recreation Reserve Committee</b>	<b>One representative (non-voting)</b>	<b>Cr McLean</b>	
<b>Willaura Golf Club</b>	<b>One representative (non-voting)</b>	<b>Cr Beales</b>	
<b>Willaura Memorial Hall</b>	<b>One representative (non-voting)</b>	<b>Cr Beales</b>	
<b>Willaura Recreation Reserve</b>	<b>One representative (non-voting)</b>	<b>Cr Pettman</b>	
<b>Yalla-Y-Poora Community Centre</b>	<b>One representative (non-voting)</b>	<b>Cr Armstrong</b>	

**TUESDAY 08 NOVEMBER 2016**

---

**ITEM 10      FIXING OF MEETING CYCLE 2016/2017**  
**13047340**  
**EXECUTIVE SERVICES**

---

**Introduction**

The purpose of this report is to set Council Meeting dates for 2016/2017.

**Discussion**

On the basis of Council continuing to meet on the third Tuesday of the month, the following dates will be the ordinary Council Meeting days for the ensuing twelve months (excluding December 2016 and June 2017).

*December 2016 Council Meeting*

It is proposed to hold the December 2016 Council Meeting one week earlier to assist employees to following up on resolutions prior to the Christmas break. Last year Council held the December meeting on the 2<sup>nd</sup> Tuesday.

*June 2017 Council Meeting*

The Mayor and Chief Executive Officer attend the ALGA National General Assembly in Canberra, which is held the third week of June the same week as the Council Meeting. This change will allow Council representatives to attendance the National General Assembly.

Proposed times and dates:

6.00pm - Tuesday 22 November 2016;  
6.00pm - Tuesday 13 December 2016 (one week earlier);  
6.00pm - Tuesday 21 February 2017;  
6.00pm - Tuesday 21 March 2017;  
6.00pm - Tuesday 18 April 2017;  
6.00pm - Tuesday 16 May 2017;  
6.00pm - Tuesday 27 June 2017 (one week later);  
6.00pm - Tuesday 18 July 2017;  
6.00pm - Tuesday 15 August 2017;  
6.00pm - Tuesday 19 September 2017;  
6.00pm - Tuesday 17 October 2017; and

Proposed times and dates for Special Meetings:

9.00am – Thursday 19 January 2017 (Councillors Code of Conduct)  
6.00pm - Wednesday 31 October 2017 (Statutory Meeting).

**Financial and resource implications**

None identified.

**Risk implications**

None identified.

**Statutory Implications**

Schedule set for Council Meetings, and meetings advertised and placed on Council website.

**TUESDAY 08 NOVEMBER 2016**

---

**Community Implications**

Community awareness of meeting cycle for 2016/2017.

**Environmental Implications**

None identified.

**Internal/external consultation**

None identified.

**Options**

That Council:

- 1 Adopt the meeting cycle as presented.
- 2 Change the meeting cycle.

**Conclusion**

Meeting cycle set for the 2016/2017 term.

**Recommendation**

That Council:

- 1 Adopts the Ordinary Council Meeting dates for 2016/2017 as follows:  
6.00pm - Tuesday 22 November 2016;  
6.00pm - Tuesday 13 December 2016 (one week earlier);  
6.00pm - Tuesday 21 February 2017;  
6.00pm - Tuesday 21 March 2017;  
6.00pm - Tuesday 18 April 2017;  
6.00pm - Tuesday 16 May 2017;  
6.00pm - Tuesday 27 June 2017 (one week later);  
6.00pm - Tuesday 18 July 2017;  
6.00pm - Tuesday 15 August 2017;  
6.00pm - Tuesday 19 September 2017;  
6.00pm - Tuesday 17 October 2017; and  
9.00am - Thursday 19 January 2017 (Councillors Code of Conduct);  
6.00pm - Wednesday 31 October 2017 (Statutory Meeting); and
- 2 Advertises the dates and times of the Council Meeting dates for 2016/2017 in the Ararat Advertiser and on Council's website.

**ITEM 11      CLOSE OF MEETING**

Meeting closed at    pm.