



# Agenda

## Statutory Meeting of Council

Wednesday 14 November 2012 at 7:00pm

Queenscliff Town Hall  
50 Learmonth Street, Queenscliff

### **Distribution**

### **Councillors**

Cr. Helene Cameron  
Cr. Graham J Christie  
Cr. Bob Merriman  
Cr. Susan Salter  
Cr. Sue Wasterval

### **Officers**

Lenny Jenner - Chief Executive Officer  
Ev Wuchatsch - General Manager Governance & Community  
Phil Josipovic - General Manager Planning & Infrastructure

Information contained in this Agenda is for the CONFIDENTIAL and PRIVILEGED use of Councillors until 5:00pm on the Friday before the meeting.

**THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL**



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**1. OPENING OF MEETING**

The Chief Executive Officer will open the meeting by informing the Council and the gallery that the meeting is called in accordance with Sections 63, 71 & 72 of the Local Government Act. Consistent with these requirements of the Act the meeting had been publicly advertised and is open to the public.

**2. CHAIR OF THE MEETING**

Consistent with clause 10 of the Borough of Queenscliffe Council Local Law No. 1, 2010, the Chief Executive Officer will chair the meeting.

**3. PRESENT & APOLOGIES**

**4. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES**

Councillors:

Officers:

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## 5. COUNCILLOR OATH OF OFFICE OR AFFIRMATION

Section 63 of the Local Government Act 1989 (“the Act”) states that ‘a person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken the oath of office, in accordance with section 100 of the Evidence Act 1958’.

The Act also states that ‘the oath of office must be made before the Chief Executive Officer and dated and signed before the Chief Executive Officer and recorded in the minutes of the Council.’

### Oath of Office

In accordance with section 100 of the Evidence Act 1958 a person elected to be a Councillor takes the oath of office by holding the Bible in his or her uplifted hand and stating the following words before the Chief Executive Officer:

*“I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Borough of Queenscliffe 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”.*

As indicated the oath must be dated and signed before the CEO and recorded in the minutes of the Council.

Cr Helene Cameron

*“I Cr Helene Cameron, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Borough of Queenscliffe 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”.*

Cr Graham J Christie

*“I Cr Graham Christie, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Borough of Queenscliffe 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”.*

Cr Bob Merriman

*“I Cr Bob Merriman, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Borough of Queenscliffe 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”.*



## Affirmation

In accordance with section 102 of the Evidence Act 1958 a person elected to be a Councillor is permitted to make an affirmation instead of taking an oath where the person objects to being sworn or it is not reasonably practicable to do so without inconvenience or delay in the manner appropriate to the religious belief of the person. A person makes an oral affirmation by repeating the following words after the CEO administering the affirmation:

*"I ...(Name) , do solemnly, sincerely and truly declare and affirm I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Borough of Queenscliffe 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".*

Cr Susan Salter

*"I Cr Susan Salter, do solemnly, sincerely and truly declare and affirm I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Borough of Queenscliffe 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".*

Cr Sue Wasterval

*"I Cr Sue Wasterval, do solemnly, sincerely and truly declare and affirm I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of the Borough of Queenscliffe 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".*



## 6. MAYORAL ELECTION

**File:** QG055-02-01

**Responsible Officer:** Chief Executive Officer

### Introduction

In accordance with Section 71 of the Local Government Act 1989, at a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

In accordance with clause 10 of the Borough of Queenscliffe Local Law No. 1, 2010, the Chief Executive Officer will preside for the purposes of the election of the Mayor.

#### 6.1 Setting of Mayoral Term

The Council may resolve to elect a Mayor for a term of 1 or 2 years. This decision must be made before the Mayor is elected. If no decision is made, the term of the Mayor remains as 1 year.

#### Recommendation:

**That Council set the Mayoral term of one or two years.**

#### 6.2 Election of Mayor

In accordance with clauses 11 and 12 of the Borough of Queenscliffe Local Law No. 1, 2010, the Chief Executive Officer will call for nominations for the Office of the Mayor.

- If there is only one nomination received, that Councillor must be declared elected;
- Where there are two nominations received the Councillor with the majority of votes cast will be declared elected;
- Where there are more than two nominations received and the result has not been determined as above, the nominee with the fewest number of votes must be eliminated and the names of the remaining nominees must be put to the vote again.

A request for a Division to the chair cannot be accepted.

The Mayor as elected will assume the Chair.



### **6.3 Election of a Deputy Mayor**

Section 73(3) provides for the appointment of an acting Mayor where there is vacancy in the office of Mayor, or the Mayor is absent, incapable of acting, or refusing to act. It must be noted that the appointment of the acting Mayor is not a permanent appointment. An acting Mayor must be appointed each time there is a vacancy in the office of Mayor, or the Mayor is absent, incapable of acting, or refusing to act.

The Local Government Act is silent on the matter of the election of a Deputy Mayor. Nevertheless, Councillors may, at their discretion, elect a Councillor to be a Deputy Mayor. It must be noted that 'Deputy Mayor' is only a title bestowed on the councillor so elected. As a *titular position*, a Deputy Mayor does not have any statutory role or function under the Act and cannot automatically deputise for the Mayor with regard to the exercise of these.

Unlike the Mayor (or acting Mayor), who must take precedence at all municipal proceedings within the municipal district under section 73(1) of the Act and the chair at all meetings of the Council at which he or she is present under section 73(2) of the Act, a Deputy Mayor does not and cannot undertake either of these roles unless he or she has been appointed acting Mayor by the Council on each occasion there is a vacancy in the office of Mayor, or the Mayor is absent, incapable of acting, or refusing to act.

Clause 12 (4) of the Local Law No. 1, 2010 states that if the meeting resolves to appoint a Deputy Mayor, the provisions for the election of Mayor will apply to the election of a Deputy Mayor.

#### **Recommendation:**

**That Council determine whether it wants to establish the role of Deputy Mayor for the 2012/13 period.**

If Council so determines, the Mayor, as presiding officer, will call for nominations for the position of Deputy Mayor.

- If there is only one nomination received, that Councillor must be declared elected;
- Where there are two nominations are received the Councillor with the majority of votes cast will be declared elected;
- Where there are more than two nominations received and the result has not been determined as above, the nominee with the fewest number of votes must be eliminated and the names of the remaining nominees must be put to the vote again.

The candidate who receives the majority vote is elected Deputy Mayor.

A request to the Chairperson for a division must not be accepted.



#### **6.4 Incoming Mayoral Speech**

The Mayor's speech provides the opportunity for the new mayor to make a presentation highlighting key priorities for the forthcoming mayoral term.

#### **7. CLOSE OF MEETING**

