



Agenda

Special Meeting of Council

Thursday 19 November at 1:00pm

Via Videoconference (Zoom)

Councillors

Cr Donnie Grigau

Cr Fleur Hewitt

Cr Michael Grout

Cr Ross Ebbels

Cr Susan Salter

Officers

Martin Gill – Chief Executive Officer

Phillip Carruthers – General Manager Organisational Performance & Community Services

Johann Rajaratnam – General Manager Planning & Infrastructure

Connor Parker – Coordinator Community Engagement & Communications

Jackie Fletcher – Executive Assistant to the CEO, Mayor & Councillors

In accordance with the Borough of Queenscliffe Local Law No 1, 2010, the information contained within this Agenda is for the confidential and privileged use of Councillors until at least 48 hours prior to this meeting.

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



Council Vision

Inspired by the Borough's Latin motto, 'Statio Tutissima Nautis', that translates as "the safest anchorage for seafarers", our vision for the future is that:

The Borough remains a safe haven defined by its unique heritage, rich culture and significant natural environment. It is a special and restorative place for an involved and caring community and our visitors.

Council acknowledges the traditional owners of this land, the Wadawurrung people, one of some 25 clans that form part of the Kulin nation.

We acknowledge and respect their continuing connection to the Land, Water, Culture and the Contribution they make to the life of our Community.

We pay respect to their past and present Elders and their emerging leaders, and extend this respect to all Aboriginal and Torres Strait Islander peoples.



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| Appendix 2a | Councillor Donnie Grigau signed Councillor Code of Conduct | 4. Record of Councillor Declaration to Abide by the Councillor Code of Conduct | Under separate cover |
| Appendix 2b | Councillor Fleur Hewitt signed Councillor Code of Conduct | 4. Record of Councillor Declaration to Abide by the Councillor Code of Conduct | Under separate cover |
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1. OPENING OF MEETING

Council acknowledges the traditional owners of this land, the Wadawurrung people, one of some 25 clans that form part of the Kulin nation. We acknowledge and respect their continuing connection to the Land, Water, Culture and the Contribution they make to the life of our Community. We pay respect to their past and present Elders and their emerging leaders, and extend this respect to all Aboriginal and Torres Strait Islander peoples.

The Meeting opened at:

2. CHAIR OF THE MEETING

Consistent with clause 7 of the Borough of Queenscliffe Governance Rules, the Chief Executive Officer will temporarily chair the meeting until the election of the Mayor is appointed and assumes the Chair.

3. RECORD OF COUNCILLOR OATH OR AFFIRMATION OF OFFICE

Section 30(1) of the *Local Government Act 2020* ('the Act') states 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 [Local Government (Governance and Integrity)] regulations'.

The Act also states that 'the oath or affirmation of office must be administered by the Chief Executive Officer and dated and signed before the Chief Executive Officer and recorded in the minutes of the Council.'

In accordance with the Act and Part 2 of the *Oaths and Affirmations Act 2018*, a person elected to be a Councillor takes the Oath of Office by stating the following words before the Chief Executive Officer (or, if the person who takes the oath does so by means of audio-visual link or audio link, by saying the words of the oath aloud while appearing before the administering officer by audio-visual link or audio link).

On Wednesday 11 November 2020 Councillor Donnie Grigau made the following oath by audio-visual link:

"I, Donnie Grigau, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgment."

Councillor Grigau signed and dated the Oath of Office before the CEO on audio-visual link
(Appendix 1a).



On Wednesday 11 November 2020 Councillor Fleur Hewitt made the following oath:

*"I, Fleur Hewitt, swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community.
I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.
I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgment."*

Councillor Hewitt signed and dated the Oath of Office before the CEO (**Appendix 1b**).

In accordance with the Act and Part 2 of the *Oaths and Affirmations Act 2018*, a person elected to be a Councillor takes the Affirmation of Office by stating the following words before the Chief Executive Officer.

On Wednesday 11 November 2020 Councillor Michael Grout made the following affirmation:

*"I, Michael Grout, solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.
I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.
I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgment."*

Councillor Grout signed and dated the Affirmation of Office before the CEO (**Appendix 1c**).

On Wednesday 11 November 2020 Councillor Ross Ebbels made the following affirmation:

*"I, Ross Ebbels, solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.
I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.
I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgment."*

Councillor Ebbels signed and dated the Affirmation of Office before the CEO (**Appendix 1d**).

On Wednesday 11 November 2020 Councillor Susan Salter made the following affirmation:

*"I, Susan Salter, solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.
I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.
I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgment."*



Councillor Salter signed and dated the Affirmation of Office before the CEO (**Appendix 1e**).

4. RECORD OF COUNCILLOR DECLARATION TO ABIDE BY THE COUNCILLOR CODE OF CONDUCT

The Oath or Affirmation of Office requires that Councillors must abide by the Councillor Code of Conduct. Section 139(2) of the *Local Government Act 2020* states 'the purpose of the Councillor Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.'

On Wednesday 11 November 2020 Councillor Donnie Grigau took the Oath of Office, and immediately following his Oath made a written declaration via audio-visual link before the CEO, Martin Gill, that he would abide by the Councillor Code of Conduct. Councillor Grigau's declaration read as follows:

"I hereby declare that I have read the Councillor Code of Conduct for the Borough of Queenscliffe adopted on 16 February 2017 and declare that I will abide by this Code."

The CEO, Martin Gill, signed that he had witnessed the signing of the declaration (refer **Appendix 2a**).

On Wednesday 11 November 2020 Councillor Fleur Hewitt took the Oath of Office, and immediately following her Oath made a written declaration before the CEO, Martin Gill, that she would abide by the Councillor Code of Conduct. Councillor Hewitt's declaration read as follows:

"I hereby declare that I have read the Councillor Code of Conduct for the Borough of Queenscliffe adopted on 16 February 2017 and declare that I will abide by this Code."

The CEO, Martin Gill, witnessed the signing of the declaration (refer **Appendix 2b**).

On Wednesday 11 November 2020 Councillor Michael Grout took the Affirmation of Office, and immediately following his Affirmation made a written declaration before the CEO, Martin Gill, that he would abide by the Councillor Code of Conduct. Councillor Grout's declaration read as follows:

"I hereby declare that I have read the Councillor Code of Conduct for the Borough of Queenscliffe adopted on 16 February 2017 and declare that I will abide by this Code."

The CEO, Martin Gill, witnessed the signing of the declaration (refer **Appendix 2c**).

On Wednesday 11 November 2020 Councillor Ross Ebbels took the Affirmation of Office, and immediately following his Affirmation made a written declaration before the CEO, Martin Gill, that he would abide by the Councillor Code of Conduct. Councillor Ebbels's declaration read as follows:



"I hereby declare that I have read the Councillor Code of Conduct for the Borough of Queenscliffe adopted on 16 February 2017 and declare that I will abide by this Code."

The CEO, Martin Gill, witnessed the signing of the declaration (refer **Appendix 2d**).

On Wednesday 11 November 2020 Councillor Susan Salter took the Affirmation of Office, and immediately following her Affirmation made a written declaration before the CEO, Martin Gill, that she would abide by the Councillor Code of Conduct. Councillor Salter's declaration read as follows:

"I hereby declare that I have read the Councillor Code of Conduct for the Borough of Queenscliffe adopted on 16 February 2017 and declare that I will abide by this Code."

The CEO, Martin Gill, witnessed the signing of the declaration (refer **Appendix 2e**).

5. PRESENT & APOLOGIES

Present:

Apologies:

6. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES

Councillors:

Officers:



7. MAYORAL ELECTION

File: QG055-02-01

Responsible Officer: Chief Executive Officer

Introduction

In accordance with Section 25(1) of the *Local Government Act 2020* ('the Act'), 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. (Noting that section 395 of the Act allows during COVID-19 for the Council meeting to be closed to public attendance where the meeting is streamed live on the internet site of Council.)

In accordance with section 25(3)(a) of the Act and clause 7 of the Borough of Queenscliffe Governance Rules, the Chief Executive Officer will preside for the purposes of the election of the Mayor and, if so determined, for the election of the Deputy Mayor.

A Mayor is to be elected no later than one month after the date of a general election (section 26(1) of the Act).

Section 18 of the Act provides that the role of the Mayor is to:

- chair Council meetings
- be the principal spokesperson for the Council
- lead engagement with the municipal community on the development of the Council Plan
- report to the municipal community, at least once each year, on the implementation of the Council Plan
- promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct
- assist Councillors to understand their role
- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings
- perform civic and ceremonial duties on behalf of the Council.

The Mayor is not eligible to be elected to the office of Deputy Mayor.

The Mayor has the following specific powers as per section 19 of the Act:

- to appoint a Councillor to be the chair of a delegated committee;
 - to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
 - to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.
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7.1 Setting of Mayoral Term

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

Recommendation:

That Council set the Mayoral term for a 1 year or a 2 year term.

7.2 Election of Mayor

In accordance with clauses 7 and 8 of the Borough of Queenscliffe Governance Rules, the Chief Executive Officer will call for nominations for the Office of the Mayor.

As per section 25(4) of the Act the Mayor must be elected by an absolute majority of the Councillors. (An absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.)

If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.

The Mayor as elected will assume the Chair.



7.3 Election of a Deputy Mayor

Section 20A(1) of the Act provides that Council may establish an office of Deputy Mayor.

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:

- the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting;
- or 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.

Recommendation:

That Council determine whether it wants to establish the role of Deputy Mayor for the Mayoral period.

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

As per sections 25(4) and 27(1) of the Act the Deputy Mayor must be elected by an absolute majority of the Councillors. (An absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.)

If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

If only one Councillor is a candidate for Deputy Mayor, the meeting must declare that Councillor to be duly elected as Deputy Mayor.



7.4 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.



7.5 Appointment of Council portfolios and delegates

| | |
|--------------------------|-----------------------------------|
| File: | QG045-01-01 |
| Author: | Chief Executive Officer |
| Portfolio: | Governance and Performance |
| Portfolio Holder: | Vacant |

PURPOSE

The purpose of this report is to provide information to enable Council to allocate portfolio responsibilities and appoint Council's delegates to various Committees, representative bodies and Community Reference Groups.

EXECUTIVE SUMMARY

The 2017–2021 Council Plan is structured around five Strategic Objectives. Some Councils have determined to allocate Councillor 'portfolios' that relate to each strategic objective. Council is also represented on various Committees, representative bodies and Community Reference Groups.

Due to the recent local government election, all Council portfolio leaders and committee and Council delegations are currently vacant. Council needs to determine its Council Plan portfolio Councillor responsibilities as well as its representation on various Committees, representative bodies and Community Reference Groups.

OFFICER RECOMMENDATION

That Council:

- 1. Determine Councillor appointments to Council Plan Portfolios.**
- 2. Determine its Councillor representatives on Council's Audit and Risk Committee.**
- 3. Determine its two Councillor representatives on Council's Economic Development Advisory Committee.**
- 4. Determine its representatives on the CEO Performance Review Committee.**
- 5. Appoint its delegate or delegates to the following organisations:**
 - **Association of Bayside Municipalities**
 - **Barwon South West Local Government Waste Forum**
 - **Geelong Queenscliffe Coastal Adaptation Planning Project**
 - **Geelong Regional Library Corporation Board**
 - **Integrated Fire Management Planning Committee**



- **Municipal Association of Victoria**
- **Tourism Greater Geelong & the Bellarine Board**
- **Bellarine Community Safety Group**
- **G21 Region Alliance Board**
- **G21 Arts, Culture & Heritage Pillar**
- **G21 Economic Development Pillar**
- **G21 Education & Training Pillar**
- **G21 Environment Pillar**
- **G21 Health & Wellbeing Pillar**
- **G21 Planning Pillar**
- **G21 Sport & Recreation Pillar**
- **G21 Transport Pillar**

6. Determine its Councillor representation on the Community Reference Groups.



REPORT

BACKGROUND

While there is no legislative or formal requirement to review Council Committees and delegates each year, it is regarded as good practice for Council to consider representation on an annual basis to allow opportunities to affirm Council involvement and individual Councillor's participation on various Committees and representative bodies for the forthcoming 12 month period of office. It is also necessary to consider representation following a local government election and the swearing in of a new Council as all positions are vacant.

DISCUSSION

Council Portfolios

The 2017–2021 Council Plan is structured around five Strategic Objectives. Council has previously determined to allocate portfolio responsibility to a Councillor that relate to each strategic objective. These portfolios are currently:

- Community Wellbeing
- Local Economy
- Environmental Sustainability
- Planning & Heritage
- Governance & Performance

Council Committees

Audit and Risk Committee

Council's Audit and Risk Committee membership comprises up to 3 Councillors and up to 4 independent members.

The four independent members (Roland 'Barney' Orchard, Richard Bull, Helen Butteriss and Graeme Phipps) have been appointed to ensure continuity of independent expertise over the remaining term of the Council.

Council's Chief Executive Officer, General Manager Organisational Performance & Community Services and Manager, Financial Services attend these meetings to provide information and advice in an ex-officio capacity. The Council appointed Internal Auditor and Victorian Auditor General appointed external auditor also attend these meetings to provide formal reports as required.

Queenscliffe Economic Development Advisory Committee

Council's Economic Development Advisory Committee membership comprises community industry and/or skills based members. The Queenscliffe Economic Development Advisory Committee Terms of Reference adopted by Council on 14 December 2017, states that the Councillor representatives be:



- The Mayor of the Borough of Queenscliffe, and
- One Councillor of the Borough of Queenscliffe, appointed at the annual statutory meeting of Council or any other time a vacancy occurs.

Council's Chief Executive Officer, General Manager Organisational Performance & Community Services and Program Leader, Economic & Community Development attend these meetings to provide information and advice in an ex-officio capacity.

Council will be receiving further briefing on this committee through the induction process and it is the officer's recommendation that Council waits until this briefing before appointing the Councillor representatives to the Queenscliffe Economic Development Advisory Committee.

CEO Performance Review Committee

Council's CEO Performance Review Committee membership has comprised the Mayor and one other Councillor. The *Local Government Act 2020* requires Council to review the performance of the CEO at least once each year. Section 18(1)(g) of the Act requires the Mayor to take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer.

Council Delegates

Council has previously had representation on a number of state, regional and local organisations. Council has been represented by Councillors, or Council has delegated representation to the CEO or senior Council officers. The organisations Council has had representation on are:

- Association of Bayside Municipalities
- Barwon South West Local Government Waste Forum
- Geelong Queenscliffe Coastal Adaptation Planning Project (Our Coast)
- Geelong Regional Library Corporation
- Municipal Association of Victoria
- Rural Councils Victoria
- Tourism Greater Geelong & the Bellarine Board
- Bellarine Community Safety Group
- G21 Region Alliance Board
- G21 Arts, Culture & Heritage Pillar
- G21 Economic Development Pillar
- G21 Education & Training Pillar
- G21 Environment Pillar
- G21 Health & Wellbeing Pillar
- G21 Planning Pillar
- G21 Sport & Recreation Pillar
- G21 Transport Pillar

Recent changes to emergency management legislation has removed the requirement for Council to appoint representatives to:



- Integrated Fire Management Planning Committee
- Municipal Emergency Management Planning Committee

Council Reference Groups

The 2017–2021 Council Plan underlines Council’s commitment to valuing and drawing on the skills, knowledge and views of the local community through Community Reference Groups. Councillor representatives on Reference Groups have been typically appointed based on ‘portfolio’ responsibilities. The current reference groups are:

- Australia Day Awards Reference Group
- Community Grants Advisory Reference Group

In response to the introduction of the Local Government Act 2020 Council and lack of clarity about the ongoing roles, Council officers recommend that a review of the terms of reference for a number of existing reference groups takes place prior to appointing Councillors. These reference groups would be:

- Governance and Finance Portfolio Reference Group
- Sea Level Rise Reference Group
- Avenue of Honour Reference Group
- Point Lonsdale Lighthouse Reserve Reference Group

Options

There are number of different appointment options available to Council.

Council could review and decide to modify the portfolio structures, reduce or increase the number of organisations it chooses to actively participate in, or consider introducing other committees.

COMMUNICATIONS AND ENGAGEMENT

Community Engagement



The appointment of Council portfolios, committees and delegations is an integral part of implementing the Council Plan.

Collaboration

Not applicable



GOVERNANCE CONTEXT

Relevant Law

In accordance with section 125 of the *Local Government Act 1989* Council adopted its Council Plan that covers the four year period from 2017 to 2021 at its 10 August 2017 Special Meeting. The appointment of Council portfolios, committees and delegations is an integral part of implementing the Council Plan.

Charter of Human Rights

This report has had consideration to, and complies with, the Charter of Human Rights and Responsibilities Act 2006.

Regional, State and National Plans and Policies

Not applicable

Council Plan Alignment

The appointment of Council portfolios, committees and delegations is an integral part of implementing the Council Plan.

Legal and Risk Implications

There is a risk to Council is Councillors are not appointed to portfolios, committees and delegations, in particular if Council fails to appoint Councillors to the Audit and Risk Committee.

Related Documents

Borough of Queenscliffe Council Plan 2017–2021

Disclosure of Interest

No officer involved in the preparation of this report has any conflicts of interest.

CONSIDERATIONS

Environmental Sustainability

Not applicable

Financial and resource implications

Not applicable

Innovation and Continuous Improvement

Not applicable

IMPLEMENTATION

Operational Impacts

Not applicable



Implementation Process

Not applicable

ATTACHMENT

Nil



8. CLOSE OF MEETING