
STATUTORY MEETING MINUTES - 23 NOVEMBER 2021

Vision:

Indigo Shire - leading sustainable growth, community and cultural diversity, and climate action.

HELD: Tuesday, 23 November 2021 at 6.30pm

LOCATION: Beechworth Servicemen's Memorial Hall, Beechworth and
livestreamed on Council's website

REQUIRED TO ATTEND:

Councillors:

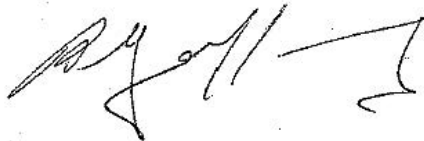
Jenny O'Connor
Larry Goldsworthy
Roberta Horne
Sophie Price
Peter Croucher
Bernard Gaffney
Diane Shephard

Senior Management/Officers:

Trever Ierino	Chief Executive Officer
Greg Pinkerton	Director Planning and Corporate Services
Mark Florence	Director Community and Economic Development
Jane Still	Acting Executive Manager People and Governance

APOLOGIES: Ian Ellett Director Infrastructure Services

These Minutes were confirmed as an accurate record of the Meeting on 14 December 2021.



CR BERNARD GAFFNEY
MAYOR

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1. WELCOME

Welcome to this meeting of Council. This meeting will be live streamed and recorded, and the voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

We acknowledge the traditional owners of the land on which we are meeting, and pay our respects to their elders past and present.

As Councillors we have all taken an oath to carry out our duties in the best interests of the people of Indigo Shire and to do this in a fair and impartial manner. We are all committed to exercising the Council's powers and functions to the best of our skills and judgment.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. DECLARATION OF CONFLICT OF INTEREST

Nil

5. ELECTIONS

5.1 MEETING PROCEDURE

File No: 2021/1071

Jane Still – Acting Executive Manager People and Governance Executive Management

For Information

INTRODUCTION

The purpose of this report is to outline the procedure used at the annual Statutory Meeting.

BACKGROUND

The procedure for this meeting is set by Governance Rules, with additional requirements of the *Local Government Act 2020*.

The Governance Rule 11(a) describes the activities to take place at the annual Statutory Meeting:

- i. Determination of the Mayoral Term as one or two years
- ii. Election of Mayor;
- iii. Election of Deputy Mayor;
- iv. Councillor appointments to external organisations and internal committees;
- v. The adoption of the annual meeting schedule; and
- vi. Any other items required by the Act.

The Act now provides that Mayoral and Councillor Allowances will be set by the Victorian Independent Remuneration Tribunal. The Minister for Local Government has called on the Tribunal to make a determination, which is expected in late 2021. Therefore a report to consider Mayoral and Councillor Allowances is not required. Council finalised its previous process of reviewing allowances in April 2021.

PROCEDURE

Section 25(3)(a) of the Act requires that the election of the Mayor **must** be chaired by the Chief Executive Officer. Therefore the CEO will chair the meeting until the Mayor is elected. The CEO, as temporary chairperson, will perform any meeting preliminaries that may be appropriate, and has the usual administrative rights and responsibilities of the chairperson.

It is customary at Indigo Shire Council for temporary chairperson to invite the outgoing Mayor to speak about their time as Mayor. Following this, the second temporary chairperson will move to the item Election of the Mayor.

Once elected, the Mayor will assume the position of Chair for the duration of the meeting.

Attachments
Nil

5.2 SETTING THE MAYORAL TERM

File No: 2021/879

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That the Mayoral term be set at [one or two] years

Resolution

That the Mayoral term be set at one year.

Moved: Cr Shepherd

Seconded: Cr Croucher

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Jenny O'Connor, Sophie Price and Diane Shepherd

Against: Nil

Carried

PURPOSE OF REPORT

The purpose of this report is to present to Council the relevant information, legislation and process to allow for a determination of a Mayoral term.

BACKGROUND

The setting of the Mayoral term is an important decision which will influence the way Council operates.

Section 26(3) of the *Local Government Act 2020* (the Act) requires that, before the election of a Mayor, a Council must resolve whether the Mayor is to be elected for a one year or a two year term.

DISCUSSION

The determination of the Mayoral term must precede the election of the Mayor. Whether a one or two year term is determined, the next election of Mayor must be held as close to the end of that term as is reasonably practicable. Therefore the next decision of the Mayoral term will precede the next election of the Mayor (one or two years).

Previous Councils have set a one year term and so the Mayoral term has been decided each year at Council's statutory meeting.

Options

The Act requires that prior to the election of Mayor, it must determine a Mayoral term. The options available to the Council are around the duration of the term of one or two years.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The process detailed and the recommended action are compliant with the Act.

SOCIAL/COMMUNITY IMPLICATIONS

The choice of a one or two year term is unlikely to have any significant community or social impact.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications of the decision.

FINANCIAL IMPLICATIONS

The Mayoral allowance is met from the existing budget.

LEGISLATIVE IMPLICATIONS

- Section 26(3) of the *Local Government Act 2020* requires the Council to determine by resolution whether the Mayor is to be elected for a one year or a two year term.
- The Governance Rule (13) *Setting Mayoral term* states “the election of the Mayor will be for a period of either one or two years as determined by Council resolution, except in the final year of a Council term when the Mayor can only be elected up to the end of that Council term.”

RISK & OPPORTUNITY MANAGEMENT

This is a standard statutory function of the Council with minimal risk mitigated by adhering to the requirements of the Act.

COMMUNITY ENGAGEMENT

No community engagement was undertaken.

CONSULTATION/COMMUNICATION PROPOSED

This is a standard statutory function of the Council. Communication of the Mayoral term will be included in information about the election of the Mayor.

CONCLUSION

Council is required by the *Local Government Act 2020* and the Governance Rules to determine a Mayoral term of one or two years.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24 the following officers declare that they have no interests to disclose in providing this report:

- Jane Still – Acting Executive Manager People and Governance
- Trevor Ierino – Chief Executive Officer

Attachments
Nil

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5.3 ELECTION OF MAYOR

File No: 2021/880

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

It is noted that outgoing Mayor Cr Jenny O'Connor reflected on her time as Mayor, and thanked colleagues, staff and the community.

Nominations received:

- **Cr Bernard Gaffney**
Moved: Cr Croucher
Seconded: Cr Horne

- **Cr Larry Goldsworthy**
Moved: Cr O'Connor
Seconded: Cr Shepherd

It is noted both nominees spoke on their nomination.

The CEO called for votes for the candidates in accordance with the Governance Rules.

Cr Gaffney received four votes (Crs Price, Gaffney, Croucher and Horne)

Cr Goldsworthy received three votes (Crs Goldsworthy, Shepherd and O'Connor)

Cr Gaffney was the only nominee to receive an absolute majority and was therefore duly elected Mayor of Indigo Shire for a term of one year.

PURPOSE OF REPORT

The report outlines the process and legislative requirements for the election of the Mayor.

BACKGROUND

The *Local Government Act 2020* (the Act) requires Councils to elect a Councillor to be the Mayor of the Council at a meeting that is open to the public, as close to the end of the previous term as is reasonably practicable.

Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

The election of the Mayor is one of the critical decisions that Council makes at the Statutory Meeting. The Mayor is the most visible and high profile Councillor and the person viewed as responsible for the performance of the Council. The Mayor has all the responsibilities of a Councillors plus additional roles prescribed in the Act.

The Mayor will take the Chair of this meeting following his or her election.

DISCUSSION

The Mayor is required to chair Council meetings, be the principal spokesperson for council and attend civic events on behalf of Council. Provisions in the Act require the Mayor to:

- 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, and assist Councillors to understand their role
- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings.

The Mayor has specific power to:

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

The election of the Mayor must be conducted in accordance with the Governance Rules.

The procedure to elect the Mayor under Governance Rule 14 is as follows:

- a. The Temporary Chairperson (the CEO) must invite nominations for the office of Mayor.
- b. A nomination that is not seconded will lapse and the Councillor nominated will not proceed to the Mayoral vote.
- c. If there is only one nomination, that nomination must still go to a vote and receive an Absolute Majority of the votes to be declared successful.
- d. Nominated Councillors may address the Statutory Meeting for up to five minutes on their candidacy. Nominated Councillors will be called in alphabetical order by surname.
- e. Councillors present may only vote for one of the nominated Councillors, with nominated Councillors being put to the vote in alphabetical order by surname.
- f. In the event of a nominated Councillor receiving an Absolute Majority of the votes that nominated Councillor is declared elected as Mayor for the term as previously decided by Council.
- g. If no nominated Councillor receives an Absolute Majority of the votes –
 - i. the nominated Councillor with the fewest votes is eliminated.
 - ii. The process of voting and elimination of nominated Councillors is repeated until:

- a. one nominated Councillor receives an Absolute Majority of the votes, and is therefore declared elected as Mayor for the term as previously decided by Council; or
 - b. there are only two nominated Councillors remaining having an equal number of votes.
- h. In the event of a tied vote with two nominated Councillors having an equal number of votes the nominated councillor Mayor will be determined by the drawing of a Lot in accordance with rule (15).

Notwithstanding rule 15, under the Act, if an absolute majority of the Councillors cannot be obtained at the meeting, the Council may also resolve to conduct a new election at a later specified time and date. The Governance Rules set this date as no later than two weeks from the Statutory Meeting. An absolute majority is defined by the Act as the number of Councillors greater than half the total number of the Councillors.

After the election of the Mayor is determined, the Mayor will chair the Statutory Meeting from that point forward.

The Mayor must take the chair at all Scheduled and Additional Council Meetings at which they are present, unless precluded from doing so because of a conflict of interest.

Options

The election of a Mayor is required by the Act. Councillors may elect any Councillor who is willing to be nominated and is not subject to a prohibition under Section 167.

STRATEGIC CONTEXT

COUNCIL PLAN 2021– 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The recommended action and the Governance Rules under which the election will take place are compliant with the changes introduced by the *Local Government Act 2020*.

SOCIAL/COMMUNITY IMPLICATIONS

The Mayor is a symbol of democratic leadership to the community, Council and staff members. Creating stability within the elected council and ensuring effective and respectful communication between Councillors and the CEO are part of the Mayor's role. The election of the Mayor will have a direct impact on the quality of the relationship between the community and the Council, and community trust in local government.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

Mayoral and Councillor allowances are met from the existing budget.

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RISK MANAGEMENT

The process of electing a Mayor has some low-level procedural risks that are mitigated by Council's adherence to the relevant process set out in Governance Rule 14 and detailed in this report.

LEGISLATIVE IMPLICATIONS

The *Local Government Act 2020* requires Council to elect a Councillor to the role of Mayor no later than one month following a general election 26(1)). The election of the Mayor be conducted in accordance with the Governance Rules (25(3)(b)).

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Jane Still – Acting Manager People and Governance
- Trevor Ierino – Chief Executive Officer

Attachments

Nil

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5.4 SETTING THE DEPUTY MAYORAL TERM

File No: 2021/881

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That the Deputy Mayoral term be set at two years

Resolution

That the Deputy Mayoral term be set at two years.

Moved: Cr O'Connor

Seconded: Cr Horne

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Jenny O'Connor, Sophie Price and Diane Shephard

Against: Nil

Carried

PURPOSE OF REPORT

The purpose of this report is to present to Council the relevant information, legislation and process to allow for a determination of a Deputy Mayoral term.

BACKGROUND

Section 27 of the *Local Government Act 2020* (the Act) requires that Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

Section 26(3) requires that, before the election of a Mayor, a Council must resolve whether the Mayor is to be elected for a one year or a two year term.

Therefore Council is required to set a Deputy Mayoral term.

DISCUSSION

As with the legislative requirement for the election of Mayor, the determination of the Deputy Mayoral term must precede the election of the Deputy Mayor. Whether a one or two year term is determined, the next election of Deputy Mayor must be held as close to the end of that term as is reasonably practicable. Therefore the decision of the Deputy Mayoral term will precede the election of the Deputy Mayor (one or two years).

Previous Councils have set a one year term and so the Deputy Mayoral term has been decided each year at Council's statutory meeting.

Options

The options available to the Council are:

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- Set a Deputy Mayoral term around the duration of the term of one or two years. It is recommended that the term reflect that decided for the Mayor.
- Choose not to elect a Deputy Mayor, removing the need to set a term

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The process detailed and the recommended action are compliant with the Act.

SOCIAL/COMMUNITY IMPLICATIONS

The choice of a one or two year term is unlikely to have any significant community or social impact.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

There are no financial implications

LEGISLATIVE IMPLICATIONS

Section 27 of the Act requires that Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

RISK & OPPORTUNITY MANAGEMENT

This is a standard statutory function of the Council with minimal risk mitigated by adhering to the requirements of the Act.

COMMUNITY ENGAGEMENT

No community engagement was undertaken.

CONSULTATION/COMMUNICATION PROPOSED

This is a standard statutory function of the Council. Communication of the Mayoral term will be included in information about the election of the Mayor.

CONCLUSION

Council is required by the *Local Government Act 2020* and the Governance Rules to determine a Deputy Mayoral term of one or two years.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24 the following officers declare that they have no interests to disclose in providing this report:

- Jane Still – Acting Executive Manager People and Governance
- Trevor Ierino – Chief Executive Officer

Attachments

Nil

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5.5 ELECTION OF DEPUTY MAYOR

File No: 2021/882

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

The Chair called for nominations for Deputy Mayor.

Cr Peter Croucher was the only nominee

Moved: Cr Price

Seconded: Cr O'Connor

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Jenny O'Connor, Sophie Price and Diane Shephard

Against: Nil

Having attained an absolute majority, Cr Croucher was duly elected Deputy Mayor for two years.

PURPOSE OF REPORT

The report outlines the process and legislative requirements for the election of the Deputy Mayor.

BACKGROUND

The *Local Government Act 2020* (the Act) provides for Councils to elect a Deputy Mayor. The Governance Rules assume the election of a Deputy Mayor.

The process and eligibility requirements for electing the Deputy Mayor are the same as for electing the Mayor. A Councillor may not hold the office of Mayor and Deputy Mayor at the same time.

DISCUSSION

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

- a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting;
or
- b. the Mayor is incapable of performing the duties of the office for any reason, including illness;
or
- c. the office of the Mayor is vacant.

Options

The election of a Deputy Mayor is provided for in the Act and is assumed but not mandated in the Governance Rules. Council may choose not to elect a Deputy Mayor.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The recommended action and the Governance Rules under which the election will take place are compliant with the *Local Government Act 2020*.

SOCIAL/COMMUNITY IMPLICATIONS

The Mayor's actions have a direct impact on the quality of the relationship between the community and the Council, and community trust in local government. The Deputy Mayor will act in the role of the Mayor as required, so the election of Deputy Mayor has the potential for a similar impact.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

Mayoral and Councillor allowances are met from the existing budget.

RISK MANAGEMENT

The process of electing a Deputy Mayor has some low-level procedural risks that are mitigated by Council's adherence to the relevant process set out in Governance Rule 17.

LEGISLATIVE IMPLICATIONS

The *Local Government Act 2020* provides for the Council to elect a Councillor to the role of Deputy Mayor (20A(1)). The election of the Deputy Mayor is to be conducted in accordance with the Governance Rules (25(3)(b)).

The procedure for the election of Deputy Mayor is the same as for the election of the Mayor.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Jane Still – Acting Executive Manager People and Governance
- Trevor Ierino – Chief Executive Officer

Attachments

Nil

6. ANNUAL MEETING SCHEDULE

6.1 2020-21 COUNCIL MEETING SCHEDULE & ADMINISTRATION

File No: 2021/884

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That Council:

1. sets the following scheduled Council Meeting dates for 2022:
 - 22 February
 - 29 March
 - 26 April
 - 17 May
 - 28 June
 - 26 July
 - 30 August
 - 27 September
 - 25 October
 - 22 November (Statutory Meeting)
 - 22 November (immediately following Statutory Meeting)
 - 13 December;
2. determines to include the following meeting preliminaries in all Council meetings:
 - Notify gallery that the meeting will be live streamed and recorded.
 - Acknowledge the Traditional Custodians of the Land
 - Reconfirmation of Councillor Oath; and
3. determines that Councillors provide periodic reports to Council with the following content and frequency:
 - The Mayoral diary of appointments to be provided monthly;
 - Councillors to provide a written report on funded development activities or trips as determined by the Councillor in conjunction with the Mayor; and
 - Councillors to be provided with a verbal report monthly of no more than two minutes on their activities that are of importance to the community.

RESOLUTION

That Council:

1. sets the following scheduled Council Meeting dates for 2022:
 - 22 February
 - 29 March
 - 26 April
 - 17 May
 - 28 June
 - 26 July
 - 30 August
 - 27 September
 - 25 October
 - 22 November (Statutory Meeting)
 - 22 November (immediately following the Statutory Meeting)
 - 13 December;
2. determines to include the following meeting preliminaries in all Council meetings:
 - Notify gallery that the meeting will be live streamed and recorded.
 - Acknowledge the Traditional Custodians of the Land
 - Reconfirmation of Councillor Oath; and
3. determines that Councillors provide periodic reports to Council with the following content and frequency:
 - The Mayoral diary of appointments to be provided monthly;
 - Councillors to provide a written report on funded development activities or trips as determined by the Councillor in conjunction with the Mayor; and
 - Councillors to be provided with a verbal report monthly of no more than two minutes on their activities that are of importance to the community.

Moved: Cr Price

Seconded: Cr Horne

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Jenny O'Connor, Sophie Price and Diane Shephard

Against: Nil

Carried

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INTRODUCTION

Council meets throughout the year in both scheduled and additional meetings. The calling of these meetings is governed by Council's Governance Rules.

In accordance with Governance Rule 6(a) this report presents a proposed meeting schedule for the 2022 calendar year.

KEY IMPLICATIONS

The scheduled Council Meetings follow the existing Indigo Shire Council protocol of being held on the last Tuesday of each month, commencing at 6:30pm.

Three exceptions to this 'last Tuesday of the month' rule are:

1. No scheduled Council Meeting is held in January.
2. The May meeting will be two weeks earlier to allow for greater up front consultation regarding the Budget.
3. The last Tuesday in December 2021 is during the Christmas shut down period and the meeting has been moved to Tuesday 13 December.

It is anticipated that, in addition to the monthly scheduled Council Meetings, a number of additional Council Meetings will also be required throughout the year. These are often held for time-sensitive processes that do not coincide with a scheduled Council Meeting. As an example, the adoption of the annual report may be required outside of the standard meeting dates.

The proposed dates for scheduled Council Meetings for 2021 are:

- 22 February
- 29 March
- 26 April
- 17 May
- 28 June
- 26 July
- 30 August
- 27 September
- 25 October
- 22 November (Statutory Meeting)
- 22 November (immediately following the Statutory Meeting)
- 13 December

The default venue for Council meetings is the Council Chamber in Beechworth, unless held online under COVID-19 provisions, or determined by the Mayor and Chief Executive Officer to be held in an alternative. When the location is to change, the CEO will ensure adequate notice is provided to the community.

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MEETING ADMINISTRATION

In addition to the setting of the meeting schedule, the Governance Rules provide for the Council to determine the following administrative points:

1. Meeting preliminaries
2. Councillor Report requirements.

Meeting Preliminaries

Governance Rule 34 allows for meeting preliminaries as part of the “Welcome” section of the meeting agenda. This is not mandatory and Council is not obligated to perform any preliminary activities.

Councillor Reports

Governance Rule 43 specifies that Council Meetings may, if determined by Council resolution, require “Councillor Reports” in a format and content to be determined by Council. These reports allow for the publication and presentation by Councillors on their Council-related activities.

If Council determines that Councillor Reports are required, then it is appropriate at the Statutory meeting to pass a resolution that identifies the type of reports to be provided by Councillors, the content of those reports and the frequency of reporting.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The recommended action provides for regular Council Meetings to provide transparency around Council decisions.

RISK MANAGEMENT

Nil

FINANCIAL IMPLICATIONS

There are no financial implications.

LEGAL/COUNCIL PLAN/POLICY IMPACT

Nil.

CONCLUSION

Council is required to set the annual schedule of Council meetings and to decide on the meeting preliminaries and the Councillor reports required at these Council meetings.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 1989* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report:

- Jane Still – Acting Executive Manager People and Governance
- Trevor Ierino – Chief Executive Officer

Attachments

Nil

7. COUNCIL COMMITTEES APPOINTMENTS

7.1 APPOINTMENTS TO COUNCIL COMMITTEES AND EXTERNAL BODIES

File No: 2021/885

Jane Still - Senior Governance Advisor

Executive Management

For Decision

RECOMMENDATION

That Council appoints Councillor representatives to the following external organisations and Council committees as detailed in Attachment 1.

Audit & Finance Committees

Audit and Risk Committee

Finance Committee

Advisory Committees

CEO Performance Review Committee

Indigo Community Access Committee

Indigo Cultural Heritage Advisory Committee

Indigo Environment Advisory Committee

IndiGrow

Indigo Shire Council Community Grants Awards Advisory Committee

Wahgunyah Rail Land Development Committee

External Committees

Alliance of Shires & Councils of the Upper Murray (ACSUM)

Atauro Island Friendship Committee Inc

Australian Local Government Women's Association Victorian Branch (ALGWA)

Goulburn Broken Greenhouse Alliance

Hume Region Local Government Network (HRLGN)

Hume to Yarrawonga Waterway Management Advisory Group

Lake Hume Recreational Co-ordinating Committee

Municipal Association of Victoria (ISC Representative) (MAV)

Murray Arts

Murray Darling Association

North East Waste and Resource Recovery Group

Ovens & Murray Regional Assembly

Rural Councils Victoria (RCV)

RECOMMENDATION

1. That the Cultural Heritage Advisory Committee council representatives be increased to three, and the change be referred back to the Committee for the Terms of Reference to be updated.
2. That Council appoints Councillor representatives to the following external organisations and Council committees as detailed in Attachment 1.

PURPOSE OF REPORT

The purpose of this report is to formalise the appointments of councillor representatives to all external and internal committees for the following year. Each appointment allows the representative to vote on committee issues on behalf of Council (on committees where Councillors have voting rights).

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BACKGROUND

One of the important functions that Councillors perform is to represent Council on all advisory committee and various industry groups and peak bodies. There is value in the two-way communication with these groups.

Each year at the Statutory Meeting Councillors elect representatives for the various Advisory Committees and external bodies.

DISCUSSION

Attachment 1 shows the committee details following the Statutory Meeting of 24 November 2020, and the number of Councillors required on each committee as specified by the relevant Terms of Reference (TOR) or Instrument of Delegation. Where committees do not have a requirement for a Councillor representative explicitly identified in their TOR, they have not been included in the attachment.

Attachment 1 shows the committee list and the number of Councillors required on each committee as specified by the relevant Terms of Reference (TOR). Where committees do not have a requirement for a Councillor representative explicitly identified in their TOR, they have not been included in the attachment.

Changes from 2020

Advisory Committees

At its 2020 Statutory Meeting, Council resolved to increase the number of Councillor representatives on some advisory committees to enhance the connection with Council. Terms of Reference documents were updated to allow for this change and were adopted by Council in February 2021. As a result, representation on the Indigo Community Access Committee was increased to two Councillors, IndiGrow was increased to three Councillors, and all Councillors are to be appointed to the Finance Committee. The remaining advisory committees each have two appointed representatives, with the exception of the CEO Performance Review Committee which has all Councillors appointed.

The Wahgunyah Railway Land Development Committee is currently under review to determine the most appropriate governance model. The committee has discussed the options of remaining an advisory committee or becoming a Community Asset Committee, and a recommendation will be presented to a future Council. Until this time, this committee remains an advisory committee and requires the appointment of two Councillors.

Community Asset Committees

Resulting from changes under the *Local Government Act 2020*, Community Asset Committees now operate under an Instrument of Sub-Delegation of CEO Powers. Accordingly, Community Asset Committees no longer require Councillor representation. The Instrument of Sub-delegation to the Chiltern Goods Shed was amended to remove Councillor representation from the composition requirements. The updated Instrument was noted at the Council Meeting in April 2021.

External Committees

In determining the respective appointees to the various external bodies and internal committees, Councillors are encouraged to consider the following good governance principles:

- the need to balance Councillors energies and time between policy development, financial oversight, strategic partnership, advocacy and liaison
- the spread of committee representation across Councillors, ensuring that where practicable the workload is shared.
- provision for Councillors to broaden and learn new skills
- length of time served on any one committee by an individual Councillor.

Options

The option of 'do nothing' for the other committees has been considered, however if no formal appointments were made by Council, this would reflect poor governance and would not promote the transparency to the community that is achieved by the appointment of councillor representatives in an open Council Meeting.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The act of appointing Councillor representatives promotes strong governance. It enables the regular change of Councillors on each committee, allowing a fresh approach to the committees' business, refreshes their skill –base, and assists with transparent decision-making.

SOCIAL/COMMUNITY IMPLICATIONS

Appointing Councillors to various Committees contributes to the objectives of good governance and community engagement. Through this action Council is ensuring community input, awareness and involvement in the initiatives and the direction of Council.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

There are no financial impacts to Council. The costs for Councillors to attend committee meetings (travel expenses) are budgeted for in the current Councillor and Executive budget allocations.

LEGISLATIVE IMPLICATIONS

Section 53 of the *Local Government Act 2020* requires Council to establish an Audit and Risk Committee which must include members who are Councillors of the Council. The appointment of at least two Councillors satisfies this requirement.

RISK & OPPORTUNITY MANAGEMENT

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
A Councillor is appointed to a committee that they have been representative on for a period of time, and the committee misses out on broadening its skill base.	Possible	Minor	Low	The risks of this have been identified in this report.

Description	Likelihood	Consequence	Final Risk Rating	Controls, treatments
An appointment is not made / committee has been missed and the committee is unable to function appropriately.	Possible	Minor	Low	The relevant stakeholders have reviewed this list prior to adoption
Too many or not enough Councillor representatives are appointed to any one committee which is then unable to function appropriately.	Possible	Minor	Low	The committee list indicates how many Councillors should be appointed for each committee.

In considering appointments to the committees, Councillors should take into account the governance principles above to mitigate risks. If the same Councillors continue with the same committees for multiple terms, then this circumvents good governance principles in that Committee members should be rotated over time to give other Councillors the opportunity to be involved in different committees as well as to allow the development of new skills.

COMMUNITY ENGAGEMENT

CONSULTATION/COMMUNICATION UNDERTAKEN

No consultation with the wider community was required for the development of this report. Internal consultation was conducted with relevant stakeholders including the executive team and managers.

CONSULTATION/COMMUNICATION PROPOSED

No future consultation is proposed.

CONCLUSION

Clarification of Councillor appointments is an important action that will enable Councillors to undertake their advocacy work in a coordinated and practical way. It will also provide a mechanism for direct feedback from the community to Council decision making processes.

DECLARATION OF CONFLICT OF INTEREST

Under section 130(2) of the *Local Government Act 2020* and Governance Rule 24, the following officers declare that they have no interests to disclose in providing this report.

- Annabel Harding – Governance Officer
- Jane Still – Acting Executive Manager People and Governance

Attachments

1. Council Committees and External Bodies - Current Membership

Attachment 1

Councillor Representation - Committees - 2021						
AUDIT & FINANCE COMMITTEES	Function of Committee	Meeting Details	Councillor Representation			
			Councillor 1	Councillor 2	Councillor 3	Sub
Audit & Risk Committee	<p>To provide a structured, systematic oversight of Council's governance, risk management and internal control practices. The Committee assists the Council and management by providing advice and guidance on the adequacy of initiatives for:</p> <ul style="list-style-type: none"> • Values and ethics • Governance structure • Risk management • Internal control framework • Oversight of the internal audit activity, external auditors and other providers of assurance • Financial statements, performance and public accountability reporting. 	Four times per year on a Monday, 2-5pm in Beechworth	Cr Gaffney	Cr Price		
Finance Committee	<p>To provide advice to Council on financial management matters, including;</p> <ol style="list-style-type: none"> 1. Monthly financial reporting, 2. Annual financial processes (budget, EOFY reporting, etc.), 3. Long-term financial planning, 4. Efficiency measures, 5. Finance policy and procedure, 6. Other financial matters as requested by Council from time to time. 	3rd Tuesday in the Month, after Briefing session, in Beechworth	All councillors to be appointed			

Councillor Representation - Committees - 2021

ADVISORY COMMITTEES	Function of Committee	Meeting Frequency	Councillor Representation			
			Councillor 1	Councillor 2	Councillor 3	Sub
CEO Performance Review Committee	To review and evaluate the performance of the CEO in accordance with the employment contract and to provide advice and recommendations for Council on performance and remuneration.	Annually: October	All Councillors			
Indigo Community Access Committee	To provide advice to Council on matters relating to disability and community access within the Indigo Shire including: 1. Support Council in the development and implementation of the Indigo Shire Council Access Policy. 2. To advise and support Council on matters relating to Council projects and activities that support the implementation of the Access and Inclusion Plan. 3. To perform a consultative role to Council for the development of plans, strategies and projects that may require access and inclusion considerations. 4. To provide advice to Council on access and inclusion issues.	Second Monday of each month, 1pm - 2:30-pm, various locations in the Shire	Cr Croucher	Cr Price		
Indigo Cultural Heritage Advisory Committee	1. To provide advice and recommendations to Council on policy and strategic direction pertaining to Cultural Heritage matters. 2. To provide advice and make recommendations to Council on shire-wide collections. 3. To make recommendations to Council on the activation of the Burke Museum and Historic Precinct. 4. To advise and make recommendations to Council on the promotion and conservation of Cultural Heritage assets. 5. To advise and make recommendations to Council on benchmark standards of Cultural Heritage practice. 6. To advise and make recommendations to Council on strategic projects to advance Cultural Heritage conservation and promotion.	Quarterly (March, June, September, December), on a Wednesday 10am - 11:30am in Beechworth	Cr Goldsworthy	Cr O'Connor	Cr Shephard	

ADVISORY COMMITTEES	Function of Committee	Meeting Frequency	Councillor Representation			
			Councillor 1	Councillor 2	Councillor 3	Sub
IndiGrow	<ol style="list-style-type: none"> 1. Build a communications structure for two-way dialogue between Council, Industry and other levels of Government. 2. Provide advice and expertise to support and inform Council's economic policy development and State and Federal policy agendas. 3. Identify future and emerging strategic opportunities for priority allocation of resources. 4. Identify and recommend priority areas for grant funding support from various Government and Non-Government sources. 6. Develop Industry through identifying critical gaps in skills and knowledge and prioritising developmental initiatives. 	Quarterly (March, June, September, December), first Wednesday 6pm - 7:30pm in Beechworth	Cr Goldsworthy	Cr Horne	Cr Shephard	
Indigo Environment Advisory Committee	<ol style="list-style-type: none"> 1. To provide a recognised forum that Council and community alike can refer environmental concerns for further consideration. 2. To provide recommendations to Council about the means to encourage and support increased community awareness and understanding of environmental and sustainability matters. 3. To provide advice on the implementation and ongoing review of the Environment Strategy and other environmental Council plans. 4. To provide recommendations to Council, as necessary, to ensure environmental programs, both internally and externally funded, are consistent with priorities identified in the Environment Strategy. 5. To provide advocacy for Council's environmental portfolio within other forums and within the community. 6. To provide input on special projects where directed by Council. 	Every 2 months (February, April, June, August, October, December), on the second Wednesday at 6-8pm in Beechworth	Cr Horne	Cr O'Connor		
Indigo Shire Community Grants Awards Advisory Committee	To provide advice and recommendations to Council on applications submitted under the Community Grants Program and to assess nominations received for the Australia Day awards and Emma George Scholarship.	Twice per year at various locations, during the day.	Cr Croucher	Cr Gaffney		

ADVISORY COMMITTEES	Function of Committee	Meeting Frequency	Councillor Representation			
			Councillor 1	Councillor 2	Councillor 3	Sub
Wahgunyah Rail Land Development Committee	1. Be responsible for community consultation to assist in development of the Masterplan for the Wahgunyah Rail Land 2. Develop and implement strategies and projects to encourage community use of the area 3. To provide advice to Council on the future of the reserve.	As required, on Wednesdays or Thursdays in the afternoon, in Wahgunyah	Cr Gaffney	Cr Price		

Councillor Representation - Committees - 2021

EXTERNAL COMMITTEES	Function of Committee	Meeting Frequency	Councillor Representation			
			Councillor 1	Councillor 2	Councillor 3	Sub
Alliance of Shires & Councils of the Upper Murray (ACSUM)	ACSUM comprises the Albury and Wodonga cities and the Corowa, Greater Hume, Indigo, Towong and Tumbarumba shires. The alliance provides a regional forum to discuss and determine approaches to issues within the Upper Murray region.	Quarterly	Mayor			Deputy Mayor
Atauro Island Friendship Committee	To collaborate with the people of Atauro Island to support and develop leaders, and identify needs and strengthen communities. To liaise with the community of Indigo Shire to: - build awareness and understanding of the people of Atauro Island - support communities to raise funds for projects and initiatives; - to provide information and recommendations to Indigo Shire Council on identified projects.	Every 2 months, on Wednesday at various locations in the shire.	Cr Croucher			
Australian Local Government Women's Association Victorian Branch (ALGWA)	The Australian Local Government Women's Association (ALGWA) encourages and supports women's participation in local government. The ALGWA North East Sub Branch comprises Moira Shire, Greater Shepparton City, Indigo Shire, Rural City of Wangaratta, Towong Shire, Benalla Rural City Council, Alpine Shire, Strathbogie Shire, Mansfield Shire, Murrindindi Shire and Mitchell Shire.	2-3 times per year	All women Councillors (Crs O'Connor, Murdoch, Price, Shepherd)			nil
Goulburn Murray Climate Alliance	The Goulburn Murray Climate Alliance was established to promote and support regional action on climate change. The Alliance strives to inspire action, provide leadership and encourage collaboration. It plays a lead role in the identification and implementation of a range of projects aimed at mitigating the effects of a changing climate and achieving sustainable outcomes.	Quarterly	Cr Price	Cr Shepherd		
Hume Region Local Government Network (HRLGN)	HRLGN comprises the Mayors and CEOs from all the Victorian LGAs in the Hume Region. The network provides a regional forum to discuss and determine approaches to issues across the Hume Region.	Quarterly	Mayor			CEO
Lake Hume Recreational Coordinating Committee	The Coordinating Committee is convened by Goulburn Murray Water to advise on water and land use issues affecting Lake Hume. It comprises community, departmental and LGA representative from NSW and Victoria.	3 times per year	Cr Croucher			nil
MDBA Advisory Group - Hume to Yarrawonga Waterway Management	The Advisory Group was established by the Murray Darling Commission to advise on integrated waterway and floodplain management on this stretch of the Murray. It comprises LGAs from both NSW and Victorian sides of the river.	Two per year	Mayor			Cr Croucher
Municipal Association of Victoria (ISC Representative) (MAV)	MAV Member representative for Council. Represents Council at MAV State Council, meets twice a year and can vote for MAV Board positions.	Two per year	Mayor			Deputy Mayor
Murray Arts	Murray Arts is one of 14 Regional Arts Boards in NSW and services the local government areas of Albury City, Greater Hume and Corowa, the City of Wodonga, Indigo and Towong Shires. Its aim is to assist the ongoing development and participation in arts and culture throughout the Border region.	Quarterly	Cr Shepherd			Cr Croucher
Murray Darling Basin Authority's Advisory Group of Hume to Yarrawonga Waterway Management (AGHYWM)	The purpose of the AGHYWM meetings is to discuss pertinent to waterway management in the Hume Dam to Yarrawonga reach of the River Murray, including the implementation of the Hume to Yarrawonga Remedial River Works Program.	Two per year	Mayor			

EXTERNAL COMMITTEES	Function of Committee	Meeting Frequency	Councillor Representation			
			Councillor 1	Councillor 2	Councillor 3	Sub
North East Waste & Resource Recovery Group	ISC is a member of the North East Waste & Resource Recovery Group, established under the EPA Act. The forum for the North East WRRG consists of a representative from each of the seven (7) councils and three (3) alpine management resorts in the region. The NEWRRG is responsible for planning and facilitating the development of waste and resource recovery services across the north east region. One of NEWRRG's main responsibilities has been developing the implementation plan for the north east region.	Quarterly	Cr Shepherd			
Ovens & Murray Regional Assembly	Nine Regional Partnerships have been established across the State by the Victorian Government to give regional communities greater say about what matters to them and ensure their voices reach the heart of government. Ovens Murray Regional Partnership holds an annual Regional Assembly to bring together people from the community, industry and government to consider the region's top priorities. The Mayor and CEO from the 7 LGAs in the Regional Partnership attend.	Annually: November	Mayor			Deputy Mayor
Rural Councils Victoria (RCV)	Rural Councils Victoria (RCV) is an organisation representing Victoria's rural councils, and comprises the Mayors and CEOs from 37 Small Rural LGAs. RCV provides a forum to identify and determine issues and advocacy approaches for small rural councils.	Quarterly	Mayor			Deputy Mayor

7.2 APPOINTMENT OF CHAIR TO AUDIT AND RISK COMMITTEE

File No: 2021/886

Trevor Ierino - Chief Executive Officer

Executive Management

For Decision

RECOMMENDATION

That Council appoints [REDACTED] as Chair of the Audit and Risk Committee from 23 November 2021 until 5pm the day of the annual Statutory Meeting of the Council in November 2022.

Resolution

That Council appoints Mr Ross Kearney as Chair of the Audit and Risk Committee from 23 November 2021 until 5pm the day of the annual Statutory Meeting of the Council in November 2022.

Moved: Cr Price

Seconded: Cr Horne

For: Crs Peter Croucher, Bernard Gaffney, Larry Goldsworthy, Roberta Horne, Jenny O'Connor, Sophie Price and Diane Shephard

Against: Nil

Carried

PURPOSE OF REPORT

The report presents the recommendation of the Audit and Risk Committee for the election of a Chair to the Committee.

BACKGROUND

The Audit and Risk Committee is established under the *Local Government Act 2020* (the Act). Under the Audit and Risk Committee Charter, the Committee must put forward a recommendation for Chair (and may put forward a recommendation for a Deputy Chair). Only Council can formally appoint the Chair (and a Deputy Chair) by resolution at a Council Meeting.

DISCUSSION

The Act dictates that the Chair of the Audit and Risk Committee cannot be a Councillor, and must be drawn from one of the independent members.

The independent members of the committee have been consulted and have recommended a chair for the next 12 months. This is in accordance with a long-standing practice of the Audit Committee to rotate the chair each year.

Options

Council must appoint a Chair to comply with section 53(4) of the Act.

Council may choose to appoint a Chair not recommended by the Committee. Past practice however has been for the independent members to decide on the next chair.

STRATEGIC CONTEXT

COUNCIL PLAN 2021 – 2025	
Theme	5. Accountability
Strategic Objective	5.5 Our Councillors and organisation are committed to the highest level of governance practices and conduct.

The appointment of a Chair completes the requirement under the Act to establish an Audit and Risk Committee.

SOCIAL/COMMUNITY IMPLICATIONS

The Audit and Risk Committee provides oversight of the Council around matters of transparency, accountability, probity and risk, which has an impact on public trust.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

FINANCIAL IMPLICATIONS

Under section 53(6) of the Act, Council may pay a fee to a member of the Audit and Risk Committee who is not a member of Council. This fee has been budgeted for and there are no additional financial implications arising from this decision.

LEGISLATIVE IMPLICATIONS

The appointment of a Chair by Council is compliant with obligations under the Act.

RISK & OPPORTUNITY MANAGEMENT

The appointment of a Chair as recommended by the Committee is a statutory function of Council which carries minimal risk.

COMMUNITY ENGAGEMENT

Community engagement was not required.

Following a Council decision the community will be informed of the appointment with the other announcements of appointments and elections following the Statutory Meeting.

CONCLUSION

The recommendation from the independent members of the Audit and Risk Committee, and the appointment of a Chair are compliant with the Act as well as the Audit and Risk Committee Charter.

DECLARATION OF CONFLICT OF INTEREST

Under section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Trevor Ierino – Chief Executive Officer
- Jane Still – Acting Executive Manager People and Governance

Attachments

Nil

STATUTORY MEETING MINUTES - 23 NOVEMBER 2021

The meeting closed at 7.01pm.

The next Council Meeting will be held at 6.30pm, Tuesday 30 November 2021.