



# City of Whitehorse

## AGENDA

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***In accordance with the COVID-19 Omnibus (Emergency Measures) Bill 2020 – Amendment of Local Government Act 2020 our Council meetings remain open to the public via Live stream only, please do not attend in person. Meetings can be viewed via Council's live stream platform <https://webcast.whitehorse.vic.gov.au/video.php>***

### **Statutory Council Meeting to Elect Mayor and Deputy Mayor**

on

**Monday 8 November 2021**

at 7:00pm

**Members:** Cr Barker, Cr Carr, Cr Cutts, Cr Davenport, Cr Lane, Cr Liu, Cr McNeill, Cr Massoud, Cr Munroe, Cr Skilbeck, Cr Stennett

**Mr Simon McMillan**  
Chief Executive Officer

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*The recording will be archived and made publicly available on Council's website within 48 hours after the meeting on [www.whitehorse.vic.gov.au](http://www.whitehorse.vic.gov.au) for a period of three years (or as otherwise agreed to by Council).*

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## TABLE OF CONTENTS

1	PRAYER .....	2
2	WELCOME AND APOLOGIES.....	2
3	ADDRESS BY IMMEDIATE PAST MAYOR .....	2
4.	TERM OF THE MAYOR.....	3
5.	ELECTION OF THE MAYOR.....	4
6.	OFFICE OF DEPUTY MAYOR.....	7
7.	ELECTION OF THE DEPUTY MAYOR.....	8
8.	CLOSE MEETING .....	8

## AGENDA

### 1 PRAYER

#### 1a Prayer for Council

*We give thanks, O God, for the Men and Women of the past whose generous devotion to the common good has been the making of our City.*

*Grant that our own generation may build worthily on the foundations they have laid.*

*Direct our minds that all we plan and determine, is for the wellbeing of our City.*

***Amen.***

#### 1b Aboriginal Reconciliation Statement

*“Whitehorse City Council acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land we are meeting on and we pay our respects to their Elders past, present and emerging and Aboriginal and Torres Strait Islanders from communities who may be present today.”*

### 2 WELCOME AND APOLOGIES

### 3 ADDRESS BY IMMEDIATE PAST MAYOR

- 3.1 Immediate Past Mayor Councillor Andrew Munroe to address the meeting on his year as Mayor.

#### **4. Term of the Mayor**

4.1 The *Local Government Act 2020* states that:

- At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.

*(section 25 (1))*

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

*(section 26 (3))*

- If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.

*(section 26 (4))*

- If the Mayor is elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.

*(section 26 (5))*

Whitehorse has traditionally elected a Mayor for a one-year term.

#### **RECOMMENDATION**

***That Council resolves to elect the Mayor for a term of one year commencing 8 November 2021 until the date of the next Council meeting for the Election of the Mayor.***

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## 5. Election of the Mayor

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### **SUMMARY**

*The election of the Mayor takes place in accordance with Section 25 of the Local Government Act 2020 and the Whitehorse City Council Governance Rules which requires:*

- *That voting at a meeting that is open to the public be conducted openly by show of hands;*
- *The election of the Mayor to be chaired by the Chief Executive Officer and conducted in accordance with the Council's Governance Rules.*

#### 5.1 The Role of the Mayor and Specific Powers of the Mayor

##### 5.1.1 The Role of the Mayor

Section 18 (1) of the *Local Government Act 2020* defines the functions of the Mayor to include:

- a) Chair Council meetings; and
- b) Be the principal spokesperson for the Council; and
- c) Lead engagement with the municipal community on the development of the Council Plan; and
- d) Report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- e) Promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- f) Assist Councillors to understand their role; and
- g) Take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- h) Provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- i) Perform civic and ceremonial duties on behalf of the Council.

#### *Mayoral Role*

The Mayor is elected by Council to represent the views and directions of Council in performing various roles and duties.

The role of Mayor as Chair of Council and community leader is crucial to effective relationships with the administration and to good governance.

The Mayor should ensure good governance within Council, providing the basis for sound strategy for the City.

The Mayor of Whitehorse is a leader, a representative of the community and the custodian of Council's customs and traditions.

### *The Mayor as Civic Leader*

The Mayor also acts as the principal spokesperson for the Council and is seen in the community as representing the Council as a whole. The Mayor is often charged with speaking publicly on behalf of the Council both in the media and at public events.

The Mayor also has a leadership role in liaising with important community, business and other stakeholders to promote the interests of the Council and local community. In doing so the Mayor should reflect the views of the Council not individual views; the Mayor's responsibility is to articulate Council policies and positions fairly and accurately.

The Mayor is also expected to undertake civic and ceremonial duties during their term of office; these duties are extensive and diverse and include the Mayor representing Council at important civic functions in the municipality in a respectful and dignified manner.

### *The Mayor as Chair*

The Mayor plays an important civic and organisational role when presiding over formal meetings of Council.

In order for the Mayor to show good leadership and performance, he or she must display proper chairing of meeting skills and proper application of the Meeting Procedures.

It is expected that a high performing Mayor will have a positive impact on the performance and attitudes of Councillors in formal meetings.

The community's perception of Council is often formed from the performance of the Mayor in formal meetings. It is vital that the Mayor is always well prepared for meetings, to ensure a good professional performance, ie. ensure that the meeting agenda is read and any special proceedings are understood, and governance advice is obtained where required.

#### 5.1.2 Specific Powers of the Mayor

Section 19 (1) of the *Local Government Act 2020* defines the following specific powers of the Mayor to:

- a) Appoint a Councillor to be the chair of a delegated committee;
- b) 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;
- c) Require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

- 5.2 The election of the Mayor must be:
- 1) Held at a Council Meeting that is open to the public;  
*(section 25 (1) of the Local Government Act 2020)*
  - 2) Chaired by the Chief Executive Officer; and  
*(section 25 (3)(a) of the Local Government Act 2020)*
  - 3) Conducted in accordance with the Governance Rules, which requires:  
*(section 25(3)(b) of the Local Government Act 2020)*
    - a) The election of the Mayor to be carried out by a show of hands; and  
*(Part B (5) of the Governance Rules 2020)*
    - b) The Chief Executive Officer to open the meeting at which the Mayor is to be elected and invite nominations for the office of the Mayor.  
*(Part B (6) of the Governance Rules 2020)*
- 5.3 The Chairperson, Chief Executive Officer Simon McMillan calls for nominations for the position of Mayor, for the Mayoral term as resolved by Council under item 5 of this agenda.
- a) Councillors may self-nominate;
  - b) Nominations must be seconded by another Councillor;
  - c) Any Councillor nominated may refuse nominations.
- 5.4 Each candidate for Mayor is given up to three minutes to address Councillors.
- 5.5 The Chief Executive Officer conducts the election (if required); announces the appointment of the Mayor and escorts the Mayor to the Chair

**The Mayor takes the Chair**

- 5.6 Address and expression of appreciation by incoming Mayor.
- 5.7 Expressions of congratulations by Councillors to the new Mayor.

## 6. Office of Deputy Mayor

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### **SUMMARY**

*The Local Government Act 2020 provides that a Council may establish an office of Deputy Mayor. Council is required to determine whether to establish an office of the Deputy Mayor for the 2021/22 Mayoral term, and then call for nominations for a Deputy Mayor.*

### **Office of Deputy Mayor**

Section 20A of the *Local Government Act 2020* (LGA 2020) states that:

- 1) A Council may establish an office of Deputy Mayor.
- 2) If the Council has established an office of Deputy Mayor, the provisions of the LGA 2020 relating to the office of Deputy Mayor apply.
- 3) If a Council has not established an office of Deputy Mayor, section 20B in relation to an Acting Mayor applies.

### **Roles and powers of the Deputy Mayor**

Section 21 of the LGA 2020 requires that:

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 of Mayor for any reason, including illness; or
- c) The office of Mayor is vacant.

Council is required to determine whether to establish an office of the Deputy Mayor, and then call for nominations for a Deputy Mayor for the 2021/22 Mayoral term should it be determined to establish the office of Deputy Mayor.

Any Councillor (except the Mayor) is eligible for election to the office of Deputy Mayor.

### **Financial Implications**

The Deputy Mayor receives a Councillor Allowance, however the LGA 2020 does not permit a level of remuneration for the office of Deputy Mayor.

There is a budget allocation for Mayoral and Councillor Allowances to meet statutory requirements.

### **RECOMMENDATION**

*That:*

1. ***Council resolves to establish an office of the Deputy Mayor.***
  2. ***An election be conducted in accordance with the Local Government Act 2020 and the Whitehorse City Council Governance Rules, to appoint a Deputy Mayor.***
  3. ***Council note that the term of the Deputy Mayor is identical to the term of the Mayor, as resolved by Council under item 4 of this Agenda.***
  4. ***Council note that the Local Government Act 2020 does not currently permit a level of remuneration over and above that available to Councillors for the position of Deputy Mayor.***
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## **7. Election of the Deputy Mayor**

- 7.1 The Election of the Deputy Mayor must be:
1. Held at a Council Meeting that is open to the public;  
*(section 25 (1) and (27) Local Government Act 2020.)*
  2. Chaired by the Mayor, the Mayor will be the Returning Officer for the Election of the Deputy Mayor.  
*(Part B (7) Governance Rules 2020).*
  3. Conducted in accordance with the Governance Rules 2020 which requires the:
    - a) Method of voting to be carried out by a show of hands  
*(Part B (5) (1) Governance Rules 2020)*
    - b) Mayor to invite nominations for the office of the Deputy Mayor  
*(Part B (6) Governance Rules 2020).*
- 7.2 The Mayor as Chairperson calls for nominations for the position of Deputy Mayor for the Mayoral term.
- 7.3 Each candidate for Deputy Mayor is given up to three minutes to address Councillors.
- 7.4 The Mayor conducts the election (if required); announces the appointment of the Deputy Mayor.

## **8. Close Meeting**