



City of Whitehorse

MINUTES

Council Meeting Election of the Mayor and Deputy Mayor 2020/2021

Held in the
Council Chamber
Nunawading Civic Centre

379 Whitehorse Road Nunawading

on

Wednesday 18 November 2020

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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Meeting opened at 7:00pm

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

In accordance with Whitehorse City Council Governance Rules 2020 the Chief Executive Officer was the temporary Chairperson to chair the meeting. The Chief Executive Officer was the Returning Officer at which the election of the Mayor was conducted but had no voting rights. The Chief Executive Officer facilitated the election of the Mayor in accordance with the provisions of the *Local Government Act 2020*.

1 PRAYER

The Prayer and Aboriginal Reconciliation Statement was read by the temporary Chairperson Chief Executive Officer Mr Simon McMillan.

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

"In the spirit of reconciliation Whitehorse City Council acknowledges the Wurundjeri people as the traditional custodians of the land we are meeting on. We pay our respects to their Elders past and present."

2 WELCOME AND APOLOGIES

The temporary Chairperson Chief Executive Officer Mr Simon McMillan, introduced Councillors and members of staff and welcomed members of the public viewing the meeting via Council's live streaming service.

APOLOGIES: Nil

MOTION

Moved by Cr Lane, Seconded by Cr Cutts

That the meeting be adjourned for three minutes.

CARRIED

The meeting was adjourned at 7.04pm

MOTION

Moved by Cr Massoud, Seconded by Cr McNeill

That the meeting resume.

CARRIED

The meeting resumed at 7.07pm

3. Oath or Affirmation of Office

SUMMARY

Following the Whitehorse City Council General Election held on 24 October 2020, the Victorian Electoral Commission declared the results of the Whitehorse City Council Election on 11 November 2020. Before being capable of acting as a Councillor, all persons elected to be Councillors must take the oath or affirmation of office. The declaration must be in writing and witnessed by the Chief Executive Officer.

Whitehorse City Councillors took their Oath of Office or made their Affirmation of Office on Thursday 12 November 2020.

COUNCIL RESOLUTION

Moved by Cr Stennett, Seconded by Cr Liu

That Council note the following Councillors made an Oath or Affirmation of Office on Thursday 12 November 2020, administered and witnessed by the Chief Executive Officer:

Cootamundra Ward - Andrew Munroe

Eley Ward - Trudy Skilbeck

Elgar Ward - Blair Barker

Kingsley Ward - Amanda McNeill

Lake Ward - Denise Massoud

Mahoneys Ward - Mark Lane

Simpson Ward - Prue Cutts

Sparks Ward - Tina Liu

Terrara Ward - Raylene Carr

Walker Ward - Ben Stennett

Wattle Ward - Andrew Davenport

CARRIED

BACKGROUND

The Whitehorse City Council General Election was held on 24 October 2020, with the Victorian Electoral Commission formally declaring the election results on 11 November 2020.

Under Section 30 of the *Local Government Act 2020* in relation to oath or affirmation of office the following applies:

- 1) 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 Regulations
- 2) The oath or affirmation of must be:
 - a) Administered by the Chief Executive Officer; and
 - b) Dated and signed before the Chief Executive Officer; and
 - c) Recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

Under Regulation 5 of the *Local Government (Governance and Integrity) Regulations 2020* in respect of oath or affirmation of office the following applies:

For the purposes of section 30(1) of the *Local Government Act 2020*, the prescribed manner for taking the oath or affirmation of office is:

- a) In accordance with the requirements of Part 2 of the Oaths and Affirmations Act 2018; and
- b) In person or, with the approval of the Chief Executive Officer, by means of an audio visual link; and
- c) In the following form:

"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 and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement."

In accordance with Part 2, section 7 of the *Oath and Affirmations Act 2018*, a person required to take an oath may choose to take an oath or to make an affirmation.

Councillor Code of Conduct

Section 139 (4) of the *Local Government Act 2020*, requires a Council to review and adopt the Councillor Code of Conduct within four months after a general election.

Section 139 (5) of the *Local Government Act 2020*, states that until a Council adopts a Councillor Code of Conduct under subsection (4), the Councillors must comply with the existing Councillor Code of Conduct.

All Councillors have received a copy of the (existing) City of Whitehorse Councillor Code of Conduct which was adopted by Council 20 February 2017.

4. Mayoral and Councillor Allowances

(Note: For information only – No Council Resolution required.)

At the Ordinary Council Meeting held 20 March 2017, Council in accordance with the *Local Government Act 1989*, resolved to set the Mayoral and Councillor allowances for the period 1 July 2017 to 30 June 2021.

The Mayoral and Councillor allowances (subject to State Government adjustments) are set at \$100,434 per annum, plus the equivalent of the superannuation guarantee contribution (currently 9.5%) for the Mayoral allowance and \$31,444 per annum, plus the equivalent of the superannuation guarantee contribution (currently 9.5%) for the Deputy Mayor, and for Councillor allowances. The Mayor also receives a fully maintained motor vehicle.

Despite the repeal of sections 73B and 74 to 74B of the *Local Government Act 1989*, those sections continue to apply in respect of allowances payable to Mayors and Councillors until the first Determination made by the Victorian Independent Remuneration Tribunal (Tribunal) under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* comes into effect. A first Determination has not yet been made by the Tribunal.

The Minister for Local Government is required to annually review the current amounts, limits and ranges of Mayoral and Councillor Allowances to determine whether an adjustment factor should be applied. The Minister conducted this review under 74B of the *Local Government Act 1989* and determined that this year, no adjustment to allowances will be made in respect of all Councils.

5. Term of the Mayor

SUMMARY

5.1 The *Local Government Act 2020* states that:

- 5.1.1 The Councillors must elect a Councillor to be the Mayor of the Council.
(*section 28 (1)*)
- 5.1.2 A Mayor is to be elected no later than one month after the date of a general election
(*section 26 (1)*)
- 5.1.3 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)*)

COUNCIL RESOLUTION

Moved by Cr Massoud, Seconded by Cr Stennett

The Mayor to be elected at this meeting will hold the position of Mayor for a term of one year, ie term will be 18 November 2020 to 8 November 2021.

CARRIED UNANIMOUSLY

6. Election of the Mayor

SUMMARY

The Local Government Act 2020 states that a Mayor is to be elected no later than one month after the date of a general election.

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 2020 which requires:

- *voting at a meeting that is open to the public to be conducted openly by show of hands;*
- *that the election of the Mayor be chaired by the Chief Executive Officer and*

6.1 The Role of the Mayor and Specific Powers of the Mayor

6.1.1 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

6.1.2 Specific Powers of the Mayor

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

- a) To appoint a Councillor to be the Chair of a delegated committee;
- b) 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;
- c) To require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

Election of the Mayor

- 6.2 The temporary Chairperson, Chief Executive Officer Mr Simon McMillan outlined how the Election of the Mayor would be conducted.

- 6.3 The temporary Chairperson, Chief Executive Officer Mr Simon McMillan called for nominations for the position of Mayor, for the Mayoral term 18 November 2020 to 8 November 2021.

There were two nominations for the position of Mayor.

Councillor Munroe nominated himself, seconded by Councillor Liu

Councillor McNeill nominated Councillor Barker, seconded by Councillor Davenport (Councillor Barker accepted the nomination)

- 6.4 Each candidate for Mayor in order of nomination was allowed three minutes to address fellow Councillors.

- 6.5 In accordance with Council's Governance Rules 2020, Mr Simon McMillan acting as the returning officer then conducted the vote for the election of the Mayor for the 2020 -2021 Mayoral Term.

Following the vote, Councillor Andrew Munroe having reached an absolute majority of votes was declared Mayor of the City of Whitehorse.

- 6.6 The Chief Executive Officer Mr Simon McMillan as Returning Officer congratulated Councillor Munroe on his election as Mayor.

At this point, Councillor Munroe briefly left the Council Chamber to be fitted with the Mayoral robe and medallion and then returned and assumed the Chair.

- 6.7 Address and expression of appreciation by incoming Mayor.

Councillor Munroe thanked the Councillors for their support. Councillor Munroe said it was an immense privilege to have been re-elected for a fourth term at City of Whitehorse, where he has been a resident for 57 years, where he grew up and raised his family. Councillor Munroe said he has good relationships with the returning Councillors and looks forward to getting to know the new Councillors. Councillor Munroe looks forward to working with Councillors on their aspirations and will provide strong and effective communication between Mayor, CEO and the Executive and back to the Council unit. Councillor Munroe said he intends to be fair but firm with the proceedings in the Chamber over his Mayoral Term.

- 6.8 Councillors then congratulated Councillor Munroe on his election as Mayor.

7. Office of Deputy Mayor

SUMMARY

The Local Government Act 2020 provides that a Council may establish an office of Deputy Mayor.

Office of Deputy Mayor

Section 20A of the *Local Government Act 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 *Local Government Act 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.

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 2020/21 Mayoral term should it be determined to establish the office of Deputy Mayor. The election of the Deputy Mayor must be conducted within one month of the general election date. Any Councillor is eligible for election to the office of deputy Mayor.

Financial Implications

The Deputy Mayor receives a Councillor allowance, the *Local Government Act 2020* does not (currently) permit a level of remuneration for the office of Deputy Mayor.

COUNCIL RESOLUTION

Moved by Cr Davenport, Seconded by Cr Lane

That:

1. ***Council resolve 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 2020, to appoint a Deputy Mayor.***
3. ***The term of the Deputy Mayor be identical to the term of the Mayor, as resolved by Council under item 5 of this Agenda.***
4. ***Council note that the Local Government Act 2020 does not permit a level of remuneration over and above that available to Councillors for the position of Deputy Mayor.***
5. ***Council officers prepare a protocol document for the role of the Deputy Mayor, for matters not prescribed under section 21 of the Local Government Act 2020.***

CARRIED UNANIMOUSLY

8. Election of the Deputy Mayor

SUMMARY

- 8.1 The Election of the Deputy Mayor took place in accordance with sections 25 (1) and 27 of the *Local Government Act 2020* which requires:
- 8.1.1 the election to be chaired by the Mayor, and the Mayor to be the returning officer for the election of the Deputy Mayor.
 - 8.1.2 the election of the Deputy Mayor to be held at a Council Meeting that is open to the public, with the method of voting to be carried out by a show of hands.
- 8.2 The Mayor invited nominations for the office of the Deputy Mayor in accordance with Part B Rule 7 of the Governance Rules 2020.
- 8.3 The Mayor as Chairperson called for nominations for the position of Deputy Mayor, for the Mayoral term 18 November 2020 to 8 November 2021.

There were two nomination for the position of Deputy Mayor.

Councillor Barker nominated Cr Cutts, seconded by Councillor McNeill.
(Councillor Cutts accepted the nomination)

Councillor Lane nominated Councillor Carr, seconded by Councillor Massoud,
(Councillor Carr accepted the nomination)

- 8.4 Each candidate for Deputy Mayor in order of nomination was given up to three minutes to address fellow Councillors.
- 8.5 In accordance with Council's Governance Rules 2020 the Mayor acting as the returning officer then conducted the vote for the election of the Deputy Mayor for the period 18 November 2020 to 8 November 2021.

Following the vote, Councillor Carr having reached an absolute majority of votes was declared Deputy Mayor of the City of Whitehorse.

- 8.6 The Mayor as returning officer congratulated Councillor Carr on her election as Deputy Mayor.

9. Acknowledgement of former Councillors

Bill Bennett was first elected to the Whitehorse City Council in October 2012 and was re-elected to Council in October 2016. During his time on Council, Bill Bennett was Mayor for the 2018/2019 Mayoral term.

Sharon Ellis was first elected to the Whitehorse City Council in March 2003, and re-elected in November 2005, November 2008, October 2012 and October 2016. During her time on Council Sharon Ellis was elected Mayor of Whitehorse three times: 2005/2006, 2013/2014 and 2019/2020 Mayoral terms.

Tanya Tescher was elected to the Whitehorse City Council in October 2016 and resigned from Council in April 2017.

The Mayor acknowledged the service of the Councillors and wished the Councillors well.

10. CLOSE MEETING

Meeting closed at 7.50pm

Confirmed this 30th day of November 2020

CHAIRPERSON