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Agenda



For a meeting of the eighth Campaspe Shire Council to be held on Tuesday, 17 November 2020, commencing at 5:00pm at the Council Chambers, Echuca Civic Centre.

Temporary Chairperson

In accordance with clause 6.4(1) of the Governance Rules the Chief Executive Officer will act as the Temporary Chairperson of the meeting for the election of the Mayor and will have no voting rights, and assumes the Chair.

Opening Prayer

We pray to almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

Amen

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this Country.

We acknowledge their living culture and their unique role in the life of this region.

Meeting Procedures

Please ensure that all electronic devices are turned off or switched to silent.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

Business

1. Apologies

2. Oath or Affirmation of Office

Local Government Act 2020

30 Oath or affirmation of office

- (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 office 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.*

Declan Moore, the Chief Executive Officer, will repeat the results of the Council elections at the declaration of the poll held on 4 November 2020. He will then invite to the lectern, in alphabetical order, each Councillor who will take the Oath or Affirmation of Office.

3. Term of the Mayor

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

The term of office of Mayor will commence on 17 November 2020 upon appointment by Council and become vacant at 6:00am on the date of the November 202_ Council Meeting.

Recommendation

That Council resolve that the Mayor be elected for a term of ___ year/s.

4. Election of Mayor

The Chief Executive Officer will conduct the election of the Mayor in accordance with the Governance Rules and section 26 of the *Local Government Act 2020*.

Election of Mayor Procedure (Reference Governance Rules)

6.6 Nominations for the Office of Mayor

- (1) The CEO will call for nominations for the position of Mayor and confirm acceptance of the nomination with the nominee.
- (2) Any Councillor nominated may refuse nomination.
- (3) If there is only one nomination for the position of Mayor, that person is deemed to be elected Mayor.
- (4) If there is more than one nomination at the Council Meeting, the election of the Mayor will follow rule 6.8 of these Governance Rules.

6.8 Determining the Election of the Mayor and Deputy Mayor

- (1) The process to elect the Mayor and Deputy Mayor is:
 - (a) If there is more than one nomination (each of which must be seconded), the Councillors present at the meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected.
 - (b) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates by a show of hands.
 - (c) If one (1) of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidate by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate will then be declared to have been duly elected.
- (2) In the event of two (2) or more candidates having equal votes and one (1) of them having to be declared:
 - (a) a defeated candidate; or
 - (b) duly elected;

The temporary Chair will have no voting rights (R6.4 Governance Rules), and the result will be determined by lot.

6.9 Determining by Lot

- (1) If a lot is required, the CEO will conduct the lot and the following provisions will apply:
 - (a) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors surnames are identical, the order shall be determined by the alphabetical order of the Councillor's first name;
 - (b) As many identical pieces of paper as there are Councillors who receive an equal number of votes shall be placed in a receptacle provided by the CEO;
 - (c) Each candidate will draw one (1) lot;
 - (d) If the lot is being conducted to determine which candidate is to be duly excluded, the word "Excluded" shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word "Excluded" written on it shall be declared to have been excluded.
 - (e) If more than one candidate remains, a further drawing of lots will be conducted until one candidate remains and declared the Mayor.

Recommendation

That Councillor _____ be nominated for the Office of Mayor.

5. Installation of Mayor

Election of Mayor Procedure (Reference Governance Rules)

6.11 Mayor to Take Chair

- (1) After the election of the Mayor is determined, the Mayor will take the Chair.

6.12 Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech to outline the priorities for the year ahead based on the adopted Council Plan.

6. Office of Deputy Mayor or Acting Mayor

Council can determine whether to establish an office of the Deputy Mayor or appoint an Acting Mayor in accordance with sections 20A, 20B and 21 of the *Local Government Act 2020*.

Local Government Act 2020

20A Office of Deputy Mayor

- (1) A Council may establish an office of Deputy Mayor.
- (2) If the Council has established an office of Deputy Mayor, the provisions of this Act relating to the office of Deputy Mayor apply.
- (3) If a Council has not established an office of Deputy Mayor, section 20B applies.

20B Acting Mayor

- (1) A Council may appoint a Councillor to be the Acting Mayor when —
 - (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.

(2) An appointment under subsection (1) must be for a period specified by the Council.

(3) If —

- (a) an appointment has not been made under subsection (1) or has expired; and
- (b) any of the circumstances specified in subsection (1)(a), (b) or (c) apply—

the Council must appoint a Councillor to be the Acting Mayor for a period specified by the Council.

(4) An Acting Mayor —

- (a) must perform the role of the Mayor; and
- (b) may exercise any of the powers of the Mayor —

until the circumstances specified in subsection (1) no longer apply or the period of the appointment expires, whichever first occurs.

(5) If an Acting Mayor has been appointed, unless inconsistent with the context or subject matter, a reference in this Act (except in sections 20 and 23, Division 4 of this Part and sections 61(6) and 236(4)) to the Mayor includes a reference to the Acting Mayor.

21 Role and powers of the Deputy Mayor

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.

Recommendation

That Council establish:

1. **A Deputy Mayor;**

or

2. **An Acting Mayor as required and in accordance with sections 20A, 20B and 21 of the *Local Government Act 2020*.**

Note: Items 7 – 9 are subject to the resolution of item 6

7. Term of the Deputy Mayor or Acting Mayor (if applicable)

The Mayor will conduct the election of the Deputy Mayor or Acting Mayor in accordance with the Governance Rules and section 26 and 27 of the *Local Government Act 2020*. Council may determine by resolution whether the Deputy Mayor or Acting Mayor is to be elected for a one year or a two year term.

The term of office of Deputy Mayor or Acting Mayor will commence on 17 November 2020 upon appointment by Council and become vacant at 6:00am on the date of the November 202_ Council Meeting.

The following recommendation is placed before the Council for its consideration.

Recommendation

That Council resolve that the Deputy Mayor or Acting Mayor be elected for a term of __ year/s.

8. Election of Deputy Mayor or Acting Mayor (if applicable)

The Mayor will conduct the election of the Deputy Mayor or Acting Mayor in accordance with the Governance Rules and section 26 of the *Local Government Act 2020*.

Election of Deputy Mayor Procedure (Reference Governance Rules)

6.8 Determining the Election of the Mayor and Deputy Mayor

- (1) The process to elect the Mayor and Deputy Mayor is:
 - (a) If there is more than one nomination (each of which must be seconded), the Councillors present at the meeting must vote for one of the candidates by a show of hands. In the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected.
 - (b) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates by a show of hands.
 - (c) If one (1) of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidate by a show of hands must be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate will then be declared to have been duly elected.
- (2) In the event of two (2) or more candidates having equal votes and one (1) of them having to be declared:
 - (a) a defeated candidate; or
 - (b) duly elected;

The temporary Chair will have no second or casting vote, and the result will be determined by lot.

6.9 Determining by Lot

- (1) If a lot is required, the CEO will conduct the lot and the following provisions will apply:
 - (a) The order of drawing lots shall be determined by the alphabetical order of the surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors surnames are identical, the order shall be determined by the alphabetical order of the Councillor's first name;
 - (b) As many identical pieces of paper as there are Councillors who receive an equal number of votes shall be placed in a receptacle provided by the CEO;
 - (c) Each candidate will draw one (1) lot;
 - (d) If the lot is being conducted to determine which candidate is to be duly excluded, the word "Excluded" shall be written on one (1) of the pieces of paper and the Councillor who draws the paper with the word "Excluded" written on it shall be declared to have been excluded.
 - (e) If more than one candidate remains, a further drawing of lots will be conducted until one candidate remains and declared the Mayor.

Recommendation

That Councillor _____ be nominated for the Office of Deputy Mayor or Acting Mayor.

9. Installation of Deputy Mayor or Acting Mayor (if applicable)

The Mayor welcomes the elected Deputy Mayor or Acting Mayor, to the position as deputy leader of the Council.

10. Councillor Nominations to the Audit and Risk Committee

10.1. Audit and Risk Committee Charter and Appointment of Committee Members

Author:

Fleur Cousins, General Manager Corporate

Attachments:

10.1 Audit and Risk Committee Charter

1. Purpose

To meet the legislative requirements of the Local Government Act 2020, to adopt an Audit and Risk Committee Charter and establish an Audit and Risk Committee.

2. Recommendation

That Council:

1. Appoint Cr _____ and Cr _____ to the Audit and Risk Committee for a period of 12 months commencing 17 November 2020.
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3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest regarding this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Council has had an Audit and Risk Committee operating since 1997 to provide oversight of Council's discharge of its responsibilities in relation to financial and performance management, risk management, and its internal control environment.

In accordance with section 54(7) of the Local Government Act 2020 (the Act), Council approved the Audit and Risk Committee Charter at attachment 10.1 and appointed members to the Audit and Risk Committee on 21 July 2020.

7. Content

The Audit and Risk Committee is comprised of three (3) Independent Members and two (2) Councillor Members, with members appointed by Council resolution. Council may also choose to appoint an Independent Affiliate Member.

Based on the approved Audit and Risk Committee Charter, Independent Members are appointed for a four year term and may be appointed for two consecutive terms, an Independent Affiliate Member can be appointed for a two year term and Councillors will be appointed by Council on an annual basis.

The Act stipulates that Independent Members collectively, must have expertise in financial management and reporting and risk management and also have experience in public sector management. The current members of Council's Audit and Risk Committee have been recruited and appointed based on their defined skills and experience and collectively have the required skill set.

Councillors appointed to the Audit and Risk Committee are expected to attend the 5 meetings per annum and to report back to Council on the meetings. Copies of the agendas and minutes are provided to all Councillors.

In accordance with the Audit and Risk Committee Charter, the Mayor can attend any or all meetings and any other Councillors not appointed to the Committee may attend any meeting, however the Mayor and non appointed Councillors do not have any voting rights.

The Audit and Risk Committee formally reports to Council on a bi-annual basis through a report from the Chief Executive Officer.

The Councillors appointed to the Audit and Risk Committee in the previous year were Cr Leanne Pentreath and Cr John Zobec.

8. Issues and Risk Management

The purpose of the Audit and Risk Committee is to provide independent oversight and monitoring of Council's approach to financial and performance reporting, the internal control environment, risk management, fraud prevention systems and controls, internal audit, external audit and compliance management. The appointment of independent members with particular skills and experience is to enable independent advice to be provided to both Council and the administration in the performance of their responsibilities.

The appointment and participation of Councillors in the Audit and Risk Committee enables the oversight functions to be shared with the elected members of Council and ensuring the governance principles of the Act are being met.

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

9. Strategic Planning Environments

Strong and Engaged Communities No Impact

Resilient Economy No Impact

Healthy Environment No Impact

Balanced Services and Infrastructure No Impact

Responsible Management An active and diverse Audit and Risk Committee with the right level of skills and abilities, provides the public with the assurance that the operations and risks within the organisation have the appropriate oversight and that the necessary governance practices are being applied.

11. Meeting Close

Declare the Council meeting closed.

Declan Moore

Chief Executive Officer