

PYRENEES
— S H I R E —



AGENDA

Special Meeting of Council

6:00pm Tuesday 28 August 2018

**Council Chambers
BEAUFORT**

Public Copy

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OPENING PRAYER

Heavenly Father, we ask you to give your blessing to this Council, direct and prosper its deliberations to the advancement of your glory, and the true welfare of the people of the Pyrenees Shire.

Amen

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the people past and present of the Wadawurrung, Dja Dja Wurrung, and Djab Wurrung tribes, whose land forms the Pyrenees Shire.

We pay our respect to the customs, traditions and stewardship of the land by the elders and people of these tribes, on whose land we meet today.

APOLOGIES

WELCOME AND ACKNOWLEDGEMENT

Mayor Cr Clark welcome the newly elected Councillor, family and guests of the newly elected Councillor, guests of Council and members of the gallery.

Mayor Clark acknowledges the passing of the late Cr Michael O'Connor, former Councillor of Beaufort Ward from 2008 to May 2018 and Mayor of Pyrenees Shire Mayor in 2010/11, 2012/13 and 2015/16.

1. OATH OF OFFICE

Kathy Bramwell – A/Director Corporate & Community Services

File No: 26/04/04 – 2018 By-election

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for the newly elected Councillor of the Beaufort Ward to fulfil the statutory duties specified in section 63 of the *Local Government Act 1989* to enable that person to undertake the duties of Councillor through the taking of the Oath of Office.

BACKGROUND

In accordance with Section 63(1) of the *Local Government Act (1989)* a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the Oath of Office.

ISSUE / DISCUSSION

A person elected to be a Councillor is not capable of acting as a Councillor until the person has:

- Taken the Oath of Office; and
- Read the Councillor Code of Conduct and made a declaration stating that they will abide by the Councillor Code of Conduct. The declaration must be:
 - In writing; and
 - Witnessed by the Chief Executive Officer

Oath of Office:

The Oath of Office must be:

- Made before the Pyrenees Shire Council's Chief Executive Officer; and
- Dated and signed before the Chief Executive Officer; and
- Recorded in the minutes of the Council.

The following Oath of Office is to be taken by a Councillor in accordance with Division 2 of Part IV of the Evidence (Miscellaneous Provisions) Act 1958, and Section 63 of the Local Government Act 1989.

"I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the Pyrenees Shire and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act (1989) or any other Act to the best of my skill and judgement".

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Leadership

1.9 - Continually demonstrate good governance and improve the transparency, quality and consistency of our decisions.

ATTACHMENTS

1.1 Oath of Office – Affirmation or Oath

FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report.

CONCLUSION

A person elected to be a Councillor must take the Oath of Office before they can become a Councillor.

RECOMMENDATION

That the newly elected Councillor of the Beaufort Ward take the Oath of Office and sign either the Affirmation or Oath witnessed by the Chief Executive Officer.

Affirmation or Oath of Office 2018

Affirmation or Oath

FORM OF AFFIRMATION

I do solemnly, sincerely, and truly declare and affirm I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the Pyrenees Shire Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Or

FORM OF OATH

I swear by Almighty God that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal district of the Pyrenees Shire Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1989* or any other Act to the best of my skill and judgement.

Name (Declarant)

Signed

Witnessed by the Chief Executive Officer, Jim Nolan

Declared before me at Beaufort on this
28th day of August 2018

2. COUNCILLOR CODE OF CONDUCT

Kathy Bramwell – A/Director Corporate & Community Services

File No: 26/04/04 - 2018 By-election

Declaration of Interest: As author of this report I have no disclosable interest in this item.

PURPOSE

The purpose of this report is for the newly elected Councillor of the Beaufort Ward to fulfil the statutory duties specified in section 63 of the *Local Government Act 1989* to enable that person to undertake the duties of Councillor through the reading and signing of the Councillor Code of Conduct; and

For the existing Councillors of the Pyrenees Shire Council to re-affirm that they will abide by the Councillor Code of Conduct.

BACKGROUND

In accordance with Section 63(1) of the Local Government Act (1989) a person elected to be a Councillor is not capable of acting as a Councillor until the person has read the Councillor Code of Conduct and, in accordance with subsection (3), made a declaration stating that they will abide by the Councillor Code of Conduct.

ISSUE / DISCUSSION

A person elected to be a Councillor is not capable of acting as a Councillor until the person has:

- Taken the oath of office; and
- Read the Councillor Code of Conduct and made a declaration stating that they will abide by the Councillor Code of Conduct. The declaration must be:
 - In writing; and
 - Witnessed by the Chief Executive Officer

The newly elected Councillor of the Beaufort Ward of the Pyrenees Shire Council must read the Councillor Code of Conduct and make a declaration stating that they will abide by the Councillor Code of Conduct, using the attached declaration.

It is requested that all Councillors of the Pyrenees Shire Council re-affirm their intention to abide by the Councillor Code of Conduct by signing the attached copy of the Code which was adopted by Council on 14 February 2017.

COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Leadership

1.9 - Continually demonstrate good governance and improve the transparency, quality and consistency of our decisions.

ATTACHMENTS

- 2.1 Councillor Code of Conduct – July 2017 - *circulated separately to this report*
- 2.2 Councillor Code of Conduct – Declaration

FINANCIAL / RISK IMPLICATIONS

There are no financial implications associated with this report.

CONCLUSION

A person elected to be a Councillor must sign a declaration stating that they will abide by the Councillor Code of Conduct. This must be done before they can become a Councillor.

RECOMMENDATION

That:

- the newly elected Councillor of the Pyrenees Shire signs the Councillor Code of Conduct declaration witnessed by the Chief Executive Officer; and
- the Councillors of the Pyrenees Shire sign the Councillor Code of Conduct, re-affirming that they have read the Code of Conduct and agree to abide by the Code.

PYRENEES
— S H I R E —



PYRENEES SHIRE COUNCIL

CODE OF CONDUCT 2017

Declaration by Councillor

I, _____, hereby declare that I have read the Councillor Code of Conduct for the Pyrenees Shire Council adopted on the 14th day of February 2017 and declare that I will abide by the Code.

Signed:	
Date:	

Witnessed by the Chief Executive Officer:	
Date:	



CLOSE OF MEETING

Meeting closed at

Minutes of the meeting confirmed

2018

Mayor