

PYRENEES
— S H I R E —



MINUTES

Special Meeting of Council

6:00pm Tuesday 28 August 2018

**Council Chambers
BEAUFORT**

Public Copy

ORDER OF BUSINESS

APOLOGIES	3
WELCOME AND ACKNOWLEDGEMENT	3
1. OATH OF OFFICE	4
2. COUNCILLOR CODE OF CONDUCT	4
CLOSE OF MEETING	6

PRESENT

Mayor: Cr David Clark

Councillors: Ron Eason, Robert Vance, Tanya Kehoe

Councillor in Elect: Damian Ferrari

IN ATTENDANCE

Chief Executive Officer– Jim Nolan

A/Director Asset and Development Services – Martin Walmsley

A/Director Corporate and Community Services – Kathy Bramwell

EA to CEO and Councillors – Jane Bowker (Minute Taker)

APOLOGIES

Nil

WELCOME AND ACKNOWLEDGEMENT

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

Mayor Clark acknowledged 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.

ACTION

Cr Damian Ferrari took the Oath of Office and signed the Oath witnessed by the Chief Executive Officer.

Cr Ferrari proceeded to make a speech advising that he is humbled and proud to be elected as Councillor of the Beaufort Ward and very grateful to the people who helped through the candidacy. He thanked the people who voted for him giving him the opportunity to work for Beaufort as a Councillor and to work with the community, Council and other Councillors. Cr Ferrari acknowledged the great work undertaken by the late Cr Michael O'Connor and will try to continue on his legacy by seeing through projects that Cr O'Connor had been working on.

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.

ACTION

Cr Damian Ferrari signed the Councillor Code of Conduct declaration witnessed by the Chief Executive Officer and the Councillor Code of Conduct affirming that he has read the Code and agrees to abide by the Code.

Cr Eason, Vance, Kehoe and Clark signed the Councillor Code of Conduct, re-affirming they have read the Code and agree to abide by the Code.

Mayor Cr Clark congratulated and welcomed Cr Ferrari and noted that he looks forward to working together for the final 2 years of the Councillor term.



CLOSE OF MEETING

Meeting closed at 6.09pm

Minutes of the meeting confirmed

2018

Mayor