



**Pyrenees**  
Shire Council

# Agenda

## Statutory Meeting of Council

6:00 pm Tuesday 12 November 2024  
Lexton Community Hub

*Dja Dja Wurrung Country*

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## 1. WELCOME

## 2. STREAMING PREAMBLE

- As the meeting Chair, I give my consent for this Statutory Council Meeting to be streamed live, recorded and published online. Anyone who is invited to read out a question or make a submission will be recorded and their voice, image, and comments will form part of that livestream and recording.
- The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances where deemed appropriate, that may include where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.
- The live stream will stop prior to the closed section of the meeting and will recommence for the conclusion of the meeting.
- The public is able to view this livestream via our website at [www.pyrenees.vic.gov.au](http://www.pyrenees.vic.gov.au).
- Should technical issues prevent the continuation of the live stream, the meeting will continue as long as a quorum can be maintained and, where possible, a recording of the meeting will be published on Council's website. Where a quorum cannot be maintained, the meeting will be adjourned until the issue is resolved or the meeting postponed to another time and date in accordance with Council's Governance Rules.

## 3. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the people past and present of the Wadawurrung, Dja Dja Wurrung, Eastern Maar and Wotjobaluk 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.

## 4. APOLOGIES

## 5. AFFIRMATION OR OATH OF OFFICE BY COUNCILLORS

Section 30 of the Local Government Act 2020 provides that:

### *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—*
  1. *administered by the Chief Executive Officer; and*
  2. *dated and signed before the Chief Executive Officer; and*
  3. *recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.*

Councillors to stand and individually read either the Affirmation or Oath of Office, and to sign and date a statement before the Chief Executive Officer containing the Affirmation or Oath of Office.

### Affirmation

*I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people in the municipal community. I will abide by the Councillor Code of Conduct and uphold the standards of the conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgement.*

### 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 community. I will abide by the Councillor Code of Conduct and uphold the standards of the conduct set out in the Councillor Code of Conduct. I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 or any other Act to the best of my skill and judgement.*

## **6. 2023/2024 MAYOR'S REPORT**

The immediate past Mayor, Robert Vance to provide a report on his term as Mayor.

## **7. ELECTION OF MAYOR**

The Local Government Act 2020 provides that:

### **Section 25 Election of Mayor**

- (1) *At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.*
- (2) *Subject to section 147 section 167, any Councillor is eligible for election or re-election to the office of Mayor.*
- (3) *The election of the Mayor must—*
  - (a) *be chaired by the Chief Executive Officer; and*
  - (b) *subject to this section, be conducted in accordance with the Governance Rules.*
- (4) *Subject to subsections (5) and (6), the Mayor must be elected by an absolute majority of the Councillors.*
- (5) *If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.*
- (6) *If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.*
- (7) *In this section, "absolute majority" means the number of Councillors which is greater than half the total number of the Councillors of a Council.*

### **Section 26 When is a Mayor to be elected?**

- (1) *A Mayor is to be elected no later than one month after the date of a general election.*
- (2) *...*
- (3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*

- 7.1 The Council to determine if the term of Mayor is to be for one or two years.
- 7.2 The Chief Executive Officer to invite nominations for position of Mayor.
- 7.3 Councillors to vote on the election of the Mayor.
- 7.4 The Chief Executive Officer to declare the position of Mayor.
- 7.5 The Chief Executive Officer to present newly elected Mayor with the gavel.

The gavel is a symbol of the authority and right to act officially in the capacity of a chair. It also represents the authority of the chair; thus the expression passing the gavel signifies an orderly succession from one chair to another.

7.6 The newly elected Mayor to take the Chair.

## **8. OFFICE OF DEPUTY MAYOR**

The Local Government Act 2020 provides that:

### ***Section 20A Office of Deputy Mayor***

(1) *“A Council may establish an office of Deputy Mayor.”*

### ***Section 27 Election of Deputy Mayor***

- (1) *Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*
- (2) *Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*

8.1 Councillors to consider whether to appoint a Deputy Mayor, and if so for what term.

## 9. MODEL COUNCILLOR CODE OF CONDUCT

**Presenter:** Jim Nolan - Chief Executive Officer

**Declaration of Interest:** As presenter of this report, I have no disclosable interest in this item.

**Report Author:** Jim Nolan - Chief Executive Officer

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

**File No:** 16/24/12

### PURPOSE

The purpose of this report is to provide an opportunity for Councillors to adopt and sign the Model Councillor Code of Conduct 2024.

### BACKGROUND

The Model Councillor Code of Conduct is attached for Council consideration and adoption. The Code must be signed by all Councillors in the presence of the Chief Executive Officer and dated for it to become effective.

### ISSUE / DISCUSSION

An opportunity is provided for Councillors to sign the document in the presence of the Chief Executive Officer to demonstrate publicly their commitment to uphold the adopted Model Councillor Code of Conduct.

For any Councillor unable to attend the meeting in person, arrangements can be made for the signing at another suitable time.

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

The *Local Government Act 2020* provides that: -

Section 139:

#### Model Councillor Code of Conduct

- (1) Councillors must observe the Model Councillor Code of Conduct.
- (2) The purpose of the Model Councillor Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.
- (3) The Model Councillor Code of Conduct must—
  - (a) be prescribed; and
  - (b) include—
    - (i) standards of conduct to be observed by Councillors; and
    - (ii) matters directed at ensuring consistent standards of behaviour are observed across Councils.
- (4) A Council must publish the prescribed Model Councillor Code of Conduct on its Internet site.

## **ATTACHMENTS**

9.1.1 – Model Councillor Code of Conduct

## **FINANCIAL / RISK IMPLICATIONS**

Nil.

## **CONCLUSION**

An opportunity is provided for Councillors to sign the document in the presence of the Chief Executive Officer to demonstrate publicly their commitment to uphold the adopted Model Councillor Code of Conduct.

## **OFFICER RECOMMENDATION**

1. That Council adopt the Model Councillor Code of Conduct 2024
2. That Councillors sign the Model Councillor Code of Conduct 2024
3. That the Model Councillor Code of Conduct 2024 be published on Councils website.

## **10. RECOGNITION & PRESENTATION OF GIFTS**

Outgoing Mayor Robert Vance to be presented with a gift in recognition of the year of service as Mayor.

Jan Vance to be presented with a gift in recognition of the contribution to the community and the support to the Mayor over the past year.

Councillors to be recognised for their contribution to the Pyrenees Shire Council for their completed term in office.

## **11. CLOSE OF MEETING**