

# MINUTES

**SPECIAL MEETING**

**WARRNAMBOOL CITY COUNCIL**

**3:00 PM - MONDAY 16 MARCH 2020**



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## **VENUE:**

**Reception Room  
25 Liebig Street  
Warrnambool**

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### **COUNCILLORS**

Cr. Tony Herbert (Mayor)  
Cr. Robert Anderson  
Cr. Sue Cassidy  
Cr. Kylie Gaston  
Cr. Michael Neoh  
Cr. David Owen  
Cr. Peter Sycopoulis

Copies of the Warrnambool City Council's Agendas & Minutes  
can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)

**Peter B. Schneider**  
**CHIEF EXECUTIVE OFFICER**

## **AUDIO RECORDING OF COUNCIL MEETINGS**

All Open and Special Council Meetings will be audio recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Audio recordings of meetings will be made available for download on the internet via the Council's website by noon the day following the meeting and will be retained and publicly available on the website for 12 months following the meeting date. The recordings will be retained for the term of the current Council, after which time the recordings will be archived and destroyed in accordance with applicable public record standards. By participating in Open and Special Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal/sensitive information), for the purposes of Council carrying out its functions.

## **BEHAVIOUR AT COUNCIL MEETINGS**

Thank you all for coming – we really appreciate you being here. These meetings are the place where, we as Councillors, make decisions on a broad range of matters. These can vary greatly in subject, significance and the level of interest or involvement the community has. As part of making these decisions, we are presented with comprehensive information that helps us to form our position – you will find this in the agenda. It should also be remembered that the Council meeting is a “meeting of the Council that is open to the public”, not a “public meeting with the Council.” Each Council is required to have a local law that pertains to governance meeting procedures.

Warrnambool City Council has followed best practice in this regard and its Local Law No.1 - Governance (Meeting Procedures) Local Law provides regulations and procedures for the governing and conduct of Council meetings. Copies of the Conduct and Behaviour excerpt from Warrnambool City Council Local Law No. 1 - Governance (Meeting Procedures) Local Law can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au) or are available from the table at the rear of the room We thank you in anticipation of your co-operation in this matter.

**ORDER OF BUSINESS**

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**MINUTES OF THE SPECIAL MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN  
THE RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET,  
WARRNAMBOOL ON MONDAY 16 MARCH 2020 COMMENCING AT 3.12 PM**

**PRESENT:** Cr. Tony Herbert, Mayor/Chairman  
Cr. Robert Anderson  
Cr. Sue Cassidy  
Cr. Kylie Gaston  
Cr. Michael Neoh  
Cr. Peter Sycopoulis

**IN ATTENDANCE:** Mr Peter Schneider, Chief Executive Officer  
Mr Peter Utri, Director Corporate Strategies  
Mr Glen Reddick, Acting Director City Infrastructure  
Wendy Clark Executive Assistant

**1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT**

Almighty God  
Grant to this Council  
Wisdom, understanding and Sincerity of purpose  
For the Good Governance of this City  
Amen.

**ORIGINAL CUSTODIANS STATEMENT**

I wish to acknowledge the traditional owners of the land on which we stand and pay my respects to their Elders past and present.

**2. APOLOGIES**

Cr. David Owen

**3. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST  
IN ANY ITEM ON THE AGENDA**

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989 (as amended) direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), i.e.

- (a) direct financial interest
- (b) indirect interest by close association
- (c) indirect interest that is an indirect financial interest
- (d) indirect interest because of conflicting duties
- (e) indirect interest because of receipt of an applicable gift
- (f) indirect interest as a consequence of becoming an interested party
- (g) indirect interest as a result of impact on residential amenity
- (h) conflicting personal interest

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken. Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

Nil.

#### **4. LOCAL GOVERNMENT ACT SECTION 89 COMPLIANCE**

Section 89 of the Local Government Act requires Council to give at least 7 days public notice of holding a Special Council meeting unless urgent or extraordinary circumstances prevent a Council from complying with this section of the Act with the circumstances to be recorded in the minutes.

Due to the election of Peter Sycopoulis to fill the extraordinary vacancy created by the resignation of a Councillor and the need for the incoming Councillor to be part of the upcoming Council budget discussions, Council has been unable to give the required 7 days public notice.

## **5. REPORTS**

### **5.1. EXTRAORDINARY VACANCY COUNTBACK**

#### **PURPOSE:**

***This report provides information on the extraordinary councillor vacancy and countback.***

#### **EXECUTIVE SUMMARY**

An extraordinary vacancy was created on Council when Councillor Peter Hulin resigned effective 12 February 2020.

When an elected local councillor resigns or is otherwise unable to complete their term, an appropriate method of selecting a person to replace them must be used.

Countbacks occur for local councils when the vacancy to be filled is:

- in a multi-councillor ward or unsubdivided municipality and
- there is more than one eligible candidate remaining from the general election that was not elected.

It must be six months or more until the next local council election day.

Voters do not need to vote again in a countback as the ballot papers from the previous election are used.

In a countback, votes for the vacating councillor from the last election are redistributed to unsuccessful candidates according to the voters' preferences. A candidate who receives more than 50% of the votes is declared elected. If no candidate receives more than 50% of the vote, the candidate with the least votes is excluded and their votes are also redistributed. This process continues until a candidate can be declared elected.

Following the resignation from Council of Councillor Peter Hulin, the Victorian Electoral Commission conducted a countback for the vacancy on 11 March 2020 with Peter Sycopoulis being elected to fill the vacancy.

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**MOVED: CR. MICHAEL NEOH**  
**SECONDED: CR. SUE CASSIDY**

**That the report be received.**

**CARRIED – 6:0**

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#### **ATTACHMENTS**

Nil

## **5.2. DECLARATION OF COUNCILLOR OATH OF OFFICE AND COUNCILLOR CODE OF CONDUCT**

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 and read the Councillor Code of Conduct and made a declaration that they will abide by the Councillor Code of Conduct.

### **Oath of Office**

Under the provisions of the *Local Government Act 1989*, each elected Councillor is required to take the Oath of Office. This is required before a person elected to Council is capable of acting as a Councillor. As required by section 63(2) of the *Local Government Act*, the Oath of Office must be made before the Chief Executive, signed before the Chief Executive and be recorded in the Minutes of Council.

### **Councillor Code of Conduct**

The *Local Government Act 1989* (the Act) requires persons elected to Council to read the Councillor Code of Conduct (the Code) and make a declaration to abide by the Code before becoming a councillor. The declaration must be in writing and in the presence of the Chief Executive, as prescribed by section 63(3) of the Act.

- Cr. Peter Sycopoulis took the Oath of Office and declared to abide by the Councillor Code of Conduct.
- Cr. Sycopoulis gave an acceptance speech.

## **6. CLOSE OF MEETING**

**The meeting closed at 3.25pm.**

**CHAIRMAN**