

# MINUTES ANNUAL (STATUTORY) MEETING

**WARRNAMBOOL CITY COUNCIL – 5:45PM**

**Monday 18 November 2024**

**VENUE:**

**Reception Room, 25 Liebig Street, Warrnambool**

## **COUNCILLORS:**

Cr. Ben Blain (Mayor)

Cr. Debbie Arnott

Cr. Willy Benter

Cr. Billy Edis

Cr. Vicki Jellie AM

Cr. Matthew Walsh

Cr. Richard Ziegeler

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)

**Andrew Mason**  
CHIEF EXECUTIVE OFFICER



**WARRNAMBOOL**  
CITY COUNCIL



## Video Recording of Council Meetings

All Open and Special Council Meetings will be video recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Video 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 videos will be retained for the term of the current Council, after which time the videos 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 Governance Rules that pertains to meeting procedures. Warrnambool City Council has followed best practice in this regard and its Governance Rules provides regulations and procedures for the governing and conduct of Council meetings. Copies of the Conduct and Behaviour excerpt from Warrnambool City Council's Governance Rules can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au). We thank you in anticipation of your co-operation in this matter.

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MINUTES OF THE ANNUAL (STATUTORY) MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN  
THE RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET, WARRNAMBOOL ON  
MONDAY 18 NOVEMBER 2024 COMMENCING AT 5:45 PM

**PRESENT:** Cr. Ben Blain, Mayor/Chairman  
Cr. Debbie Arnott  
Cr. Willy Benter  
Cr. Billy Edis  
Cr. Vicki Jellie AM  
Cr. Matthew Walsh  
Cr. Richard Ziegeler

**IN ATTENDANCE:** Mr Andrew Mason, Chief Executive Officer

**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, present and emerging.

**2. Apologies**

Nil.

**3. Declaration By Councillors And Officers Of Any Conflict Of Interest In Any Item On The Agenda**

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act.

A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

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. REPORTS

### 4.1. WARRNAMBOOL CITY COUNCIL GENERAL ELECTION REPORT

**DIRECTORATE :** Executive Services

**Purpose:**

***This report provides information on the Warrnambool City Council General Election 2024.***

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The 2024 Warrnambool City Council General Election was conducted by the Victorian Electoral Commission.

Warrnambool City Council returned to the ward system following a review of the electoral structure conducted by the independent Electoral Representation Advisory Panel with the recommendation that Warrnambool City Council return 7 wards, with one Councillor to be elected in each ward. The preferential voting system was used for the 2024 election.

Three wards received only one candidate at the close of nominations, with those candidates being automatically elected. The three wards and candidates were:-

Botanic Ward – Billy Edis  
Russells Creek Ward – Ben Blain  
Wollaston Ward – Richard Ziegeler

Four wards had contested elections:-

Central Ward  
Hopkins Ward  
Pertobe Ward  
Platypus Park Ward

At the Declaration of the Poll held on Friday 8 November 2024, the following candidates were elected as Councillors for Warrnambool City Council:-

Botanic Ward – Billy Edis  
Central Ward - Debbie Arnott  
Hopkins Ward – Willy Benter  
Pertobe Ward – Matthew Walsh  
Platypus Park Ward – Vicki Jellie AM  
Russell Creek Ward – Ben Blain  
Wollaston Ward – Richard Ziegeler

**For Information.**

## ATTACHMENTS

Nil

## 4.2. Taking Of Councillor Oath Of Office And Affirmation Of Office

### DIRECTORATE : Executive Services

#### Purpose:

*In accordance with section 30(1) of the Local Government Act 2020 (the Act), an elected representative cannot act in the capacity of Councillor unless he or she takes the Oath or Affirmation of Office.*

*The Oath or Affirmation of Office must be administered by the Chief Executive Officer, dated and signed before the Chief Executive Officer and recorded in the minutes of the Council meeting.*

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#### Executive Summary

In accordance with Section 30(1) of the *Local Government Act 2020 (the Act)*, an elected representative cannot act in the capacity of Councillor unless he or she takes the Oath or Affirmation of Office.

The Oath or Affirmation of Office must be administered by the Chief Executive Officer, dated and signed before the Chief Executive officer and recorded in the minutes of the Council meeting.

#### Background

Section 30(1) of the Act states that the Oath or Affirmation of Office must be undertaken in the manner prescribed by the ***Local Government (Governance and Integrity) Regulations 2020*** as follows:-

- (a) *In accordance with the requirements of Part 2 of the **Oaths and Affirmations Act 2018**; and*
- (b) *In person or, with the approval of the Chief Executive Officer, by means of an audio visual link;*
- (c) *In the following form:-*

*"I will undertake the duties of the office of Councillor in the best interests of the municipal community.*

*I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement."*

A person who has been elected to be a Councillors is not capable of acting as a Councillor until the Oath or Affirmation of Office is taken and failure to so do within three months of being declared elected will result in the Office of that Councillor becoming vacant.

It is each Councillors choice to either take an Oath of Office or Make an Affirmation of Office. Each Councillor taking the Oath or Affirmation must say the words of the Oath or Affirmation aloud in the presence of the Chief Executive Officer.

Once the Oath and Affirmation have been signed by each Councilor they will form part of the Minutes of this meeting.

The Oath or Affirmation of Office was administered in Ward alphabetic order:-

Botanic Ward - Billy Edis

Central Ward – Debbie Arnott

Hopkins Ward - Willy Benter

Pertobe Ward - Matthew Walsh

Platypus Park Ward – Vicki Jellie AM

Russells Creek Ward – Ben Blain

Wollaston Ward – Richard Ziegeler

## ATTACHMENTS

1. Model- Councillor- Code-of- Conduct [4.2.1 - 5 pages]



Government  
Services

# Model Councillor Code of Conduct

Local Government (Governance and Integrity) Amendment  
Regulations 2024



# Model Councillor Code of Conduct

Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024

## Definitions

In this Schedule—

**discrimination** means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

## Standards of Conduct

### 1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—
  - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
  - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

### 2. Behaviours

- (1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, **courtesy and respect**, including by—

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- (a) not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature; and
  - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
  - (c) not engaging in discrimination or vilification; and
  - (d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and
  - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and
  - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by—
- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
  - (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- (3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

### 3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

- (a) the Council's expenses policy adopted and maintained under section 41 of the Act;

OFFICIAL

- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to—
  - (i) conduct in Council meetings or meetings of delegated committees; and
  - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
  - (iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;
- (d) any direction of the Minister given under section 175 of the Act.

#### **4. Integrity**

- (1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—
  - (a) ensuring that their behaviour does not bring discredit upon the Council; and
  - (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
  - (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

#### **Note**

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

#### **5. The Model Councillor Code of Conduct does not limit robust public debate**

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.





#### 4.3. Term Of Office Of Mayor

*DIRECTORATE* : Executive Services

Purpose:

*To determine the Term of Office of the Mayor of Warrnambool City Council.*

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#### Executive Summary

Section 26(3) of the *Local Government Act 2020* requires Council to determine the length of the Mayoral term prior to the election of the Mayor. The term decided will apply to the Deputy Mayor, if one is also elected. The term of office of the Mayor and Deputy Mayor may be a 1 year term or a 2 year term.

Under the Act, where the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 1 year term as is reasonably practicable.

Where the Mayor is elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 2 year term as is reasonably practicable.

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MOVED: CR BEN BLAIN

SECONDED: Cr. BILLY EDIS

That Term of Office of the Mayor for Warrnambool City Council be for a period of one year.

CARRIED – 7:0

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#### 4.4. Procedure For Election Of Mayor

**DIRECTORATE :** Executive Services

**Purpose:**

*This report is to give information regarding the procedure for Election of the Mayor.*

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##### Executive Summary

1. The election of the Mayor will be conducted in accordance with the provisions of the Act and the Governance Rules of Warrnambool City Council.
2. The Chief Executive Officer must open the Annual (Statutory) Meeting at which the Mayor is to be elected.
3. Any nominations for the office of Mayor must be made verbally by Councillors present at the Annual (Statutory) Meeting.
4. A nomination for Mayor does not require a seconder.
5. If more than one candidate is nominated, before a vote is conducted, each of the candidates shall be invited to speak to their nomination in alphabetical order for no more than three (3) minutes.
6. The Mayor must be elected by an absolute majority of the Councillors. Voting must be via a show of hands.
7. 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.
8. If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
9. The Chief Executive Officer will declare the result of the election and the successful candidate.

##### Nominations To Be Called For The Position Of Mayor

The Chief Executive Officer called for nominations for the position of Mayor.

Cr. Jellie nominated Cr Ben Blain for the position of Mayor for 2024/25.

Cr. Blain accepted the nomination.

As there were no further nominations for the position of Mayor, Cr. Ben Blain was duly declared elected as Mayor for the 2024/25 term.



#### 4.5. Presentation To Incoming Mayor

1. The Chief Executive Officer presented the Mayoral Pendant and Gavel to the Mayor, Cr Ben Blain.
2. The elected Mayor for 2024/25, Cr Ben Blain addressed the meeting.

#### 4.6. Election Of Deputy Mayor

**DIRECTORATE :** Executive Services

**Purpose:**

*This report provides advice on the process for the election of Deputy Mayor of Warrnambool City Council.*

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##### Executive Summary

The *Local Government Act 2020* (the Act) states Council *may* establish an office of Deputy Mayor.

Council's Governance Rules outlines the process for the election of a Deputy Mayor.

Under the Act, the Deputy Mayor must perform the role of Mayor and may exercise any powers of the Mayor if the Mayor is unable to attend a meeting (or part thereof), or if the Mayor is incapable of performing the duties of the office of Mayor for any reason (including illness), or if the office of Mayor is vacant. The Deputy Mayor does not hold any other additional powers or functions.

The process for the election of a Deputy Mayor is the same process for the election of Mayor.

Should Council determine to appoint a Deputy Mayor, the Mayor will conduct the election.

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**MOVED:** CR. DEBBIE ARNOTT

**SECONDED:** Cr. MATTHEW WALSH

**That Council determine to appoint a Deputy Mayor.**

**CARRIED – 7:0**

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Cr. Walsh nominated Cr Vicki Jellie for the position of Deputy Mayor for 2024/25.

Cr. Jellie accepted the nomination.

As there were no further nominations for the position of Deputy Mayor, Cr. Vicki Jellie was duly declared elected as Deputy Mayor for the 2024/25 term.

#### 4.7. Ceremonial Motions

*DIRECTORATE* : Executive Services

Purpose:

*This report lists various ceremonial motions to be considered at the Council's Annual Meeting on 18 November 2024.*

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a) Motion of Loyalty

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MOVED: CR. MATTHEW WALSH

SECONDED: Cr. RICHARD ZIEGELER

That Warrnambool City Council declare its loyalty and allegiance to Australia, the State of Victoria and the citizens of Warrnambool.

CARRIED – 7:0

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b) Motion To Previous Mayor and Councillors

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MOVED: CR. DEBBIE ARNOTT

SECONDED: Cr. WILLY BENTER

That Warrnambool City Council places on record its appreciation to past Mayors and Councillors who have served on the Warrnambool City Council.

CARRIED – 7:0

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b) Motion To Parliamentarians

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MOVED: CR. BILLY EDIS

SECONDED: Cr. MATTHEW WALSH

That Warrnambool City Council places on record its appreciation to the Federal and State Members of Parliament who represent the Warrnambool area and who have willingly contributed to the governance and well being of the City and its services through their roles as Members of Parliament.

CARRIED – 7:0

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d) Motion To Community Members Of Advisory Committees And Volunteers

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MOVED: CR. DEBBIE ARNOTT

SECONDED: Cr. VICKI JELLIE

That Warrnambool City Council places on record its appreciation to the Citizens of this City and district who have willingly contributed to the governance and well being of the City and its services through their service as community members of advisory committees and as volunteers, assisting in many Council and community activities.

CARRIED – 7:0

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e) Motion To Recognise The Sister City Relationship With Miura, Japan and Changchun, China

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MOVED: CR. MATTHEW WALSH

SECONDED: Cr. BILLY EDIS

That Warrnambool City Council places on record its commitment to international peace and understanding by its participation in the Sister City Relationship with Miura, Japan and Changchun, China.

CARRIED – 7:0

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f) Motion Of Recognition Of Working Relationships With Councils Of The Southwest Victoria Alliance

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MOVED: CR. WILLY BENTER

SECONDED: Cr. RICHARD ZIEGELER

That Warrnambool City Council places on record its desire to work for the well being of the region through co-operation with councils of the SouthWest Victoria Alliance.

CARRIED – 7:0

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g) Motion Of Recognition Role Of Eastern Maar & Gunditjmarra

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MOVED: CR. RICHARD ZIEGELER

SECONDED: Cr. WILLY BENTER

That Warrnambool City Council places on record it's recognition of Eastern Maar and Gunditjmarra as the Traditional owners of South West Victoria.

CARRIED – 7:0

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5. Close Of Meeting

The meeting closed at 6.05pm.

CHAIRMAN