

# AGENDA

**SCHEDULED (ANNUAL) COUNCIL MEETING  
WARRNAMBOOL CITY COUNCIL  
5:45 PM - MONDAY 24 OCTOBER 2022**



---

## **VENUE:**

**Lighthouse Theatre Studio  
Timor Street  
Warrnambool**

---

### **COUNCILLORS**

Cr. Otha Akoch  
Cr. Debbie Arnott  
Cr. Ben Blain  
Cr. Vicki Jellie AM  
Cr. Angie Paspaliaris  
Cr. Max Taylor  
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)

**Peter 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 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.

## ORDER OF BUSINESS

### Page No.

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT .....	4
2. APOLOGIES.....	4
3. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA.....	4
4. REPORTS .....	5
4.1. TERM OF OFFICE OF MAYOR.....	5
4.2. PROCEDURE FOR ELECTION OF MAYOR.....	6
4.3. NOMINATIONS TO BE CALLED FOR THE POSITION OF MAYOR .....	8
4.4. ELECTION OF MAYOR .....	9
4.5. PRESENTATION TO INCOMING MAYOR.....	10
4.6. ELECTION OF DEPUTY MAYOR.....	11
4.7. CEREMONIAL MOTIONS .....	12
5. CLOSE OF MEETING .....	13

## **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**

### **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.

## **4. REPORTS**

### **4.1. TERM OF OFFICE OF MAYOR**

#### **PURPOSE:**

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

---

#### **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.

---

#### **RECOMMENDATION**

**That Council determines that the Term of Office of the Mayor for Warrnambool City Council be for a period of \_\_\_\_\_ year(s).**

---

## **4.2. PROCEDURE FOR ELECTION OF MAYOR**

### **PURPOSE:**

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

---

### **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. Before nominations for the office of Mayor are invited by the Chief Executive Officer, the Council must resolve if the term of the Mayor is to be for one (1) year or two (2) years.
4. Any nominations for the office of Mayor must be made verbally by Councillors present at the Annual (Statutory) Meeting.
5. A nomination for Mayor does not require a seconder.
6. If there is only one nomination, the Councillor nominated is deemed to be elected.
7. If there is more than one nomination:
  - (a) each of the candidates shall be invited to speak for no more than three (3) minutes to their nomination in alphabetical order of their surnames and, where two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
  - (b) after each of the candidates has been given an opportunity to speak, a vote must be taken to elect one of the candidates nominated, where:
    - (i) a candidate receiving an Absolute Majority of the votes is declared elected;
    - (ii) if no candidate receives an Absolute Majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate (and, where more than one of them has the same fewest number of votes, the candidate to be eliminated is to be determined by lot);
    - (iii) a further vote will then be taken for the remaining candidates;
    - (iv) where one of the remaining candidates receives an Absolute Majority of the votes, he or she shall be declared elected;
    - (v) where none of the remaining candidates receives an Absolute Majority of the votes, the procedure described in rule 5(7)(b)(ii) is repeated;
    - (vi) this process shall continue until one of the candidates has received an Absolute Majority of the votes, or the final two candidates have an equal number of votes;
    - (vii) where one of the candidates has received an Absolute Majority of the votes, that candidate is declared elected; and
    - (viii) where the remaining candidates have an equal number of votes and one of them needing to be declared elected, the defeated candidate shall be determined by lot.
- (8) The following provisions apply to the conduct of the lot:
  - (a) each candidate will draw one (1) lot;
  - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes and, where two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
  - (c) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle. The word "Defeated" shall be Written on one (1) of the pieces of paper, and the candidate who draws the paper with the word "Defeated" Written on it must be declared the defeated candidate;
  - (d) if only one candidate remains, that candidate is deemed to be elected; and

- (e) if more than one candidate remains, a further vote must be taken on the remaining candidates and the above process repeated if necessary, in which case that candidate will be declared duly elected.
  - (9) The Chief Executive Officer will declare the result of the election and the successful candidate.
- 

## **RECOMMENDATION**

**That this report be received.**

---

#### **4.3. NOMINATIONS TO BE CALLED FOR THE POSITION OF MAYOR**

The Chief Executive Officer to call for nominations for the position of Mayor.

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.



#### **4.4. ELECTION OF MAYOR**

**The Chief Executive Officer advises that the Mayoral nominations will be placed before the Council in alphabetical order.**

**The Chief Executive Officer will declare the result of the election of Mayor and successful candidate.**

#### **4.5. PRESENTATION TO INCOMING MAYOR**

**1. Presentation of Mayoral Pendant and Gavel to the Mayor by the Chief Executive Officer**

The Mayoral Pendant is a Badge of the Office of Mayor, and is a token of the Mayor's authority in the Civic life of the community. May it remind you, and all who wear it, of the solemn duties, obligations and responsibilities of the Office of Mayor.

**2. The Mayor will now take the Chair of the Meeting.**

**3. Congratulations and support from Councillors and Chief Executive Officer.**

**4. Mayor's response.**

#### **4.6. ELECTION OF DEPUTY MAYOR**

##### **PURPOSE:**

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

---

##### **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.

#### **4.7. CEREMONIAL MOTIONS**

##### **PURPOSE:**

*This report lists various ceremonial motions to be considered at the Council's Annual Meeting on 24 October 2022.*

---

##### **a) MOTION OF LOYALTY**

##### **RECOMMENDATION**

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

---

##### **b) MOTION TO PREVIOUS MAYOR & COUNCILLORS**

##### **RECOMMENDATION**

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

---

##### **c) MOTION TO PARLIAMENTARIANS**

##### **RECOMMENDATION**

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.

---

##### **d) MOTION TO COMMUNITY MEMBERS OF ADVISORY COMMITTEES AND VOLUNTEERS**

##### **RECOMMENDATION**

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.

---

**e) MOTION TO RECOGNISE THE SISTER CITY RELATINSHIP WITH MIURA, JAPAN & CHANGCHUN, CHINA**

---

**RECOMMENDATION**

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.

---

**f) MOTION OF RECOGNITION OF WORKING RELATIONSHIPS WITH COUNCILS OF THE GREAT SOUTH COAST REGION**

---

**RECOMMENDATION**

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 Great South Coast region.

---

**g) MOTION OF RECOGNITION ROLE OF EASTERN MAAR**

---

**RECOMMENDATION**

That Warrnambool City Council places on record it's recognition of Eastern Maars role as the peak body involved in treaty negotiations with the Victorian Government and that Council commits to working with eastern Maar to this end.

---

**5. CLOSE OF MEETING**