

AGENDA

MEETING OF THE
HORSHAM RURAL CITY COUNCIL

To be held on
16 November 2023
At 5.30pm

In the
Council Chamber, Civic Centre
18 Roberts Avenue, HORSHAM



**COUNCILLORS are respectfully requested to attend the Council Meeting
of the Horsham Rural City Council to be held on 16 November 2023
in the Council Chamber, Civic Centre, Horsham at 5.30pm**

Order of Business

PRESENT

ALSO IN ATTENDANCE

1. PRAYER

Almighty God, we pledge ourselves to work in harmony for, the social, cultural and economic well-being of our Rural City. Help us to be wise in our deliberations and fair in our actions, so that prosperity and happiness shall be the lot of our people. AMEN

2. ACKNOWLEDGEMENT OF COUNTRY STATEMENT

Horsham Rural City Council acknowledges the five Traditional Owner groups of this land; the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people. We recognise the important and ongoing place that all Indigenous people hold in our community.

We pay our respects to the Elders, both past and present, and commit to working together in the spirit of mutual understanding and respect for the benefit of the broader community and future generations.

3. OPENING AND WELCOME

The Chief Executive Officer, Sunil Bhalla, will declare the meeting open.

The Chief Executive Officer will act as Chairperson to conduct the formal process for the Mayoral election.

4. APOLOGIES

5. CONFLICTS OF INTEREST

Declarations of 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.

Members of Staff

Under Section 130 of the *Local Government Act 2020*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

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CLOSE



SUNIL BHALLA
Chief Executive Officer

6. OFFICERS REPORTS

6.1 TERM OF THE MAYOR

Author's Name:	Jacqui Parker	Director:	Kim Hargreaves
Author's Title:	Manager Governance & Information	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To determine the term of office for the next Mayor of Horsham Rural City Council.

Summary

- Section 26(3) of the *Local Government Act 2020* requires that:
“Before the election of the Mayor, a Council... must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”
- Section 26(1) of the *Local Government Act 2020* requires that:
“A Mayor is to be elected no later than one month after the date of a general election.”
- Given the local government general election in October 2024, Council should resolve a one-year term of office for the Mayor on this occasion.

Recommendation

That Council, pursuant to section 26 of the *Local Government Act 2020*, resolves to elect a Mayor for a term of one year.

REPORT

Background

Councillors have the responsibility of electing a Councillor to be Mayor under s25 of the *Local Government Act 2020*. The term of office must be determined by Council before a Mayor can be elected (*Local Government Act 2020*, section 26(3)). Provisions for the election of Deputy Mayor are outlined in s27 and mirror those for the Election of Mayor other than in relation to the Chair for the election of the Deputy.

Discussion

The current Mayor was elected on 17 November 2022 for a term of one year. The Act requires that Council's new Mayor be elected "*on a day ... that is as close to the end of the 1 year term as is reasonably practicable.*"

It is noted that while the *Local Government Act 2020* technically allows Council to set a Mayoral term of office at two years, the provisions at Section 26(1) of the Act 2020 that "*A Mayor is to be elected no later than one month after the date of a general election.*"

Noting the local government general election in October 2024, Council should resolve a one-year term of office for the Mayor on this occasion, noting the provisions of s26(1) that an election must occur no later than a month after a general election thereby rendering a two-year term redundant.

Options to Consider

While the *Local Government Act 2020* does not expressly restrict the period of the term to one year for the year proceeding a general election, it is recommended that the election of Mayor be for a one year term given the timing of the October 2024 general elections (noting the provisions of s26(1)).

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 6 November to ensure they were aware of the process in advance of the statutory meeting and had access to the relevant form for nominations.

Innovation and Continuous Improvement

Not applicable – informed by legislation

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

Council to determine the term of office for the next Mayor of Horsham Rural City Council noting the timing of the 2024 local government general elections and provisions of the Act.

6.2 ELECTION OF THE MAYOR

Author's Name:	Jacqui Parker	Director:	Kim Hargreaves
Author's Title:	Manager Governance & Information	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nomination form for the role of Mayor (**Appendix 6.2A**)

Purpose

To elect a Mayor for Horsham Rural City Council in accordance with the *Local Government Act 2020* (the Act), sections 25 and 26, and Council's Governance Rules, Chapter 2, Part B.

Summary

- Councillors must elect a Councillor to be the Mayor of the Council at a Council meeting that is open to the public.
- The election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with the Council's Governance Rules.
- Each candidate will get three minutes to speak and canvass their candidacy before the vote is taken.
- Any nominations for the office of Mayor must be:
 - in writing in the form prescribed by the Chief Executive Officer (refer **Appendix 6.2A**); and
 - seconded by another Councillor.

Election of Mayor

REPORT

Background

The election of the Mayor is conducted in accordance with relevant provisions of the *Local Government Act 2020*. The duration of the newly elected Mayor's term is determined by prior resolution, as detailed in this special meeting agenda.

The Act also requires the Mayoral election to comply with Council's own Governance Rules. Chapter 2, Part B of the Governance Rules provides that nominations for Mayor are to be in writing in a form prescribed by the Chief Executive Officer, and seconded by another Councillor.

Discussion

In accordance with both the Act and the Rules:

- The election of the Mayor is chaired by Council's Chief Executive Officer.
- An absolute majority of Councillors must elect the Mayor. Horsham Rural City Council has a total of seven Councillors, therefore four councillors must vote in favour of a candidate in order to elect them.
- If there is only one nomination then the nominated candidate must be declared to be duly elected. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.
- Votes are carried out by a show of hands or such other visual or audible means as the Chief Executive Officer determines.
- Each Councillor present must vote, and is limited to voting in favour of one candidate each (per round of voting).
- Further rounds of voting may apply if no candidate achieves an absolute majority of votes in the first instance. Unless Council defers this special meeting to a later time, it must follow a process of declaring defeated candidates as per the provisions in Governance Rules 6.3.4 and 6.3.5.
- If the event of two or more candidates having an equal number of votes and one of them having to be declared, the final declaration will be determined by "lot" as per Governance Rules 6.3.6 and 6.3.7.
- Following the election of the Mayor, the Mayor assumes as chair to deal with all remaining matters before the meeting.

Nominations for Mayor are determined through an application process. The nomination form is attached as **Appendix 6.2A**.

Each candidate will get three minutes speaking time to canvass their candidacy.

Options to Consider

The *Local Government Act 2020* requires that Councillors elect a Mayor however there are exemptions to which Councillors can nominate. The Act provides at s167(2) that:

If a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor, the Councillor becomes ineligible to hold the office of Mayor or Deputy Mayor for the remainder of the Council's term unless the Councillor Conduct Panel directs otherwise.

All no such findings have been made at the time of the report, all Councillors are eligible.

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 6 November to ensure they were aware of the process in advance of the statutory meeting and had access to the relevant form for nominations.

Innovation and Continuous Improvement

The nomination form has been improved to make the process of nomination as simple as possible (refer **Appendix 6.2A**).

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor as well as any costs associated with the position of Mayor are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

Council to duly elect a Mayor for Horsham Rural City Council for the agreed term, in accordance with the provisions of the *Local Government Act 2020* and Council's Governance Rules.

6.3 TERM OF THE DEPUTY MAYOR

Author's Name:	Jacqui Parker	Director:	Kim Hargreaves
Author's Title:	Manager Governance & Information	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To determine the term of office for the next Deputy Mayor of Horsham Rural City Council.

Summary

- Section 26(3) of the *Local Government Act 2020* requires that:
“Before the election of the Mayor, a Council... must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”
- Section 27(2) of the *Local Government Act 2020* states that:
“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.”
- Given the local government general election in October 2024, Council should resolve a one-year term of office for the Deputy Mayor on this occasion.

Recommendation

That Council, pursuant to section 26 of the *Local Government Act 2020*, resolves to elect a Deputy Mayor for a term of one year.

REPORT

Background

Council resolved to establish an office of Deputy Mayor on 17 November 2022 as per the option afforded under section 20A of the *Local Government Act 2020* (the Act).

Section 27(2) of the *Local Government Act 2020* requires that the term of office for the Deputy Mayor be determined in the same manner as the term of office for the Mayor.

The term of office must be determined before a Deputy Mayor can be elected (*Local Government Act 2020*, section 26(3)).

Discussion

The current Deputy Mayor elected on 17 November 2022 for a term of one year. The Act requires that Council's new Deputy Mayor be elected "*on a day ... that is as close to the end of the 1 year term as is reasonably practicable.*"

It is noted that while the *Local Government Act 2020* technically allows Council to set a term of office at two years, the provisions at Section 26(1) of the Act 2020 that "*A Mayor is to be elected no later than one month after the date of a general election*". Given s26 applies to the election of a Deputy Mayor by virtue of s27(2) this requirement would also apply to the position of Deputy Mayor.

Noting the local government general election in October 2024, Council should resolve a one-year term of office for the Deputy Mayor on this occasion, noting the provisions of s26(1) that an election must occur no later than a month after a general election (as provided for by s27(2) provisions for the Deputy Mayor) thereby rendering a two-year term redundant.

Options to Consider

While the *Local Government Act 2020* does not expressly restrict the period of the term to one year for the year proceeding a general election, it is recommended that the election of Deputy Mayor be for a one year term given the timing of the October 2024 general elections (noting the provisions of s26(1)).

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 6 November to ensure they were aware of the process in advance of the statutory meeting and had access to the relevant form for nominations.

Innovation and Continuous Improvement

Not applicable – informed by legislation

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

Council to determine the term of office for the next Deputy Mayor of Horsham Rural City Council noting the timing of the 2024 local government general elections and provisions of the Act.

6.4 ELECTION OF THE DEPUTY MAYOR

Author's Name:	Jacqui Parker	Director:	Kim Hargreaves
Author's Title:	Manager Governance & Information	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nomination form for the role of Deputy Mayor (**Appendix 6.4A**)

Purpose

To elect a Deputy Mayor for Horsham Rural City Council in accordance with the *Local Government Act 2020* (the Act), section 27, and Council's Governance Rules, Chapter 2, Part B.

Summary

- The election of the Deputy Mayor must be chaired by the newly elected Mayor and conducted in accordance with the Council's Governance Rules.
- Each candidate will get three minutes to speak and canvass their candidacy before the vote is taken.
- Any nominations for the office of Deputy Mayor must be:
 - in writing in the form prescribed by the Chief Executive Officer (refer **Appendix 6.4A**); and
 - seconded by another Councillor.

Election of Deputy Mayor

REPORT

Background

The *Local Government Act 2020* requires that the election of the Deputy Mayor be conducted in accordance with the same provisions by which the Mayor is elected.

The duration of the newly elected Deputy Mayor's term is determined by prior resolution, as detailed in this special meeting agenda.

Discussion

The newly elected Mayor is to conduct the Deputy Mayor election in accordance with s27 of the Act and Rule 7 of the Governance Rules. These rules mirror the process for the election of Mayor.

Nominations for Deputy Mayor are determined through an application process. The nomination form is attached as **Appendix 6.4A**.

Each candidate will get three minutes speaking time to canvass their candidacy.

Options to Consider

Council resolved to establish an office of Deputy Mayor on 17 November 2022 as per the option afforded under section 20A of the *Local Government Act 2020* (the Act). Voting to fill this role, subject to the term determined as per previous resolutions at this meeting, note the exemptions to which Councillors can nominate. The Act provides at s167(2) that:

If a Councillor Conduct Panel makes a finding of serious misconduct against a Councillor, the Councillor becomes ineligible to hold the office of Mayor or Deputy Mayor for the remainder of the Council's term unless the Councillor Conduct Panel directs otherwise.

All no such findings have been made at the time of the report, all Councillors are eligible.

Sustainability Implications

Nil

Community Engagement

The report was presented to Councillors at a briefing on 6 November to ensure they were aware of the process in advance of the statutory meeting and had access to the relevant form for nominations.

Innovation and Continuous Improvement

The nomination form has been improved to make the process of nomination as simple as possible (refer **Appendix 6.4A**).

Collaboration

Not applicable – informed by legislation

Financial Implications

Any or all costs associated with the statutory meeting to elect the Mayor and Deputy Mayor as well as any costs associated with the position of Mayor are budgeted as part of the annual budget.

Regional, State and National Plans and Policies

Not applicable – informed by legislation

Council Plans, Strategies and Policies

Not applicable – informed by legislation

Risk Implications

There are risks associated with the poor management of the process for Election of Mayor and Deputy Mayor given the legislative framework that informs that process. The intention of the related reports is to reduce that risk by ensuring all Councillors are aware of their responsibilities and the approved processes adopted under the Governance Rules for the Election of Mayor and Deputy Mayor.

Conclusion

Council to duly elect a Deputy Mayor for Horsham Rural City Council for the agreed term, in accordance with the provisions of the *Local Government Act 2020* and Council's Governance Rules.

6.5 SPEECH BY THE INCOMING MAYOR

Author's Name:	Jacqui Parker	Director:	Kim Hargreaves
Author's Title:	Manager Governance & Information	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A05/000001

Officer Conflict of Interest

Officer disclosure in accordance with *Local Government Act 2020* – Section 130:

Yes No

Reason: Nil

Status

Defined as confidential information in accordance with *Local Government Act 2020* – Section 3(1):

Yes No

Reason: Nil

Appendix

Nil

Purpose

Following election to office the incoming Mayor, and outgoing Mayor where applicable, may address the meeting.

Summary

- The incoming Mayor, and outgoing Mayor where applicable, may address the meeting in accordance with Section 9 of the Council's Governance Rules.
- The purpose of these ceremonial speeches is to highlight priorities for the year ahead and the previous year.

Recommendation

Council to receive the newly elected (and if applicable, outgoing) Mayor's address.