



City of  
**Moonee Valley**

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# **Statutory Meeting of Council**

**Thursday, 10 November 2016 at 7.00pm**

**Agenda**

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# Statutory Meeting of Council

Thursday, 10 November 2016 at 7.00pm  
to be held at the Moonee Valley Civic Centre

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**TO :**

**Members:** Cr Samantha Byrne  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Nicole Marshall  
Cr Cam Nation  
Cr Narelle Sharpe  
Cr John Sipek  
Cr Andrea Surace

<b>Officers:</b>	Mr Bryan Lancaster	Chief Executive Officer
	Mr Anthony Smith	Director Corporate & Community Services
	Ms Gail Conman	Director City Services
	Ms Kendrea Pope	Director Organisational Performance
	Ms Natalie Reiter	Director Planning & Development
	Ms Yvonne Hansen	Manager Legislative Services & Support

**Business:**

## 1. Opening

The Chief Executive Officer welcomes everyone to the Statutory Meeting and informs everyone in attendance that as there is no appointed Chairperson, the first task for Councillors is to appoint a temporary Chairperson.

## 2. Appointment of a Temporary Chairperson

The Chief Executive Officer calls for nominations and a vote is taken, if required.  
The Temporary Chairperson assumes the Chair.

**3. Apologies**

**4. Declarations of Conflict of Interest**

**5. Reports**

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Temporary Chair vacates the Chair.

**A. Election of Mayor**

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

Nominations are received and a vote is taken, if required.

The Chief Executive Officer declares the elected Mayor.

The elected Mayor steps forward and is presented with the Jewel of Office and Gavel by the Chief Executive Officer.

The Mayor addresses the meeting.

**B. Election of Deputy Mayor**

The Chief Executive Officer calls for nominations for the position of Deputy Mayor.

Nominations are received and a vote is taken, if required.

The Chief Executive Officer declares the elected Deputy Mayor.

**6. Close of Meeting**

**BRYAN LANCASTER**  
Chief Executive Officer

## REPORTS

### 5.1 Receipt of Oaths of Office

**File No:** FOL/16/130  
**Author:** Troy Delia, Coordinator Legislative Services  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal

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#### **Purpose**

To formally receive the Oaths of Office made by the newly elected Councillors, before the Chief Executive Officer following the Declaration of the Poll on Thursday, 3 November 2016.

#### **Executive Summary**

The Local Government Act 1989 requires that prior to exercising any powers, an elected representative must make an Oath of Office before the Chief Executive Officer and have this recorded in the Minutes of the Council.

#### **Recommendation**

That Council receive the Oaths of Office made by each Councillor, before the Chief Executive Officer on Thursday, 3 November 2016.

#### **Background**

Under Section 63 of the Local Government Act 1989, a person elected to the position of Councillor is not capable of acting as a Councillor unless he or she has taken the Oath of Office before the Chief Executive Officer and had this recorded in the Minutes of the Council.

#### **Discussion**

As this is the first opportunity that the newly elected Councillors have formally come together, it is appropriate that such requirements are promptly satisfied at this time. It must be noted that failure to adhere to these legislative requirements within three months after the day on which he or she was declared elected, the office of that Councillor becomes vacant.

#### **Consultation**

As this is a procedural report, it has not been necessary to undertake any specific consultation.

## **Implications**

### **1. Legislative**

This report has been prepared in accordance with Section 63 of the Local Government Act 1989.

There are no implications in relation to the Human Rights Charter.

### **2. Council Plan / Policy**

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

### **3. Financial**

There are no financial implications as a result of this report being presented to Council.

### **4. Environmental**

There are no environmental implications that arise, as a result of this report being presented to Council.

## **Conclusion**

It is considered appropriate that Council should formally receive the Oaths of Office from all the newly elected Councillors.

## **Appendices**

Nil.

## **5.2 Receipt of Declarations - Councillor Code of Conduct**

**File No:** FOL/16/130  
**Author:** Troy Delia  
Coordinator Legislative Services  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal

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### **Purpose**

To formally receive the written declarations agreeing to abide by the Councillor Code of Conduct, made by the newly elected Councillors before the Chief Executive Officer following the Declaration of the Poll on Thursday, 3 November 2016.

### **Executive Summary**

The Local Government Act 1989 requires that prior to exercising any powers, an elected representative make a written declaration stating that they will abide by the Councillor Code of Conduct. This declaration must be witnessed by the Chief Executive Officer.

### **Recommendation**

That Council receive the written declarations made by each Councillor following the Declaration of the Poll on Thursday, 3 November 2016, stating that they will abide by the Councillor Code of Conduct.

### **Background**

Under Section 63 of the Local Government Act 1989, a person elected to the position of Councillor is not capable of acting as a Councillor unless he or she has read the Councillor Code of Conduct and made a written declaration stating that they will abide by the Councillor Code of Conduct.

### **Discussion**

As this is the first opportunity that the newly elected Councillors have formally come together, it is appropriate that such requirements are promptly satisfied at this time. It must be noted that failure to adhere to these legislative requirements within three months after the day on which he or she was declared elected, the office of that Councillor becomes vacant.

Further to this, the Local Government Act 1989, requires Council to review its Councillor Code of Conduct within the period of 4 months after a general election. Therefore, a further report will be presented at a later date.

## **Consultation**

As this is a procedural report, it has not been necessary to undertake any specific consultation.

## **Implications**

### **1. Legislative**

This report has been prepared in accordance with Section 63 of the Local Government Act 1989.

There are no implications in relation to the Human Rights Charter.

### **2. Council Plan / Policy**

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

### **3. Financial**

There are no financial implications as a result of this report being presented to Council.

### **4. Environmental**

There are no environmental implications that arise, as a result of this report being presented to Council.

## **Conclusion**

It is considered appropriate that Council should formally receive the written declarations agreeing to abide by the Councillor Code of Conduct, from all of the newly elected Councillors.

## **Appendices**

Nil .

### **5.3 Term of Mayor**

**File No:** FOL/16/130  
**Author:** Troy Delia, Coordinator Legislative Services  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal

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#### **Purpose**

The purpose of this report is to allow Council to formally make a decision on the Mayoral and Deputy Mayoral term of office.

#### **Executive Summary**

- In accordance with Section 71(2) of the Local Government Act, before a Mayor is elected under this section, Council may resolve to elect a Mayor for a term of 2 years.
- Moonee Valley has historically appointed its Mayor and Deputy Mayor for a 1 year term.

#### **Recommendation**

That Council appoint its next Mayor and Deputy Mayor for a term of one year.

#### **Background**

Section 71(2) of the Local Government Act, prescribes that before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.

#### **Discussion**

Moonee Valley has historically appointed its Mayor and Deputy Mayor on a yearly basis. Council Officers have used this as the precedent to support the recommendation presented in this report.

#### **Consultation**

As this is a procedural report, it has not been necessary to undertake any specific consultation.

#### **Implications**

##### **1. Legislative**

This report has been prepared in accordance with Section 71(2) of the Local Government Act 1989.

There are no Human Rights Charter implications.



**2. Council Plan / Policy**

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

**3. Financial**

There are no financial implications that arise, as a result of this report being presented to Council.

**4. Environmental**

There are no environmental implications that arise, as a result of this report being presented to Council.

**Conclusion**

It is considered appropriate that Council should firstly determine the term that the Mayor and Deputy Mayor will serve on their election to office, as part of this evening's proceedings.

**Appendices**

Nil.

## 5.4 Mayor and Councillor Allowances

**File No:** FOL/16/130  
**Author:** Troy Delia, Coordinator Legislative Services  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal

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### Purpose

To allow Council to formally note the prevailing Mayoral and Councillor allowances that apply to Moonee Valley elected representatives.

### Executive Summary

This report identifies the current level of Mayoral and Councillor Allowances payable as from 3 November 2016.

### Recommendation

That Council note that:

1. The Mayoral and Councillor Allowances for this Council, from 3 November 2016, will be \$92,333pa (Mayoral) and \$28,907pa (Councillors) plus 9.5% (equivalent of superannuation guarantee contribution).
2. In accordance with an Order in Council, the payment of annual allowances is not to exceed more than one month in advance.

### Background

The Local Government Act 1989 (the Act) sets out the requirements for the fixing and review of allowance categories, limits and ranges of Mayoral and Councillor allowances, together with the general provisions relating to the review and determination of allowances as a result of Orders in Council made by the Governor in Council.

Section 74 of the Act, stipulates that local government agencies are required to determine allowances, and as such Council at its meeting held 4 November 2015 set the Mayoral and Councillor allowances at \$90,081pa and \$28,202pa respectively, plus 9% (equivalent of superannuation guarantee contribution).

On 26 November 2015, the Minister published a notice in the Government Gazette which applied an adjustment factor of 2.5% for Mayoral and Councillor Allowances which increased the Mayoral Allowance to \$92,333 and the Councillor Allowance to \$28,907 effective from 1 December 2015. At this time the equivalent of superannuation guarantee contribution was increased to 9.5%.

## **Discussion**

In accordance with section 73B of the Act, the Minister must, at least once every year, review the limits and ranges of Councillor and Mayoral allowances. If the review conducted by the Minister under this section results in a finding that Mayoral and Councillor allowances should be adjusted, an adjustment factor will be specified by the Minister by notice in the Government Gazette. Section 73B(5) of the Act specifies that a Council must increase the level of Councillor and Mayoral allowances in accordance with the adjustment factor specified in the notice. For the 2016-2017 year, the Minister, has not yet published a notice in Government Gazette regarding the review of Councillor Allowances.

Further to this, Council is required to review and determine the level of Mayoral and Councillor Allowances within the period of 6 months after a general election (or by the next 30 June), whichever is later. Therefore, a further report will be presented at a later date.

## **Consultation**

As this is a procedural report, it has not been necessary to undertake any specific consultation.

## **Implications**

### **1. Legislative**

Sections 73A, 73B, 74, 74A and 74B of the Local Government Act 1989 set out the provisions with respect to the Mayoral and Councillor allowances.

There are no Human Rights Charter implications.

### **2. Council Plan / Policy**

In presenting this report to Council, Council is achieving its Strategic Objective to Build a culture of governance that instils a high level of community respect and confidence in Council decision-making in accordance with Council Plan 2013-2017 Theme 1: Excellence in governance Dynamic, effective and accountable.

### **3. Financial**

Provision has been made in Council's 2016-2017 operating budget.

### **4. Environmental**

There are no environmental implications associated with this report.

## **Conclusion**

It is considered appropriate that Council should at this point; note the prevailing Mayoral and Councillor allowances that apply to Moonee Valley.

## **Appendices**

Nil.