



Rural City of  
**Wangaratta**

# Agenda

For the Unscheduled Council Meeting  
Council Chambers, Municipal Offices  
62-68 Ovens Street, Wangaratta  
**6pm 19 November 2024**



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## 1. Acknowledgement of Country

*We acknowledge the traditional custodians of the lands, on which the Rural City of Wangaratta communities reside. We pay our respect to their Elders past, present and emerging, and celebrate and respect their continuing cultures. We are committed to walking beside all traditional owners as we move toward reconciliation.*

## 2. Opening Prayer

*Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen*

## 3. Present

## 4. Absent

## 5. Acceptance of Apologies & Granting of Leave of Absence

## Order of Business

### 6. Conflict of Interest Disclosure

In accordance with section 130 of the Local Government Act 2020 a councillor who has a conflict of interest in respect of a matter must disclose the conflict of interest in the manner required by Council's Governance Rules and exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter and any action in relation to the matter.

Clause 28.1 of Council's Governance Rules requires a councillor to indicate that they have a conflict of interest by clearly stating:

- (a) the item for which they have a conflict of interest; and
- (b) whether their conflict of interest is general or material; and
- (c) the circumstances that give rise to the conflict of interest.

**Immediately prior to the consideration of the item in which they have a conflict of interest, a councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.**

A councillor who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

## Presentation Of Reports

### Officers' Reports

## 7. Corporate and Leisure

### 7.1 Oath or Affirmation of Office

|                  |                                |
|------------------|--------------------------------|
| Meeting Type:    | Unscheduled Council Meeting    |
| Date of Meeting: | 19 November 2024               |
| Category:        | Strategic                      |
| Author:          | Governance & Reporting Advisor |
| Approver:        | Director Corporate and Leisure |

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

A person elected to be a councillor cannot act as a councillor until the person has taken the oath or affirmation of office which must be taken in the manner required by the *Local Government Act 2020* (Act). This report is presented to Council to ensure councillors take this Oath or Affirmation of Office.

Councillors-elect must take the oath or affirmation of office in order to participate in this meeting as a councillor.

The oath or affirmation of office must be:

- taken in the form and manner required by the Act;
- administered by the Chief Executive Officer;
- taken in person or, with the approval of the Chief Executive Officer, by means of an audio-visual link, by saying the words of the oath or affirmation aloud in the presence of the Chief Executive Officer;
- dated and signed before the Chief Executive Officer; and
- recorded in the minutes of the Council

This report provides for councillors-elect to take the oath or affirmation of office.

***No motion is required for this report.***

***The oath or affirmation of office should be taken by each councillor-elect in the form and in the manner required by the Local Government Act 2020 and in the following order:***

1. ***BENTON, Harvey***
2. ***BUSSELL, Harry***
3. ***FITZPATRICK, Ashlee***
4. ***FULLER, David***
5. ***GRANT, Irene***
6. ***MAXWELL, Tania***
7. ***WINTERS, Allison***

## Background

A person elected to be a councillor is not eligible to act as a councillor until the person has taken the oath or affirmation of office which must be taken in the manner required by the Act.

Consequently, councillors-elect must take the oath or affirmation of office in order to participate in the meeting as a councillor.

## Implications

### Policy Considerations

There are no specific Council policies or strategies that relate to this report.

### Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

### Legal/Statutory

The requirements for the oath or affirmation process are set out in section 30 of the Act which requires that the oath or affirmation of office must be:

1. taken in the manner prescribed by the *Local Government (Governance and Integrity) Amendment Regulations 2024* (Regulations);
2. administered by the Chief Executive Officer;
3. dated and signed before the Chief Executive Officer; and
4. recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

The Regulations require that the manner prescribed for taking the oath or affirmation of office is:

1. in accordance with the requirements of Part 2 of the *Oaths and Affirmations Act 2018*;
2. in person or, with the approval of the Chief Executive Officer, by means of an audio-visual link; and/or
3. in the following form -  
*"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."*

The *Oaths and Affirmations Act 2018* requires that:

1. a person who is required to take an oath or make an affirmation may choose whether to take an oath or make an affirmation
2. the administering officer must inform the person that the person has this choice, unless the officer is satisfied that the person knows that the person has the choice
3. a person who takes an oath or makes an affirmation must say the words of the oath or affirmation aloud in the presence of the administering officer
4. the form of the oath is -  
*"I swear (or promise) by Almighty God (or the person may name a god recognised by the person's religion) that:*

The *Local Government (Governance and Integrity) Regulations 2024* provides further that:

5. "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'.

6. The form of the affirmation is –

*"I solemnly and sincerely declare and affirm that 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'.*

**Social and Diversity**

There are no social impacts identified for the subject of this report.

**Equity Impact Assessment (EIA)**

There are no equity impacts identified for the subject of this report.

**Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for the subject of this report.

**Strategic Links**

**Council Plan 2021 – 2025**

This report supports the 2021-2025 Council Plan through the following objectives and actions:

**1. Strengthening our Leadership**

1.1.1.6 Continue to provide transparency for the community regarding the information being considered in decision making processes.

**Risk Management**

Risk Management Framework

| Risks   | Likelihood   | Consequence | Rating     | Mitigation Action  |
|---|--------------|-------------|------------|--|
| Councillors not undertaking Affirmation or Oath | 2 - Unlikely | Major       | 6 - Medium | Ensuring that all Councillors-elect undertake the Oath or Affirmation at the first possible open Council Meeting |



### **Consultation/Communication**

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Options for Consideration**

There are no options for consideration as the Act requires a councillor-elect to take the oath or affirmation of office in order to be able to act as a councillor.

### **Conclusion**

Councillors-elect should take the oath or affirmation of office as required by the Act.

### **Attachments**

Nil.

## 7.2 Determination of the Term of Mayor

|                  |                                |
|------------------|--------------------------------|
| Meeting Type:    | Unscheduled Council Meeting    |
| Date of Meeting: | 19 November 2024               |
| Category:        | Strategic                      |
| Author:          | Governance & Reporting Advisor |
| Approver:        | Director Corporate and Leisure |

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

This report is presented to Council to determine the term of the mayor. Before the election of the Mayor, the *Local Government Act 2020* (Act) requires that the Council must determine by resolution whether the Mayor is to be elected for a 1-year or a 2-year term.

Consequently, this report is presented to Council for determination of the term of the Mayor.

### Recommendation:

That Council:

1. Determine that the councillor who is next elected Mayor of the Wangaratta Rural City Council is elected for a \_\_\_ year term.

### Background

Section 26 of the Act requires that Council must determine whether the Mayor is to be elected for a 1-year or a 2-year term before the Mayor is elected.

It is appropriate that councillors consider the role of the Mayor set out in the Act in deciding the term of the Mayor.

### Implications

#### Policy Considerations

There are no specific Council policies or strategies that relate to this report.

#### Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

#### Legal/Statutory

Section 26(3) of the Act 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 18 of the Act sets out the role of the Mayor as follows:

- chair Council meetings
- be the principal spokesperson for the Council
- lead engagement with the municipal community on the development of the Council Plan
- report to the municipal community, at least once each year, on the implementation of the Council Plan
- promote behaviour among councillors that meets the standards of conduct set out in the Councillor Code of Conduct
- assist Councillors to understand their role
- take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer
- provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings
- perform civic and ceremonial duties on behalf of the Council

#### **Social and Diversity**

There are no social impacts identified for the subject of this report.

#### **Equity Impact Assessment (EIA)**

There are no equity impacts identified for the subject of this report.

#### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for the subject of this report.

### **Strategic Links**

#### **Council Plan 2021 – 2025**

This report supports the 2021-2025 Council Plan through the following objectives and actions:

#### **1. Strengthening our Leadership**

- 1.1.1.6 Continue to provide transparency for the community regarding the information being considered in decision making processes.

### **Risk Management**

Risk Management Framework

| <b>Risks</b>   | <b>Likelihood</b> | <b>Consequence</b> | <b>Rating</b> | <b>Mitigation Action</b>   |
|--|-------------------|--------------------|---------------|--|
| Failure to formally resolve the term of a mayor resulting in a breach of the Act | Rare              | Minor              | 3- Low        | Ensuring a council report is included in each applicable agenda. |

**Consultation/Communication**

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

**Options for Consideration**

There are no options for consideration as the Act requires that a determination of the term of the Mayor is made before a Mayor can be legally elected.

**Conclusion**

The Council must determine the term of the Mayor in order to be able to subsequently legally elect a Mayor.

**Attachments**

Nil.

### 7.3 Election of the Mayor

|                  |                                |
|------------------|--------------------------------|
| Meeting Type:    | Unscheduled Council Meeting    |
| Date of Meeting: | 19 November 2024               |
| Category:        | Strategic                      |
| Author:          | Governance & Reporting Advisor |
| Approver:        | Director Corporate and Leisure |

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### Executive Summary

This report is presented to Council to provide for the election of the Mayor. Under section 26 of the *Local Government Act 2020 (Vic)*, Councillors must elect a councillor to be the Mayor of the Council and this election must be undertaken in accordance with the process prescribed in Council's Governance Rules 2022, namely (at clause 26.3) that:

- The Chief Executive Officer presides over the process of electing the Mayor and invites nominations, which are made verbally and do not require seconding. Each nominee must be asked to confirm acceptance of their nomination.
- To be elected Mayor, a councillor must receive votes from an absolute majority of councillors of the Council unless there is only one candidate, in which case the meeting must declare that councillor to be duly elected as Mayor.
- Voting is by a show of hands. Councillors attending the meeting virtually must also indicate their vote by a show of hands. This vote, and the method of obtaining this vote, must be recorded in the minutes;
- If no councillor receives an absolute majority of votes, the councillor with the fewest votes will be defeated and another vote taken. In the event that no absolute majority arises, this process must continue until an absolute majority is obtained.
- At the end of the voting process, the Chief Executive Officer will declare the result and the Mayor will become chair of the meeting.
- The Mayor may make a commencement speech to outline the priorities for the year ahead based on the adopted Council Plan.

#### Recommendation:

That Council:

1. Elects \_\_\_\_ as Mayor in accordance with section 26 of the *Local Government Act 2020 (Vic)* and the Wangaratta Rural City Council Governance Rules.

#### Background

At a Council meeting that is open to the public, the councillors must elect a councillor to be the Mayor of the Council.

The election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with the Act and Council's Governance Rules.

### **The role of Mayor**

Section 18(1) of the Act sets out the responsibilities of the Mayor, which are to:

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

The Mayor also has specific powers to:

- Appoint a Councillor to be the chair of a delegated committee;
- Subject to any procedures or limitations specified in the Governance Rules, direct a Councillor to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business; and
- Require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

## **Implications**

### **Policy Considerations**

Clause 26 of the Governance Rules applies to the election of the Mayor.

### **Financial/Economic Implications**

Mayoral and Councillor allowances are met from the existing budget.

### **Legal/Statutory**

Sections 25 and 26 of the Act set out requirements for the election of the Mayor.

### **Social**

The Mayor is a symbol of democratic leadership to the community, Council and staff members. Creating stability within the elected council and ensuring effective and respectful communication between Councillors and the CEO are part of the Mayor's role. The election of the Mayor will have a direct impact on the quality of the relationship between the community and the Council, and community trust in local government

### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

## Strategic Links

### Council Plan 2021 – 2025

This report upholds the Council's commitment to Our Ways of Working as stated within the Council Plan 2021-2025:

#### Leadership

*We will show diligence and good governance when making decisions. We will accept responsibility for the consequences of those decisions.*

### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following strategy:

*Strong and consistent leadership that addresses our needs and priorities.*

## Risk Management

The process of electing a Mayor has some low-level procedural risks that are mitigated by Council's adherence to the relevant process set out in Governance Rules and detailed in this report.

## Consultation/Communication

| Level of public participation | Promises to the public/stakeholders                         | Tools/Techniques  |
|-------------------------------|---|---|
| Inform                        | Outcomes of this report will be communicated to the public. | Published in meeting minutes on Council's website.<br>Council media channels. |

## Options for Consideration

There are no options for consideration as the Act requires that the councillors must elect a councillor to be Mayor.

## Conclusion

Councillors must elect a councillor to be Mayor to ensure compliance with the *Local Government Act 2020*.

## Attachments

Nil

## 7.4 Establishment of the office of Deputy Mayor

|                  |                                |
|------------------|--------------------------------|
| Meeting Type:    | Unscheduled Council Meeting    |
| Date of Meeting: | 19 November 2024               |
| Category:        | Strategic                      |
| Author:          | Governance & Reporting Advisor |
| Approver:        | Director Corporate and Leisure |

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

A Council *may* establish an office of Deputy Mayor by resolution of Council in accordance with the *Local Government Act 2020* (“the Act”) and the Wangaratta Rural City Council Governance Rules (Governance Rules).

A Deputy Mayor performs the role of the Mayor and exercises the powers of the Mayor if the Mayor is absent. If no office of Deputy Mayor is established by Council, an Acting Mayor must be appointed at each Council meeting in which the elected Mayor is not in attendance.

This report is presented to Council to enable the establishment of the office of Deputy Mayor.

### Recommendation:

That Council:

1. Establishes the office of Deputy Mayor with the term to match that of the Mayor in accordance with Council’s Governance Rules.

### Background

Under the Act, Council may establish the office of Deputy Mayor at its discretion.

A Deputy Mayor performs the role of the Mayor and exercises the powers of the Mayor if:

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

This applies throughout the term of the Deputy Mayor which, in accordance with the Governance Rules, is a term identical to the term of the Mayor.

If a Deputy Mayor is not appointed, then the Council must, by resolution, appoint an Acting Mayor each time the Mayor is incapable of performing the role of Mayor or each time the office of Mayor is vacant.



It is appropriate that councillors consider the role of the Mayor set out in the Act in deciding to establish the office of Deputy Mayor.

### Implications

#### Policy Considerations

Clause 26.2 of the Governance Rules provides for the term of the Deputy Mayor.

#### Financial/Economic Implications

The Deputy Mayoral allowance is accounted for in the existing budget.

#### Legal/Statutory

Sections 20A and 21 of the Act set out the provisions for establishing the office of Deputy Mayor and the role of the Deputy Mayor.

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

Section 18(1) of the Act sets out that the the role of the Mayor is to:

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

#### Social

There are no social impacts identified for the subject of this report.

#### Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

**Strategic Links**

**Council Plan 2021 – 2025**

This report upholds the Council’s commitment to Our Ways of Working as stated within the Council Plan 2021-2025:

Leadership

*We will show diligence and good governance when making decisions. We will accept responsibility for the consequences of those decisions.*

**Rural City of Wangaratta 2033 Community Vision**

This report supports the 2033 Community Vision through the following strategy:

*Strong and consistent leadership that addresses our needs and priorities.*

**Risk Management**

Establishing an office of Deputy Mayor mitigates risks associated with a sudden absence of the Mayor and provides for an efficient and consistent response to business continuity considerations.

**Consultation/Communication**

| Level of public participation | Promises to the public/stakeholders                         | Tools/Techniques  |
|-------------------------------|---|---|
| Inform                        | Outcomes of this report will be communicated to the public. | Published in meeting minutes on Council’s website.<br>Council media channels. |

**Options for Consideration**

The Council may choose not to establish an office of Deputy Mayor.

If this were the case, the Council must, by resolution, appoint an Acting Mayor each time the Mayor is absent or each time the Mayor is incapable of performing the role of Mayor or each time the office of Mayor is vacant.

Also, at each council meeting that the Mayor is not present, the Council must, by resolution, appoint a councillor who is present at the meeting to chair the meeting.

This option is not recommended as it is a less efficient way of managing the risk of an absence of the Mayor.

**Conclusion**

The Council should establish the office of Deputy Mayor to mitigate the risks associated with the absence of the Mayor.

### Attachments

Nil

## 7.5 Election of the Deputy Mayor

|                  |                                |
|------------------|--------------------------------|
| Meeting Type:    | Unscheduled Council Meeting    |
| Date of Meeting: | 19 November 2024               |
| Category:        | Strategic                      |
| Author:          | Governance & Reporting Advisor |
| Approver:        | Director Corporate and Leisure |

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

If the office of Deputy Mayor is established by Council, the councillors must elect a councillor to be the Deputy Mayor of the Council.

This report is presented to Council to provide for the election of the Deputy Mayor.

The election of the Deputy Mayor must be conducted in accordance with the *Local Government Act 2020* ("the Act") and Council's Governance Rules, which include the following requirements:

- The Mayor presides over the process of electing the Deputy Mayor and invites nominations, which are made verbally and do not require seconding. Each nominee must be asked to confirm their nomination.
- To be elected Deputy Mayor, a councillor must receive votes from an absolute majority of councillors of the Council unless there is only one candidate, in which case the meeting must declare that councillor to be duly elected as Deputy Mayor.
- Voting is by a show of hands or, if required, by an electronic method that enables those observing, including those in attendance and those watching a livestream broadcast, to see who a councillor has voted for at the time the vote is taken.
- If no councillor receives an absolute majority of votes, the councillor with the fewest votes will be defeated and another vote taken.
- 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.
- At the end of the voting process, the Mayor will declare the result.

If the Council has established an office of Deputy Mayor, Council should elect a Deputy Mayor in accordance with the requirements of the *Local Government Act 2020* (Vic) and Council's Governance Rules.

### Recommendation:

That Council:

1. Elects \_\_\_\_ as Deputy Mayor for the same term as the Mayor in accordance with the requirements of the *Local Government Act 2020* and the Wangaratta Rural City Council Governance Rules.

## Background

If the office of Deputy Mayor is established by Council, the councillors must elect a councillor to be the Deputy Mayor of the Council.

The election of the Deputy Mayor must be conducted in accordance with the Act and the Governance Rules.

### Role of Deputy Mayor

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:

- a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting;  
or,
- b. the Mayor is incapable of performing the duties of the office for any reason, including illness;  
or,
- c. the office of the Mayor is vacant.

## Implications

### Policy Considerations

Clause 26.2 of the Governance Rules provide for the election of the Deputy Mayor.

### Financial/Economic Implications

The Deputy Mayor allowance is met from the existing budget.

### Legal/Statutory

Section 27 of the Act sets out requirements for the election of the Deputy Mayor.

### Social

The Mayor is a symbol of democratic leadership to the community, Council and staff members. The Deputy Mayor will act in the role of the Mayor as required, therefore the election of Deputy Mayor has the potential for a similar impact.

### Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

## Strategic Links

### Council Plan 2021 – 2025

This report upholds the Council's commitment to Our Ways of Working as stated within the Council Plan 2021-2025:

#### Leadership

*We will show diligence and good governance when making decisions. We will accept responsibility for the consequences of those decisions.*

### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following strategy:

*Strong and consistent leadership that addresses our needs and priorities.*

### Risk Management

If the office of Deputy Mayor is established by Council, then the legal requirements of the Act and Governance Rules must be followed.

### Consultation/Communication

| Level of public participation | Promises to the public/stakeholders                         | Tools/Techniques   |
|-------------------------------|---|--|
| Inform                        | Outcomes of this report will be communicated to the public. | Meeting minutes to be published on council's website.<br>Council media channels. |

### Options for Consideration

If the office of Deputy Mayor is established by Council, there are no options for consideration as the requirements of the Act and Governance Rules must be followed.

### Conclusion

If the office of Deputy Mayor is established by Council, councillors must elect a councillor to be Deputy Mayor according to the processes set out in the Act.

### Attachments

Nil

## 7.6 Appointment of two Councillors to the Audit & Risk Committee

|                  |                                |
|------------------|--------------------------------|
| Meeting Type:    | Unscheduled Council Meeting    |
| Date of Meeting: | 19 November 2024               |
| Category:        | Strategic                      |
| Author:          | Governance & Reporting Advisor |
| Approver:        | Director Corporate and Leisure |

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Executive Summary

Section 53 of the *Local Government Act 2020* ('the Act') requires that an Audit and Risk Committee ('Committee') established by Council must include members who are councillors of the Council and a majority of members who are not councillors of the Council. Council is required under the Act to have an Audit and Risk Committee.

Council has established an Audit and Risk Committee in accordance with the Act and has in effect an Audit and Risk Committee Charter ('Charter') that governs the operation of the Committee.

The Charter requires that the Committee includes two councillor members, appointed by the Council to serve a one-year term.

### Recommendation:

That Council, in accordance with the Audit & Risk Committee Charter, appoints the following councillors to be members of the Audit & Risk Committee for a one-year term:

1. Cr \_\_\_\_\_
2. Cr \_\_\_\_\_

### Background

The Charter developed and approved for the Committee by Council requires that:

- the committee must include two members who are councillors; and
- members who are councillors are appointed for a one-year term.

There are currently no councillors appointed as members of the committee given the terms of office as councillors of each previous councillor member ended at 6 a.m. on the day of the general election for the Council.

Councillors-elect have taken the oath or affirmation of office and are now capable of acting as councillors. Consequently, new councillor members of the committee are able to be appointed by the Council.

## Implications

### Policy Considerations

Clauses 3.1 and 5.1 of the charter apply to the appointment of councillor members of the committee. Council's Governance Rules provide that conflicts of interest disclosures of Audit and Risk Committee members must follow the steps outlined in the Governance Rules.

### Financial/Economic Implications

There are no financial or economic implications identified for the subject of this report.

### Legal/Statutory

Section 53 of the Act applies to the appointment of councillor members of the committee.

### Social

There are no social impacts identified for the subject of this report.

### Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

## Strategic Links

### Council Plan 2021 – 2025

This report upholds the Council's commitment to *Our Ways of Working* as stated within the Council Plan 2021-2025:

#### Leadership

*We will show diligence and good governance when making decisions. We will accept responsibility for the consequences of those decisions.*

### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following strategy:

*Strong and consistent leadership that addresses our needs and priorities.*

## Risk Management

It is a legal requirement of the *Local Government Act 2020* (Vic) that the Council appoint councillor members to the committee.

## Consultation/Communication

Councillors have been briefed on the requirements of the Audit and Risk Committee and sufficient consultation has been undertaken.

## Options for Consideration

There are nil other options for consideration.



### Conclusion

Council must appoint two councillor members to the committee for a one-year term to meet its obligations under the Act and in accordance with the Audit & Risk Committee Charter.

### Attachments

Nil

## **8. Closure of Meeting**

### **Attachments**