

# MINUTES

## STATUTORY MEETING OF COUNCIL

Tuesday, 11 November 2014

Held at the Swan Hill Town Hall Council Chambers  
McCallum Street, Swan Hill  
Commencing at 5:00 PM

**COUNCIL:**

Cr LT McPhee  
Cr JN Katis  
Cr GW Norton  
Cr GI Cruickshank  
Cr JA Kiley  
Cr CM Adamson  
Cr JB Crowe

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**SECTION A – PROCEDURAL MATTERS**

- **Open**

The Chief Executive Officer, Dean Miller declared the meeting open at 5pm.

- **Acknowledgement of Country**

The Chief Executive Officer, Dean Miller read the Acknowledgement to Country.

- **Prayer**

Councillor Jessie Kiley read the prayer.

- **Apologies**

Nil

## **SECTION B – REPORTS**

### **B.14.76 MAYORAL TERM OF OFFICE**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 24-19-00  
**Attachments:** Nil

**Declarations of Interest:**

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

**Summary**

Council needs to decide whether the Mayoral term is one or two years.

**Discussion**

Local Government Act 1989 Section 71

1. At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
2. Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.
3. The Mayor is to be elected –
  - a. After the fourth Saturday in October but not later than 30 November in each year; or
  - b. If under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
  - c. As soon as possible after any vacancy in the office of the Mayor occurs.

**Financial and Resource Implications**

Costs associated with Mayoral allowances and ancillary costs are included in the budget each year.

### **Council Plan Strategy Addressed**

***Councillor and Staff accountability*** - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

### **Options**

Council may resolve to elect the Mayor for either a one or two year term.

### **Recommendation**

**That Council elect a Mayor for a term of one year.**

### **28/14 Motion**

**MOVED Cr Cruickshank**

**That Council elect a Mayor for a term of one year.**

**SECONDED Cr McPhee**

**The Motion was put and CARRIED**

## **B.14.77 ELECTION OF MAYOR 2014/2015**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 24-19-00  
**Attachments:** Nil

### **Declarations of Interest:**

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

This report outlines the process and statutory requirements for the election of Mayor.

### **Election of Mayor**

The Chief Executive Officer must conduct the election of the Mayor in accordance with the Local Government Act and Council's Local Law Number 1.

### **Discussion**

Under section 71 of the Local Government Act 1989, the Councillors must elect a Councillor to be the Mayor of the Council. The term of office of the Mayor is until the next Statutory Meeting of Council for the election of the Mayor or until any vacancy in the office of Mayor occurs.

Section 73 of the Local Government Act 1989 states that the Mayor of a Council takes precedence at all municipal proceedings within the municipal district and that the Mayor must take the chair at all meetings of the Council at which he or she is present.

The Mayor should lead the Council in relation to policy making and the setting of Council priorities.

The role of the Mayor is to:

- Chair Council meetings.
- Exercise the casting vote at Council meetings when required.
- Represent the municipality at ceremonial occasions and in political forums.
- Lead, coordinate and provide guidance for the Council and Councillors.
- Lead the Council in relation to policy making and the setting of Council priorities.
- Speak publicly about the Local Government's role and developments in the community.
- Oversee the performance of the Chief Executive Officer.
- Liaise closely with the Chief Executive Officer to ensure effective relationships between Council and its administration in pursuing Council goals.

### **Relevant Legislation**

Local Law No 1 – Meeting Procedure  
Local Government Act 1989

### **Council Plan Strategy Addressed**

***Councillor and Staff accountability*** - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

### **Recommendations**

NA.

### **Motion**

**Councillor Crowe Nominated Councillor Adamson for Mayor. Councillor Adamson accepted the nomination. The Chief Executive Officer Dean Miller then asked for further nominations to which there were none. The Chief Executive Officer then stated that as there was only one nomination that Councillor Adamson be declared Mayor.**

### **29/14 Motion**

**MOVED Cr Kiley**

**That standing orders be suspended to robe the Mayor.**

**SECONDED Cr McPhee**

**The Motion was put and CARRIED**

The Chief Executive Officer then asked the outgoing Mayor Les McPhee if he would like to say a few words as the outgoing mayor.

**Councillor Les McPhee:**

In my last Mayoral column I said a lot of what I will say again tonight. It's definitely an honor and a privilege to take on the role as Mayor.

I have taken it seriously over the past two years and done it to the best of my ability but you can't do it alone.

Firstly I would like to thank my fellow Councillors for the opportunity to be Mayor for those past two years, I really appreciate it and the support I have received from them.

Also the staff, the Executive Leadership Team and especially those that work closely with the Mayor in the Executive Office and the Media Unit. They do a lot of work with the Mayor that make the Mayor's job a lot easier.

A big thank you must go to the community as I have received a lot of support from them, not that you do it for the pat on the back from the community but it is nice when you do get it and I would like to thank them for their input into it as well.

Like the CEO said when he read what the role of the Mayor is, it's about leading a team, we are a team. We are a very individual team in a lot of ways, we have our own individual views, which is a good thing. I don't think that we all need to be all aligned to understand things. I think we need to have own individual views which we have on this Council and I think that is very healthy.

I don't believe that one person can accept accolades for what happens in a Municipality. The media asked me when I step down from the role of Mayor what would be your greatest achievement. In the term I was Mayor the greatest thing for the Municipality was the natural gas announcement coming to Swan Hill and there are previous Mayors and previous CEO's and previous officers that should be congratulated for the work that they have done in the past, we just continue that work on. It's just fortunate that whoever is in the Chair when these announcements are made. But they shouldn't receive the accolades themselves they should always acknowledge that there are people before them and after them as well.

We are moving into an exciting time in Council I think it's very promising the future years ahead. We have the Riverfront with the announcement of the Heartbeat of the Murray funding and the Chisholm Reserve and as I mentioned the Natural Gas. So we are in a wonderful place here, not only in Swan Hill but you look up in Robinvale with their Riverfront, Bromely Road and the work that has been done around Lake Boga in relation to the lake and walking path as well as the community planning and the whole Municipality. It's about keeping our eyes on the whole Municipality not just one area.

I would like to wish the new Mayor all the best for his 12 months and I will offer him my support.



Finally I would like to thank my wife for the two years, which is a long time, it's a big commitment for not only the person in the role but also for his partner because you are away a lot. So I would like to thank her.

Thank you.

**30/14 Motion**

**MOVED Cr Cruickshank**

**That Standing Orders be resumed.**

**SECONDED Cr Katis**

**The Motion was put and CARRIED**

UNCONFIRMED

### **B.14.78 ELECTION OF DEPUTY MAYOR 2014/2015**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 24-19-02  
**Attachments:** Nil

#### **Declarations of Interest:**

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

#### **Summary**

The Local Government Act 1989 is silent in relation to the election of a Deputy Mayor, however there is nothing to preclude Council from appointing a Deputy Mayor.

#### **Discussion**

At the 8 December 2008 Special Council Meeting, Council adopted a Deputy Mayor Position Policy (**POL/GOV006**) to strengthen the position of Mayor and the operations of Council.

*Council resolved as follows:*

*That Council elect a Deputy Mayor to support the Mayoral role to facilitate the smooth and uninterrupted civic, statutory and policy-making functions of Council in the absence of the Mayor.*

Swan Hill Rural City Council Local Law No 1 "Meeting Procedures Local Law", Part B stipulates that the procedure for the election of Deputy Mayor shall be the same as that for the Mayor.

Section 73 of the Act provides that:

3. If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
4. An acting Mayor may perform any function or exercise any power conferred on the Mayor.

It would be appropriate for the Deputy Mayor to act as Acting Mayor for the purposes of Section 73, however Council may appoint any Councillor to be Acting Mayor.

## **Financial and Resource Implications**

There is no provision in the Act for a separate allowance for Deputy Mayor.

## **Council Plan Strategy Addressed**

***Councillor and Staff accountability*** - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

## **Options**

Council may or may not elect a Deputy Mayor.

## **Recommendation**

**NA**

**Councillor Norton nominated Councillor Katis for Deputy Mayor. Councillor Katis accepted the nomination. The Chief Executive Officer, Dean Miller then asked for further nominations to which there were none so the CEO then declared that Councillor Katis Deputy Mayor.**

The Chief Executive Officer then handed over the meeting to the new Mayor Councillor Adamson to say a few words and chair the rest of the meeting.

Councillor Adamson:

Thank you to the CEO for chairing and for this opportunity. I would like to acknowledge the former Mayor Councillor McPhee and the extraordinary job that he has done in the past two years as the Mayor in this Municipality and I think that Councillor McPhee undersells the role and the job that he has done. He has acted outstandingly and it's certainly very big shoes that I have to fill and I will endeavor to do that to the best of my ability.

I would just like to acknowledge what a terrific job that you have done Councillor McPhee. Particularly bringing a group of Councillors together, we certainly aren't an easy group to work with at some stages and I know that we have had our moments where we've been at logger heads with each other but you've continued to seek to bring unity to the group and I think that that has occurred and that is a great credit to you. So thank you for that very much.

I would also like to thank my fellow Councillors for nominating and acknowledging me into this role. I do pledge to do the best job that I can possibly do in this role, to support the continued development and growth for the city. To work together with our Directors, our Officers, our Council staff and the whole community to see Swan Hill continue to develop and grow to be the great town that it already is and that it's growing into.

Thank

you.

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## **B.14.79 COUNCIL MEETING LOCATIONS**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 22-13-00  
**Attachments:** Nil

**Declarations of Interest:** Officer  
Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

### **Summary**

Each year Council holds its Ordinary meetings in a range of locations throughout the municipality to enable members of the community to be present.

Council meetings currently commence at 7pm on the third Tuesday of each month.

This report provides Council with the opportunity to change meeting dates times and locations.

### **Discussion**

Historically Council has held its meetings on the third Tuesday of the month, commencing at 7.00pm to enable interested members of the community to attend Council meetings. For the same reason Council has held its ordinary monthly meetings in a range of locations throughout the municipality.

In the last three years Council has met regularly in Robinvale and on two occasions at smaller locations in the municipality. Traditionally, Council has not met in January (an exception to this practice was made in 2012).

Meeting in locations outside of Swan Hill enables access to Council meetings by members of the community who otherwise would have to travel significant distances to attend Council meetings.

Scheduling meetings in other locations enables Councillors to inspect local developments and issues prior to the commencement of the Council meeting.

The following table includes meeting locations for 2013 and 2014, and proposed meeting locations and times for 2015:

**Table 1**

Month	2013	2014	2015
January	No meeting	No meeting	No meeting
February	Swan Hill	Swan Hill	Piangil 17 February 2015 7.00pm
March	Lake Boga	Ultima	Swan Hill 17 March 2015 7.00pm
April	Swan Hill	Swan Hill	Swan Hill 21 April 2015 7.00pm
May	Swan Hill	Swan Hill	Swan Hill 19 May 2015 7.00pm
June	Boundary Bend	Swan Hill	Swan Hill 16 June 2015 7.00pm
July	Robinvale	Swan Hill	Swan Hill 21 July 2015 7.00pm
August	Swan Hill	Robinvale	Robinvale 18 August 2015 7.00pm
September	Swan Hill	Swan Hill	Swan Hill 22 September 2015 7.00pm
October	Nyah	Swan Hill	Swan Hill 20 October 2015 7.00pm
November	Swan Hill	Swan Hill	Swan Hill 17 November 2015 7.00pm
December	Swan Hill	Swan Hill	Swan Hill 15 December 2015 7.00pm

## **Consultation**

Nil

## **Financial Implications**

Costs associated with conducting Council meetings outside of the Council Chamber in the Swan Hill Town Hall are included in the budget each year.

## **Social Implications**

Facilitating community access to Council meetings will aid the Sustainable Community goal of Building Community Capacity.

## **Economic Implications**

Nil

## **Environmental Implications**

Nil

## **Risk Management Implications**

Nil

## **Council Plan Strategy Addressed**

***Councillor and Staff accountability*** - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

## **Options**

1. Continue meeting on the third Tuesday of the month or another day.
2. Continue commencing meetings at 7.00pm or at another time.
3. Meet in any location Council sees fit.

## **Recommendation**

**Council Ordinary Meetings for 2015 be held at the locations, dates and at 2pm times specified in Table 1.**

**31/14**

**Motion**

**MOVED Cr McPhee**

**Council Ordinary Meetings for 2015 be held at 2pm at the locations and dates specified, except that the June meeting be held on 9 June 2015.**

**SECONDED Cr Kiley**

**The Motion was put and CARRIED**

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**B.14.80 APPOINTMENT OF COUNCIL DELEGATES TO OUTSIDE ORGANISATIONS**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 22-20-00  
**Attachments:** 1 Council Representatives

**Declarations of Interest:**

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

**Summary**

The purpose of the report is to consider the appointment of Councillors to outside organisations and community groups.

**Discussion**

Council makes appointments to various external organisations and community groups. This assists Council in working closely with its community and taking part in a wide range of activities associated with the development of the Municipality.

**Consultation**

Nil

**Financial Implications**

Travel and accommodation costs will be incurred by Councillors, but these are budgeted for annually.

Appointments to external organisations will assist Council in achieving its economic, social and environmental objectives.

**Social Implications**

Nil

**Economic Implications**

Nil

**Environmental Implications**

Nil

### **Risk Management Implications**

Nil

### **Council Plan Strategy Addressed**

***Developing open community relationships*** - We seek to achieve greater community inclusiveness and understanding of Council's operations and decisions.

### **Options**

1. Some of the appointments are mandatory (eg Audit Committee) and others are optional.

### **Recommendation**

**That Council nominate and/or appoint Councillors to external organisations as shown in Attachment 1 to this report.**

### **32/14 Motion**

**MOVED Cr Cruickshank**

**That Council nominate and/or appoint Councillors to external organisations as shown in Attachment 1 and as amended.**

**SECONDED Cr Katis**

**The Motion was put and CARRIED**

## COUNCIL DELEGATES

Organisation	Councillor Representative	Councillor/Officer December 2013/ 2014	Councillor / Officer December 2014/15
<b>Asset Naming Sub-Committee (of Council)</b>	Mayor or Deputy Mayor 1 Councillor as member	Deputy Mayor Cr Katis	Cr Les McPhee
<b>Audit Committee</b>	2 Councillors as members	Cr Katis Cr Crowe	Cr Adamson Cr Crowe
<b>Chief Executive Officer Performance Review Committee</b>	Mayor, Immediate Past Mayor and Councillor	Mayor, Deputy Mayor and Immediate Past Mayor	Mayor, Deputy Mayor and Immediate Past Mayor
<b>Swan Hill Regional Livestock Exchange</b>	Councillor Officer	Cr McPhee	Cr McPhee
<b>Swan Hill Indoor Sport &amp; Recreation Centre Committee of Management</b>	Ward Councillors as observers	Cr Adamson	Cr Kiley
<b>Swan Hill Leisure Centre Committee of Management</b>	Councillor as Delegate Councillor as Sub-Delegate	Cr Adamson Cr Kiley Sub-Delegate	Cr Adamson Cr Kiley Sub-Delegate
<b>Swan Hill Regional Art Gallery Advisory Committee</b>	Councillor as member	Cr Kiley	Cr Kiley
<b>Alan Garden Reserve, Committee of Management</b>	Councillor as a member	Cr Kiley	Cr Kiley
<b>Loddon Mallee Waste and Resource Recovery Board</b>	Councillor as Director on Group Board	Cr Cruickshank	Cr Cruickshank
<b>Municipal Association of Victoria</b>	Councillor as Delegate Councillor as Sub-Delegate	Cr Norton Mayor as Sub-Delegate	Cr Norton

<b>Organisation</b>	<b>Councillor Representative</b>	<b>Councillor/Officer December 2013/ 2014</b>	<b>Councillor / Officer December 2014/15</b>
<b>Municipal Emergency Management Planning Committee</b>	Councillor as Chair	Cr McPhee Cr Katis Sub-Delegate	Cr Crowe Cr Katis Sub-Delegate
<b>Murray Darling Association</b>	Councillor as member	Cr Norton Cr Crowe Sub-Delegate	Cr Crowe
<b>Murray Mallee Local Learning &amp; Employment Network (MLLEN)</b>	Councillor/Officer as member	Cr Adamson resigned Cr Cruickshank	Cr Cruickshank
<b>Murray River Group of Councils</b>	Mayor and CEO	Mayor CEO	Mayor CEO
<b>North West Municipalities Association</b>	Mayor and CEO or Councillors	Cr Norton as Delegate Cr Adamson as Sub-Delegate	Cr Norton as Delegate Cr Adamson as Sub-Delegate
<b>Swan Hill Community House</b>	Councillor as member	Cr McPhee	Cr McPhee
<b>Swan Hill “Healthy Minds” Network</b>	Councillor as member	Cr Kiley	Cr Kiley
<b>Swan Hill Inc.</b>	Councillor/Officer as board member	Cr Kiley	Cr Kiley
<b>Victorian Local Governance Association (VLGA)</b>	Councillor Delegate and Councillor as Sub-Delegate	Councillor McPhee as Delegate and Councillor Adamson as Sub-Delegate	No Delegate

Committee	Councillor 2013/14	Councillor 2014/15
<b>Robinvale Aboriginal Elders Committee</b>	Cr Katis	Cr Katis
<b>Robinvale Euston Business Association</b>	Cr Katis	Cr Katis
<b>Lake Boga Inc</b>	Cr McPhee	Cr McPhee
<b>Manangatang Improvement Group</b>	Cr Norton	Cr Norton
<b>Nyah Action Group</b>	Cr Norton	Cr Norton
<b>Ultima Progress Association</b>	Cr McPhee	Cr McPhee
<b>Bigger Better Beverford Group</b>	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley
<b>Woorinen Progress Association</b>	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley	Cr Cruickshank Cr Adamson Cr Crowe Cr Kiley
<b>Piangil Community Group</b>	Cr Norton	Cr Norton
<b>Boundary Bend Progress Association</b>	Cr Norton	Cr Norton
<b>Swan Hill Rural City Residents &amp; Ratepayers Association</b>	Any Councillor can attend	Any Councillor can attend
<b>Rail Freight Alliance</b>	Cr Cruickshank Cr Adamson	Cr Cruickshank Cr Adamson
<b>Central Murray Regional Transport Forum</b>	Cr Cruickshank Cr Adamson	Cr Cruickshank Cr Adamson
<b>Tree Committee</b>	Cr Katis Cr Kiley	Cr Katis Cr Kiley
<b>Chisholm Reserve Motor Sports Development Group</b>	Cr Cruickshank Cr Crowe Cr Adamson	Cr Cruickshank Cr Crowe Cr Adamson
<b>Community Grants</b>	Cr Crowe	Cr Crowe
<b>Rural Councils Victoria</b>	Cr Norton	Cr Norton

<b>Committee</b>	<b>Councillor 2013/14</b>	<b>Councillor 2014/15</b>
<b>GWM Water Mallee Customer Committee</b>	Cr Norton	Cr Norton

UNCONFIRMED

### **B.14.81 COUNCILLOR ALLOWANCES**

**Responsible Officer:** Chief Executive Officer  
**File Number:** 24-08-00  
**Attachments:** Nil

**Declarations of Interest:**

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

**Summary**

This report is prepared for public information.

The Local Government (Council Remuneration Review) Panel Report April 2008 recommended the new Council and Mayoral allowances and support package to better reflect the contribution made by locally elected councillors.

The allowance package is based on a three-category model of Council allowances, based on revenue and population figures and ensures that Councils can retain flexibility and discretion to set allowances within a range in consultation with their community.

Current allowances were increased by 2.5% from 24 December 2013.

**Discussion**

**The Local Government Act 1989 states:**

The Victorian Government sets upper and lower limits for all allowances paid to Councillors and Mayors. For the purpose of these allowance limits, Councils are divided into three categories based on the income and population of each council.

Soon after being elected in 2012 Council resolved to continue with the same remuneration allowances paid to the Mayor and Councillors as of the previous Council, which were within the limits set by the Government.

The Councillor allowances are currently \$22,284 and the Mayoral allowance is \$59,120.

Allowances set in 2012 were for the four year term of office and are only increased in line with gazetted increases determined by the Minister for Local Government and advised annually.

The current allowance range applicable to this Council are:

**Category 2** – Councillors from \$9,549 to \$22,965 and up to \$71,058 for the Mayor.

Additionally a remote area travel allowance will continue to provide compensation for the time spent on long distance travelled by Councillors in remote areas. This allowance provides for a maximum limit of \$5,000 per annum (at daily rate of \$40 in respect to each meeting or function).

Superannuation at 9.5% (9.25% 2013/14) is paid in addition to the allowance.

Additional support is provided to Councillors in accordance with the Act and Council Policy. These include:

**Resources/facilities mandatory**

- Administration support
- Office access for the Mayor and Councillors
- Vehicle for the Mayor
- Desktop computer or a laptop and iPad
- Fax/printer
- Mobile phone and landline as required
- Stationery
- Access to fax/copier

**Reimbursement will be provided for Council related:**

- Travel - including reimbursement of public transport costs
- Phone call costs
- Internet
- Child care/family care

**Consultation**

The Mayoral and Councillor Allowances were advertised when first proposed in December 2012. No submissions were received.

**Financial Implications**

Costs associated with Councillor Allowances are included in the budget each year.

**Social Implications**

Nil

**Economic Implications**

Nil

**Environmental Implications**

Nil



### **Risk Management Implications**

Nil

### **Council Plan Strategy Addressed**

***Councillor and Staff accountability*** - We will represent the interests of our community and will conduct our affairs openly and with integrity, reflecting high levels of good governance.

### **Options**

The Office of Local Government has advised that Councillors are unable to change any aspect of their allowances during their term. The indexation set by the Minister for Local Government automatically applies the allowances each year.

### **Recommendation**

**That Council note the contents of the report.**

### **33/14 Motion**

**MOVED Cr Cruickshank**

**That Council note the contents of the report and that the allowances remain the same as the Local Government Remuneration Review Panel recommends.**

**SECONDED Cr Norton**

**The Motion was put and CARRIED**

There being no further business the Mayor, Councillor Michael Adamson closed the meeting at 5.23pm.