



**OATH OF OFFICE AND COMMITMENT TO COUNCILLORS
CODE OF CONDUCT**

AND

**SPECIAL COUNCIL MEETING OF
THE HUME CITY COUNCIL**

MONDAY, 7 NOVEMBER 2016

7.00 PM

**COUNCIL CHAMBER, HUME GLOBAL LEARNING CENTRE,
BROADMEADOWS**

OUR VISION:

Hume City Council will be recognised as a leader in achieving social, environmental and economic outcomes with a common goal of connecting our proud community and celebrating the diversity of Hume.

HUME CITY COUNCIL

**Notice of the SWEARING IN OF NEW COUNCILLORS, to be followed by a
SPECIAL COUNCIL MEETING OF THE HUME CITY COUNCIL**

to be held on Monday, 7 November 2016

at 7.00 PM

at the Council Chamber, Hume Global Learning Centre, Broadmeadows

To be conducted by the Chief Executive Officer.

1. OATH OF OFFICE AND COMMITMENT TO COUNCILLORS CODE OF CONDUCT

1.1 Section 63 of the Local Government Act 1989 provides that:

- (1) A person elected to be a Councillor is not capable of acting as a Councillor until the person has—
 - (a) taken the oath of office; and
 - (b) read the Councillor Code of Conduct and made a declaration stating that they will abide by the Councillor Code of Conduct.

- (1A) The following oath of office is to be taken by a Councillor in accordance with Division 2 of Part IV of the Evidence (Miscellaneous Provisions) Act 1958—

I will undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Hume City Council and faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1989 or any other Act to the best of my skill and judgment."

Section 102 of the Evidence (Miscellaneous Provisions) Act 1958 permits a person to make a solemn affirmation instead of taking an oath in all places and for all purposes where an oath is required by law.

- (2) The oath of office must be:
 - (a) made before the Chief Executive Officer; and
 - (b) dated and signed before the Chief Executive Officer; and
 - (c) recorded in the minutes of the Council.
- (3) A declaration by a person elected to be a Councillor stating that they will abide by the Councillor Code of Conduct must be—
 - (a) in writing; and
 - (b) witnessed by the Chief Executive Officer.

1.2 Section 64 of the Local Government Act 1989 provides that:

The office of a Councillor becomes vacant if a person elected to be a Councillor does not, within 3 months after the day on which the person was declared elected—

- (a) take the oath of office; or
- (b) make a declaration stating that they will abide by the Councillor Code of Conduct.

The Chief Executive Officer will proceed to call upon each successfully elected candidate in turn to come forward and take the Oath of Office and sign the Statement of Commitment to the Code of Conduct for Councillors.

The signed documents will be included in the minutes of the meeting.

SPECIAL COUNCIL MEETING OF THE HUME CITY COUNCIL

To: a: Council
Cr Joseph Haweil
Cr Jodi Jackson
Cr Drew Jessop
Cr Leigh Johnson
Cr Naim Kurt
Cr Jack Medcraft
Cr Carly Moore
Cr Geoff Porter
Cr Ann Potter
Cr Karen Sherry
Cr Jana Taylor

b: Officers
Mr Domenic Isola
Mr Peter Waite
Mr Daryl Whitfort
Ms Margarita Caddick
Mr Kelvin Walsh
Ms Kylie Ezzy

Chief Executive Officer
Director Sustainable Infrastructure and Services
Director Corporate Services
Director Community Services
Director Planning and Development
Director Communications, Engagement and Advocacy

Note: Pursuant to Clause 1.5 of the Code of Meetings Procedure contained in Council's Governance Local Law 2013, the Chief Executive Officer will be the first temporary chairperson of the Special Meeting at which the election of the Mayor is to be conducted.

ORDER OF BUSINESS**1. PRAYER**

Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the Hume City.

Amen

2. APPOINTMENT OF SECONDARY TEMPORARY CHAIRPERSON

Council's Code of Meetings Procedure contained in the Governance Local Law 2013, clause 1.6 (1.6.1 – 1.6.7) provides for the following procedure for the appointment of a second temporary chairperson:

- 1.6 The Chief Executive Officer shall invite nominations for a second temporary Chairperson, which nominations do not need to be seconded.
 - 1.6.1 If there is only one nomination, the candidate nominated shall be deemed to have been duly elected.
 - 1.6.2 If there is more than one nomination, the Councillors present at the meeting shall vote for one of the candidates by a show of hands (or by such other method as Council determines).
 - 1.6.3 In the event of a candidate receiving an absolute majority of the votes, that candidate shall be declared to have been duly elected.

- 1.6.4 In the event of no candidate receiving an absolute majority of the votes, the candidate with the fewest number of votes shall be declared to be a defeated candidate. The Councillors present at the meeting shall then vote for one of the remaining candidates by a show of hands (or by such other method as Council determines).
- 1.6.5 If one (1) of the remaining candidates receives an absolute majority of the votes, he or she shall be declared to have been duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands (or by such other method as Council determines) shall be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate shall be declared to have been duly elected.
- 1.6.6 In the event of two (2) or more candidates having an equality of votes and one (1) or more of them having to be declared:
- (a) a defeated candidate; or
 - (b) duly elected
- the result will be determined by lot.
- 1.6.7 The Chief Executive Officer shall have the conduct of any lot.

3. RECOGNITION OF TRADITIONAL LAND OWNERS

The second temporary Chairperson will acknowledge that we are meeting on country for which the members and elders of the Gunung-Willam-Balluk community and their forebears have been custodians for many centuries. The Gunung-Willam-Balluk of the Wurundjeri are the Traditional Custodians of this land. I would like to pay respect to the existing family members of the Gunung Willam Balluk and to Elders passed and present.

4. ELECTION OF THE MAYOR FOR THE 2016/2017 YEAR

- 4.1 Council's Code of Meetings Procedure contained in Governance Local Law 2013, Clause 1.7 (1.7.1 – 1.7.7) provides for the following procedure for the election of the Mayor:
- 1.7 The second temporary Chairperson shall then invite nominations for the office of Mayor, which nominations do not need to be seconded.
- 1.7.1 If there is only one nomination, the candidate nominated shall be deemed to have been duly elected.
 - 1.7.2 If there is more than one nomination, the Councillors present at the meeting shall vote for one of the candidates by a show of hands (or by such other method as Council determines).
 - 1.7.3 In the event of a candidate receiving an absolute majority of the votes, that candidate shall be declared to have been duly elected.
 - 1.7.4 In the event of no candidate receiving an absolute majority of the votes, the candidate with the fewest number of votes shall be declared to be a defeated candidate. The Councillors present at the meeting shall then vote for one of the remaining candidates by a show of hands (or by such other method as Council determines).

- 1.7.5 If one (1) of the remaining candidates receives an absolute majority of the votes, he or she shall be declared to have been duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands (or by such other method as Council determines) shall be repeated until one (1) of the candidates receives an absolute majority of the votes. That candidate shall be declared to have been duly elected.
- 1.7.6 In the event of two (2) or more candidates having an equality of votes and one (1) or more of them having to be declared:
- (a) a defeated candidate; or
 - (b) duly elected
- the result will be determined by lot.
- 1.7.7 The Chief Executive Officer shall have the conduct of any lot.

5. INSTALLATION OF THE MAYOR

In accordance with Section 73(2) of the *Local Government Act* 1989, the Mayor must take the chair once elected.

ADDRESS BY MAYOR

Mayor to address the meeting.

Councillors may wish to offer their congratulations to the newly elected Mayor.

6. ELECTION OF THE DEPUTY MAYOR FOR THE 2016/2017 YEAR

The procedure to elect a Deputy Mayor will be the same as to elect the Mayor.

7. APPOINTMENTS TO AUDIT COMMITTEE FOR THE 2016/2017 YEAR

Council at its meeting on 12 October 1998 established an Audit Committee as a Special Committee pursuant to Section 86 of the *Local Government Act* 1989.

Composition:

The membership of the Audit Committee was expanded to five members in May 2012, comprising of two Councillors, and three external independent persons, of which one shall be appointed the Chairperson. The maximum term of the independent members is 8 years.

2015/2016 External Members:

Ms Claire Filson	External Member – Chairperson (appointed until April 2017)* Originally appointed April 2012, and reappointed April 2015. Term ends April 2020
Mr Brian Keane	External Member Originally appointed April 2012, and reappointed April 2015. Term ends April 2020
Mr David Nairn	External Member Appointed 13 April 2015, initial Term ends 13 April 2018

* When Claire Filson was appointed to the Chair on 13 April 2015, it was done so with the view that Brian Keane would be appointed Chair for the remainder of his term, i.e. until April 2020.

Allowances:

The Audit Committee, under Section 139 of the *Local Government Act 1989*, may pay a fee to external Audit Committee members. Audit Committee chair and members have not had an increase in their allowance since December 2010. An increase is now proposed:

	Current	Proposed
Chairperson	\$7,500	\$8,500
Committee Member	\$6,000	\$6,800

An allowance increase of \$1000 for the chair, and \$800 for the members would place Council in the mid range of comparable metropolitan councils.

Recommendation:**That Council:**

- 7.1 **appoints Councillor members to the Audit Committee in accordance with the Instrument of Delegation;**
- 7.2 **fixes the allowance to be paid to the independent members at:**
 - Chairperson - \$8,500 per annum**
 - Member - \$6,800 per annum.**
- 7.3 **That Mr Brian Keane be appointed as Chairperson effective April 2017.**

8. APPOINTMENT OF CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE FOR THE 2016/2017 YEAR

Council resolved on 9 November 1998, that the Chief Executive Officer Review Committee be formally appointed at the Statutory Meeting each year. Council at its Special Meeting of 21 March 2001 resolved that the make up of the Committee be revised to comprise the Mayor and two other Councillors.

Recommendation:

- 8.1 **That Council appoints the Mayor as Chairperson and Convenor, and two Councillors as members of the Chief Executive Officer Review Committee.**

9. APPOINTMENT OF DELEGATES FOR THE 2016/2017 YEAR**Australian Mayoral Aviation Council****Recommendation:**

- 9.1 **That the Australian Mayoral Aviation Council Representative and Substitute Delegate be appointed.**

Municipal Association of Victoria**Recommendation:**

- 9.2 **That the Municipal Association of Victoria Representative and Substitute Delegate be appointed.**

Victorian Local Governance Association

Recommendation:

- 9.3 That the Victorian Local Governance Association Representative and Substitute Delegate be appointed.**

10. CLOSURE OF MEETING

**DOMENIC ISOLA
CHIEF EXECUTIVE OFFICER**

3/11/2016