

MINUTES

Meeting of Council

Thursday, 19 November 2020 commencing at 7:30 PM

Livestreaming at www.bendigo.vic.gov.au/councilmeeting

VENUE:

www.bendigo.vic.gov.au/councilmeeting

NEXT MEETING:

Monday 14 December 2020

Livestream

Copies of the City of Greater Bendigo Council's Agendas & Minutes
can be obtained online at www.bendigo.vic.gov.au

This Council Meeting is conducted in accordance with the Local Government Act 2020 as amended by the COVID19 Omnibus (Emergency Measures) Act 2020 and Local Law Process of Municipal Government 2020

Council Vision

Greater Bendigo - creating the world's most liveable community.

Council Values

Six values inform everything we as Council do in working together to be the best we can for all of our community.

Seeking to achieve the best value for our use of the community's public funds and resources, by:

- We Lead;
- We Learn;
- We Contribute;
- We Care;
- We Respond;
- We Respect.

Goals

- Presentation and Managing Growth
- Wellbeing and Fairness
- Strengthening the Economy
- Environmental Sustainability
- Embracing our Culture and Heritage
- Lead and Govern for All

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1. ACKNOWLEDGEMENT OF COUNTRY

2. PRAYER

3. ATTENDANCE AND APOLOGIES

Cr Jennifer Alden

Cr Matthew Evans

Cr David Fagg

Cr Rod Fyffe OAM

Cr Andrea Metcalf

Cr Margaret O'Rourke

Cr Greg Penna

Cr Julie Sloan

Cr Vaughan Williams

Mr Craig Niemann (Chief Executive Officer)

4. DECLARATIONS OF CONFLICT OF INTEREST

Section 130 of the Local Government Act 2020 (Vic) (the Act) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

The procedure for declaring a conflict of interest at a Council Meeting is set out at rule 18.2.4 of the Governance Rules.

Section 126 of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a general conflict of interest or a material conflict of interest.

A relevant person has a general conflict of interest in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

Nil

5. ELECTION OF THE MAYOR FOR THE TERM 2020/2021

Cr O'Rourke nominated Cr Alden for the position of Mayor for the Term 2020/2021.

There being no further nominations Cr Alden was elected Mayor of the Greater Bendigo City Council for 2020/2021.

6. RESPONSE FROM THE MAYOR FOR 2020/2021

Cr Alden responded to her appointment as Mayor for 2020/2021.

7. ELECTION OF THE DEPUTY MAYOR FOR THE TERM 2020/2021

Cr Evans nominated Cr Metcalf for the position of Deputy Mayor for 2020/2021.

There being no further nominations, Cr Metcalf was elected as Deputy Mayor for the Greater Bendigo City Council for 2020/2021.

8. RESPONSE BY THE DEPUTY MAYOR FOR 2020/2021

Cr Metcalf responded to her appointment as Deputy Mayor for 2020/2021.

9. LEAD AND GOVERN FOR ALL

9.1. Recording of Oaths and Affirmations of Office

Author	Jessica Clarke-Hong, Manager Governance
Responsible Director	Andrew Cooney, Director Corporate Performance

Purpose

The purpose of this report is to record the taking of oaths and making affirmations of office by councillors-elect on Tuesday November 10, 2020.

Summary

A livestreamed ceremony was held in the Town Hall reception room at 6.30pm on Tuesday November 10, 2020 at which the councillors-elect took the oath or made an affirmation of office in accordance with section 30 of the Local Government Act 2020 (the Act).

It is a requirement of the Act that this fact be recorded in the minutes of the Council.

RECOMMENDATION

That Council acknowledge the taking of the oath or making an affirmation of office, and the signing and dating of each before the Chief Executive Officer on Tuesday November 10, 2020, and recorded in the minutes of this meeting of the Council.

RESOLUTION

Moved: Cr Fyffe

Seconded: Cr Evans

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

- Goal 1 Lead and govern for all

Strategy Reference (include weblink as applicable):

Council Policy Reference (include weblink as applicable):

Regional Strategic Plan Reference:

Rural Community Impact (refer to Rural Communities Strategy):

Background Information

It is a requirement of the Act that a person elected to be a councillor is not capable of acting as a councillor until the person has taken the oath of office, or an affirmation as the case may be, as specified in the Act.

Previous Council Decision(s) Date(s): 15 November 2016

Report

A ceremony was held in the Town Hall reception room at 6.30pm on Tuesday November 10, 2020 at which the councillors-elect took the oath or made an affirmation of office.

In accordance with section 30 of the Act, the oath was taken or the affirmation made before the Chief Executive Officer, and each was signed and dated in his presence.

It is a requirement of the Act that this fact be recorded in the minutes of the Council.

The signed oaths and affirmations are attached to this report.

Consultation/Communication

N/A

Resource Implications

N/A

Attachments

1. Oaths and Affirmations of Office

9.2. Mayor's and Councillors' Allowances 2020/2021

Author	Jessica Clarke-Hong, Manager Governance
Responsible Officer	Craig Niemann, Chief Executive Officer

Purpose

The purpose of this report is to confirm the Mayor's and Councillors Allowances for the 2020/21 period.

Summary

The Local Government Act 2020 and the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 outline the process for setting and reviewing that allowances for the Mayor, Deputy Mayor and Councillors. Both Acts prescribe that the allowances will be determined by the Victorian Independent Remuneration Tribunal following a referral from the Minister for Local Government.

The Minister is yet to make a referral to the Tribunal, however advice has been issued by Local Government Victoria, on behalf of the Minister confirming that no adjustment to allowances will be made, and that Councils will continue to pay Majors and Councillors the same allowance amounts that applied prior to the 2020 Council elections.

Allowances will be set and paid at the same rate they have been paid until the Tribunal makes its determination or for not more than a 6 month period at which time they will be reviewed if referral to the Tribunal has not taken place.

RECOMMENDATION

That Council:

1. In accordance with the advice received from the Minister of Local Government, approve to set the allowance for the Mayor at \$100,434 and the allowance for the Deputy Mayor and Councillors at \$31,444 per annum.
2. Note that these allowances are the same rate paid to the Mayor and Councillors in the 2019/2020 term.
3. Approve for tax be withheld from the allowance at the appropriate rate.
4. Note that equivalent of the current Superannuation Guarantee Contribution (currently 9.5%) also applies.
5. That a review of these allowances take place within 6 months of the election if the Minister does not refer to the Victorian Independent Remuneration Tribunal prior to this date.

RESOLUTION

Moved: Cr Evans

Seconded: Cr O'Rourke

That the recommendation be adopted.

CARRIED

Policy Context

Community Plan Reference:

City of Greater Bendigo Community Plan 2017-2021:

Goal 1 Lead and Govern For All

Strategy Reference (include weblink as applicable): N/A

Council Policy Reference (include weblink as applicable): N/A

Regional Strategic Plan Reference: MN/A

Rural Community Impact (refer to Rural Communities Strategy): N/A

Background Information

For the purposes of Mayor, Deputy Mayor and Councillor remuneration, there are three 'categories' of Victorian Council. Councils are allocated to a category depending on their revenue and population data. An allowance range is set for each of the categories and Councils retain the flexibility to set the allowances within this range, in consultation with their community.

Previous Council Decision(s) Date(s): December 2016

Report

The City of Greater Bendigo is a Category 3 Council and the following maximum allowances currently apply:

Councillor	Mayor
Min/Max	Min/Max
\$13,123 - \$31,444	up to \$100,434

An amount the equivalent of the Superannuation Guarantee Contribution (currently 9.5%) also applies.

As we are in a transition process between the Local Government Act 1989 and Local Government Act 2020, the 1989 Act remains in place until which time the Minister for Local Government makes a referral to the Victorian Independent Remuneration Tribunal to review allowances. If this does not occur a review of allowances must be undertaken within six (6) months of the election and involve a public submission process.

A public review has been delayed in anticipation that the minister will refer this to the Tribunal and the provisions of the new act will commence operation.

Details of allowances include:

- Allowances, ranges and the levels subsequently determined by Council within the range will be subject to adjustment by application of any percentage increases to Victorian statutory and executive officers;
- The applicable increases will take effect after they have been published by the Minister for Local Government;
- A remote travel allowance will continue to provide compensation for the time spent on long distances travelled by Councillors in remote areas. This allowance provides for a maximum limit of \$5,000 per annum (at a daily rate of \$40) or as may be amended from time to time by order in Council.

Level of the Mayoral and Councillor Allowance

The City of Greater Bendigo is recognised in the highest category for allowances, along with the top twenty (20) Councils (and one of two in regional Victoria along with Geelong). This is an indication of the complexity of matters considered by Council and the high level of responsibility of Councillors.

All previous Councils of the City of Greater Bendigo have applied the maximum allowance.

Consultation/Communication

N/A

Resource Implications

The budget was developed assuming that the maximum allowance would be paid.

Attachments

1. Letter from Local Government Victoria regarding Mayor and Councillor Allowances for 2020/2021

There being no further business, the meeting closed at 7.58pm.

Confirmed:

14 December 2020

Chair

GREATER BENDIGO CITY COUNCIL

AFFIRMATION OF OFFICE

"I, **MATTHEW RUSSELL FRANK EVANS**, 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 Councillor Code of Conduct and uphold the standards of conduct set out in the 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."

.....

MATTHEW RUSSELL FRANK EVANS

Declared before me)

at BENDIGO this 10th day)

of November, 2020) **CRAIG NIEMANN**
CHIEF EXECUTIVE OFFICER

GREATER BENDIGO CITY COUNCIL

OATH OF OFFICE

"I, **MARGARET MARY O'ROURKE**, swear by Almighty God, that I will undertake the duties of the office of Councillor in the best interests of the municipal community.


I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the 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."



MARGARET MARY O'ROURKE

Declared before me)

at BENDIGO this 10th day) 

of November, 2020) **CRAIG NIEMANN**
CHIEF EXECUTIVE OFFICER

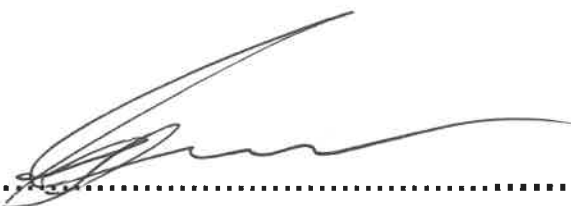
GREATER BENDIGO CITY COUNCIL

OATH OF OFFICE

"I, **GREGORY PENNA**, swear by Almighty God, that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the 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."



.....

GREGORY PENNA

Declared before me)

at BENDIGO this 10th day) 
.....

of November, 2020) **CRAIG NIEMANN**
CHIEF EXECUTIVE OFFICER

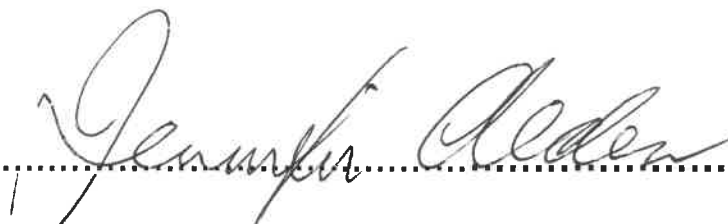
GREATER BENDIGO CITY COUNCIL

AFFIRMATION OF OFFICE

"I, **JENNIFER ROBYN ALDEN**, 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 Councillor Code of Conduct and uphold the standards of conduct set out in the 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."

A handwritten signature in black ink, reading "Jennifer Robyn Alden", is written over a horizontal dotted line.

JENNIFER ROBYN ALDEN

Declared before me)

at BENDIGO this 10th day) A handwritten signature in blue ink, reading "Craig Niemann", is written over a horizontal dotted line.

of November, 2020) **CRAIG NIEMANN**
CHIEF EXECUTIVE OFFICER

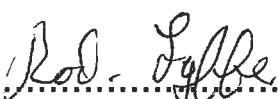
GREATER BENDIGO CITY COUNCIL

AFFIRMATION OF OFFICE

"I, **RODNEY JAMES FYFFE**, 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 Councillor Code of Conduct and uphold the standards of conduct set out in the 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."

..........

RODNEY JAMES FYFFE

Declared before me)

at BENDIGO this 10th day) .....

of November, 2020) **CRAIG NIEMANN**
CHIEF EXECUTIVE OFFICER


GREATER BENDIGO CITY COUNCIL

OATH OF OFFICE

"I, **VAUGHAN ROBERT WILLIAMS**, swear by Almighty God, that I will undertake the duties of the office of Councillor in the best interests of the municipal community.


I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the 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."


.....

VAUGHAN ROBERT WILLIAMS

Declared before me)

at BENDIGO this 10th day) 
.....

of November, 2020) **CRAIG NIEMANN**
CHIEF EXECUTIVE OFFICER

GREATER BENDIGO CITY COUNCIL

AFFIRMATION OF OFFICE

"I, **DAVID FRANCIS FAGG**, 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 Councillor Code of Conduct and uphold the standards of conduct set out in the 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."



.....
DAVID FRANCIS FAGG

Declared before me)

at BENDIGO this 10th day)

of November, 2020)



CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER

GREATER BENDIGO CITY COUNCIL

OATH OF OFFICE

"I, **ANDREA MARY METCALF**, swear by Almighty God, that I will undertake the duties of the office of Councillor in the best interests of the municipal community.


I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the 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."

..........

ANDREA MARY METCALF

Declared before me)

at BENDIGO this 10th day).....

of November, 2020) **CRAIG NIEMANN**
CHIEF EXECUTIVE OFFICER

GREATER BENDIGO CITY COUNCIL

AFFIRMATION OF OFFICE

"I, **JULIE ANNE SLOAN**, 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 Councillor Code of Conduct and uphold the standards of conduct set out in the 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."

..........

JULIE ANNE SLOAN

Declared before me)

at BENDIGO this 10th day).....

of November, 2020)

CRAIG NIEMANN
CHIEF EXECUTIVE OFFICER



Department of Jobs, Precincts and Regions

GPO Box 4509
Melbourne,
Victoria 3001 Australia
Telephone: +61 3 9651 9999
DX 210074

Ref: BORG-2-20-7662

File:

Dear Chief Executive Officer

The Minister for Local Government is required to annually review the current amounts, limits and ranges of mayoral and councillor allowances to determine whether an 'adjustment factor' should be applied.

The Minister has conducted this review under section 73B of the *Local Government Act 1989* and determined that, this year, no adjustment to allowances will be made in respect of all councils.

The Minister had regard to the Victorian Premier's recent decision determining a zero per cent adjustment to Victorian Public Service executive remuneration for the 2020-21 financial year.

Councils will therefore continue to pay mayors and councillors the same allowance amounts that applied prior to the current general elections.

If you require further information, please contact Tim Presnell, Manager Governance and Integrity on 0430 247 472 or at tim.presnell@ecodev.vic.gov.au.

Yours sincerely

Colin Morrison

Acting Executive Director
Local Government Victoria

Date: 27/10/2020