

.....**MINUTES**

FOR THE  
GREATER SHEPPARTON CITY COUNCIL

**SPECIAL (EMERGENCY) COUNCIL  
MEETING**

HELD ON  
TUESDAY 24 SEPTEMBER, 2013  
AT 5.15PM

IN THE COUNCIL BOARD ROOM

**COUNCILLORS:**

Cr Jenny Houlihan (Mayor)  
Cr Les Oroszvary (Deputy Mayor)  
Cr Dennis Patterson  
Cr Michael Polan  
Cr Kevin Ryan  
Cr Fern Summer

***VISION***

***GREATER SHEPPARTON***  
AS THE FOOD BOWL OF AUSTRALIA,  
A SUSTAINABLE, INNOVATIVE  
AND DIVERSE COMMUNITY  
***GREATER FUTURE***

**MINUTES  
FOR THE  
SPECIAL COUNCIL MEETING  
HELD ON  
TUESDAY 24 SEPTEMBER, 2013 AT 5.15PM**

**CHAIR  
CR LES OROSZVARY**

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## RISK LEVEL MATRIX LEGEND

**Note:** A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (5)	Minor (4)	Moderate (3)	Major (2)	Catastrophic (1)
<b>Almost Certain (A)</b> Event expected to occur several times per year (i.e. Weekly)	Low	Moderate	High	Extreme	Extreme
<b>Likely (B)</b> Will probably occur at some stage based on evidence of previous incidents (i.e. Monthly)	Low	Moderate	Moderate	High	Extreme
<b>Possible (C)</b> Not generally expected to occur but may under specific circumstances (i.e. Yearly)	Low	Low	Moderate	High	High
<b>Unlikely (D)</b> Conceivable but not likely to occur under normal operations (i.e. 5-10 year period)	Insignificant	Low	Moderate	Moderate	High
<b>Rare (E)</b> Only ever occurs under exceptional circumstances (i.e. +10 years)	Insignificant	Insignificant	Low	Moderate	High

**Extreme** CEO’s attention immediately required. Possibly avoid undertaking the activity OR implement new controls

**High** Director’s attention required. Consider suspending or ending activity OR implement additional controls

**Moderate** Manager’s attention required. Ensure that controls are in place and operating and management responsibility is agreed

**Low** Operational, manage through usual procedures and accountabilities

**Insignificant** Operational, add treatments where appropriate

**PRESENT: Councillors Les Oroszvary, Dennis Patterson, Michael Polan, Kevin Ryan and Fern Summer.**

**OFFICERS: Steve Bowmaker – Acting Chief Executive Officer  
Johann Rajaratnam – Director Sustainable Development  
Justin Finlayson – Director Business  
Kaye Thomson – Director Community  
Rebecca Bertone – Official Minute Taker  
Lyn Martin – Deputy Minute Taker**

This Special Emergency Meeting was called without complying with clause 16 and 17 of Greater Shepparton Local Law No 2.

This was due to the fact that a resolution was passed at the 17 September Ordinary Council meeting to delegate the Mayor to visit Korce, Albania, leaving on 24 September 2013. An Acting Mayor needed to be appointed by 24 September, therefore not allowing enough time to comply with the requirements of the Local Law. The matter could not be included on the Agenda for the Special Council Meeting already scheduled on 24 September due to the fact it had already been advertised prior to the passing of the motion at the 17 September Ordinary Council Meeting.

## **1. ACKNOWLEDGEMENT**

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

## **2. APOLOGIES**

**Moved by Cr Polan  
Seconded by Cr Oroszvary**

That an apology be received, and leave of absence granted to Cr Houlihan.

**CARRIED**

## **3. DECLARATIONS OF CONFLICT OF INTEREST**

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

**Disclosure must occur immediately before the matter is considered or discussed.**

**Moved by Cr Ryan  
Seconded by Cr Summer**

That Cr Les Oroszvary chair the meeting.

**CARRIED**

## 4. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 4.1 Appointment of an Acting Mayor

#### **Disclosures of conflicts of interest in relation to advice provided in this report**

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

#### **Council Officers involved in producing this report**

**Author:** Team Leader Governance

**Proof reader(s):** Manager Corporate Performance

**Approved by:** Manager Corporate Performance

#### **Executive Summary**

At the Ordinary Council meeting held on 20 August 2013, Council approved a Mayoral delegation to Toyoake City and Oshu City in Japan. On the 17 September 2013 at the Ordinary Council Meeting, Council approved a Mayoral delegation to Korce Albania.

### **RECOMMENDATION**

That the Council appoint the Deputy Mayor as the Acting Mayor as per section 73(3) of the *Local Government Act 1989*, in the absence of the Mayor between the dates of 24 September 2013 to 1 October 2013, and 2 November 2013 to 12 November 2013 to perform any function or exercise any power conferred on the Mayor.

#### **Moved by Cr Ryan**

#### **Seconded by Cr Patterson**

That the Council appoint the Deputy Mayor Cr Les Oroszvary as the Acting Mayor as per section 73(3) of the *Local Government Act 1989*, in the absence of the Mayor between the dates of 24 September 2013 to 1 October 2013, and 2 November 2013 to 12 November 2013 to perform any function or exercise any power conferred on the Mayor.

**CARRIED.**

#### **Background**

A motion was carried at the Ordinary Council meeting held on 20 August 2013 to approve a Mayoral delegation to Toyoake City and Oshu City in Japan. This visit is to participate in the commemorative 10<sup>th</sup> Anniversary of the Toyoake - Greater Shepparton Friendship City relationship, and the 20<sup>th</sup> Anniversary of the Toyoake International Relations Association.

Council has another formal Sister City relationship in Japan with Oshu City. It would also be prudent that while the Mayor is in Japan, that she also participates in a formal delegation to Oshu City at the time.

It is expected that the Mayor will be absent on this delegation from 2 November 2013 to the 12 November 2013.

## 4. OFFICE OF THE CHIEF EXECUTIVE OFFICER

### 4.1 Appointment of an Acting Mayor (continued)

At the Ordinary Council meeting held on 18 September 2013 the Council approved a Mayoral delegation to Korce, Albania to attend a Sister City signing ceremony and publicly formalise the Sister City relationship.

It is expected that the Mayor will be absent on this delegation from 24 September 2013 to the 1 October 2013.

As the *Local Government Act 1989* does not formally recognise a Deputy Mayor, section 73(3) requires the appointment of an Acting Mayor in the absence of the Mayor.

Even though the Mayor will be working overseas in her capability of the Mayor, she will be absent and incapable to perform her duties here within the municipality. Appointing an Acting Mayor will then allow matters to continue to function in her absence.

In future years when electing a Deputy Mayor, the Council will also reference that the Deputy Mayor will “act in the absence of the Mayor”.

#### **Council Plan/Key Strategic Activity**

This item is a procedural matter and does not link directly to the goals within the Council plan.

#### **Risk Management**

The Act requires the appointment of an Acting Mayor in the Mayors absence or incapable to act and exercise and perform their functions of the Mayor. If an Acting Mayor is not appointed, there will be no one available to perform any function or exercise any power conferred on the Mayor.

This could expose a risk as there will be no one to perform these duties when the Act requires an Acting Mayor be appointed.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Non Compliance with the Local Government Act 1989 if an Acting Mayor is not appointed	Almost Certain	Major	Extreme	Appoint an Acting Mayor
Having matters arise in the absence of the Mayor and there is no one appointed to perform and function or exercise the powers of the Mayor	Possible	Major	High	Appoint an Acting Mayor

#### **Policy Considerations**

There are no policies that directly relate to the appointment of an Acting Mayor.

#### **Financial Implications**

There are no financial implications associated with appointing an Acting Mayor. An acting Mayor that is in the position for more than 50 days is entitled to the Mayoral allowance for that period. The dates recommended in this report do not exceed this amount of time continuously.

## **4. OFFICE OF THE CHIEF EXECUTIVE OFFICER**

### **4.1 Appointment of an Acting Mayor (continued)**

#### **Legal/Statutory Implications**

Section 73(3) of the *Local Government Act 1989* (Act) requires an acting Mayor to be appointed if the Mayor is absent or incapable of acting in his or her position. The Council must appoint one of the Councillors to be acting Mayor. This is to ensure section 73(4) of the Act is complied with, and the functions and powers of the mayor continue in his or her absence.

Non-compliance to the sections of the Act could result in a risk to the organisation.

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

There are no environmental or sustainable impacts associated with this report.

#### **Social Implications**

There are no social implications associated with the recommendation of this report.

#### **Economic Impacts**

There are no economic impacts associated with this report.

#### **Consultation**

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

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

There are no links to the Greater Shepparton 2030 Strategy

##### **b) Other strategic links**

There are no other strategic links

#### **Options for Consideration**

##### **Option 1**

Appoint the Deputy Mayor as the acting Mayor for the dates specified in the recommendation.

##### **Option 2**

Appoint a Councillor other than the Deputy Mayor as the Acting Mayor for the dates specified in the recommendation

##### **Option 3**

To not appoint an acting Mayor.

#### **Conclusion**

To ensure compliance with the *Local Government Act 1989*, it is recommended that the Deputy Mayor be officially appointed as the Acting Mayor in the absence of the Mayor while overseas on official delegated duties.

To ensure the powers and functions of the Mayor continue while she is overseas, an acting Mayor should be appointed.

#### **Attachments**

Nil

**5. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA**

Nil Received

**MEETING CLOSED AT 5.20PM**