

Colac Otway Shire

AGENDA

MEETING OF STATUTORY COUNCIL

OF THE

COLAC-OTWAY SHIRE

COUNCIL

9 DECEMBER 2009

at 4:00 PM

COPACC

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

COLAC-OTWAY SHIRE STATUTORY COUNCIL MEETING

9 DECEMBER 2009

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STATUTORY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL CHIEF EXECUTIVE OFFICER

NOTICE is hereby given that the next MEETING OF STATUTORY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL will be held in COPACC on 9 December 2009 at 4.00pm.

AGENDA

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community. AMFN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

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5. DECLARATION OF INTEREST

OFFICERS' REPORTS

Chief Executive Officer

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Rob Small Chief Executive Officer THIS PAGE HAS BEEN LEFT BLANK

ST090912-1 ELECTION OF MAYOR

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to elect the Mayor of the Colac Otway Shire.

Background

Section 71(1) of the *Local Government Act* 1989 provides that Councillors must elect a Councillor to be Mayor of the Council.

Section 71(3)

"The Mayor is to be elected –

- (a) after the last Saturday in November but not later than 31 December in each year; or
- (b) as soon as possible after any vacancy in the office of Mayor occurs."

Following the election the Mayor shall assume the chair to deal with the remaining matters before the meeting.

Election Procedure

Council's Local Law No 4 2005 – Processes of Municipal Government Part Three provides for the procedure in the election of Mayor.

"14. Procedure for election of Mayor

In determining the election of Mayor the following will apply:

- (a) if there is only one nomination, that Councillor must be declared elected;
- (b) if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands (or by such other method as Council determines);
- (c) where two nominations are received, the Councillor with the majority of the votes will be declared elected;
- (d) where there are two or more nominations and all votes cast are equally divided between two or more nominees the election must be determined by lot;
- (e) where there are more than two nominations received and the result has not been determined under paragraphs (c) or (d) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;

(f) the procedure in paragraph (e) must be repeated until the circumstances in paragraph (d) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with the majority will be declared elected or if there is an equal division of votes, the election must be determined by lot."

Term of Mayor

The *Local Government Act* has been amended to allow a Council to resolve to elect the Mayor for a 2 year term of office.

Attachments Nil

Recommendation(s)

That pursuant to the provisions of Section 71 of the Local Government Act 1989, the Council elect Councillor...... to be the Mayor of the Colac Otway Shire Council for the next twelve months.

ST090912-2 CONTINUATION OF POSITION OF DEPUTY MAYOR

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to consider the continuation of the position of Deputy Mayor for the Colac Otway Shire for the next twelve months.

Background

Council should consider the continuation of the position of Deputy Mayor in order that if the Mayor is absent or incapable of acting as Mayor, the Deputy Mayor can preside in the Mayoral duties.

Proposal

That Council continue the position of Deputy Mayor for the next twelve months.

Local Law

Council's Local Law No 4 2005 – Process of Municipal Government Clause 17 provides for a Deputy Mayor.

"If the Council resolves to appoint a Deputy Mayor the provisions contained in this part for the election of Mayor will apply to the election of the Deputy Mayor".

Attachments Nil

Recommendation(s)

That Council continue the position of Deputy for the next twelve months for the Colac Otway Shire Council.

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ST090912-3 ELECTION OF DEPUTY MAYOR

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to consider the appointment of a Deputy Mayor for the Colac Otway Shire for the next twelve months.

Background

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

At the last statutory meeting held in December 2008, council appointed Cr Lyn Russell as the Deputy Mayor.

The position of Deputy Mayor is not a statutory position and no special allowance is payable.

Local Law

Council's Local Law No 4 2005 – Process of Municipal Government Clause 17 provides for a Deputy Mayor.

"If the Council resolves to appoint a Deputy Mayor the provisions contained in this part for the election of Mayor will apply to the election of the Deputy Mayor."

Attachments Nil

Recommendation(s)

That Council elect Cr..... as Deputy Mayor of Colac Otway Shire Council for the next twelve months.

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ST090912-4 COUNCIL APPOINTMENT TO INTERNAL COMMITTEES

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to appoint Councillors to Special Internal Committees.

Background

The Local Government Act 1989 acknowledges the need for Special Committees of the Council and Advisory Committees in Part 4 Division 2 of the Local Government Act 1989 which allows for Committees made up of Councillors, Council staff and other persons and for a Council, by Instrument of Delegation, to delegate any of its functions, duties or powers to a Special Committee. Procedural requirements in respect to these Committees include that whereby a Council may specify in an Instrument of Delegation that a member of a Special Committee, who as a member of the public or of Council staff does not have voting rights on the Special Committee.

The Committees of Council as set out below are recommended in dealing with the business of Council.

In forming the Committees it is recommended that the following guidelines apply to meetings of the Committees to ensure communication and accountability to the full Council.

- Mayor to be ex-officio to all committees;
- · Minutes of all meetings to be circulated to full Council;
- All Councillors able to attend but voting rights are for appointed committee members only.

Council has previously established the following committees:

Council Committees

(a) Planning Committee

Advisory Committees

- (b) Audit Committee
- (c) Australia Day Advisory Committee
- (d) Colac Livestock Selling Centre Advisory Committee
- (e) Festival and Events Support Scheme Advisory Committee
- (f) Friends of the Colac Botanic Gardens Committee
- (g) Grants/Community Funding Advisory Committee
- (h) Lake Colac Community Advisory Committee
- (i) Small Town Improvement Program Advisory Committee

Proposal

The following table provides details of each committee.

No changes are proposed to the Planning Committee as all Councillors are members of the committee. The appointment will be until the next Statutory meeting.

(a) Planning Committee

Number of delegates to be appointed by Council	All Councillors
Meeting Details	Meets on 2 nd Wednesday of the month commencing at 10.30 am (except Dec) or more frequently as required.
Other Information	The Planning Committee has been established as a Special Committee under Section 86 of the <i>Local Government Act</i> 1989 and Section 188 of the <i>Planning and Environment Act</i> 1987. The Committee comprises all Councillors and has the power to determine on planning matters as set down in the Instrument of Delegation.
Previous Delegates	All Councillors
New Delegates	No change

(b) Audit Committee

Number of delegates to be appointed by Council	2 Councillors
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory Meeting
Meeting Details	Quarterly or more frequently as determined
Other Information	Made up of 2 Councillors and 2 independent members. An independent member to be chairperson. The committee is an advisory committee of Council. CEO is non-voting member.
Previous Delegates	Cr Stephen Hart and Cr Stuart Hart
New Delegates	Cr Stephen Hart and Cr Stuart Hart

(c) Australia Day Advisory Committee

Number of delegates to be appointed by Council	4 Councillors
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory meeting
Meeting Details	Once per year December/January
Other Information	Purpose is to review nominations, select Australia Day Award winners in the various categories and discuss location of function.
Previous Delegates	Cr Buchanan, Cr Crook, Cr Russell, Cr Smith
New Delegates	Cr Buchanan, Cr Crook, Cr Russell, Cr Geoff Higgins

(d) Colac Livestock Selling Centre Advisory Committee

Number of delegates to be	1 Councillor
appointed by Council	
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory meeting
Meeting Details	Annual Budget meeting and others as required
Other Information	Purpose is to provide advice on the operations of the
	Centre and make recommendations to Council.
Previous Delegates	Cr Higgins
New Delegates	Cr Higgins

(e) Festival and Events Support Scheme Advisory Committee

Number of delegates to be	4 Councillors
appointed by Council	
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory Meeting
Meeting Details	Once per year May/June
Other Information	Purpose is to consider the applications received for the Festival and Events Support Scheme and make recommendations to Council on any strategic directions for specific events on the Support Scheme.
Previous Delegate	Cr Buchanan, Cr Crook, Cr Russell, Cr Smith
New Delegate	Cr Buchanan, Cr Crook, Cr Russell, Cr Stuart Hart

(f) Friends of the Colac Botanic Gardens Committee

Number of delegates to be	1 Councillor
appointed by Council	
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory Meeting
Meeting Details	Monthly
Other Information	Purpose is to undertake projects and advise Council on
	the care and protection of the Gardens
Previous Delegate	Cr Smith
New Delegate	Cr Smith

(g) Grants/Community Funding Advisory Committee

Number of delegates to be appointed by Council	4/5 Councillors
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory Meeting
Meeting Details	Once per year in May/June and others as required
Other Information	Purpose is to consider the applications received for the
	Community Funding program and make
	recommendations to Council on any strategic directions
	for specific projects or the funding program.
Previous Delegate	Cr Crook, Cr Stephen Hart, Cr Stuart Hart, Cr Smith
New Delegate	Cr Crook, Cr Stephen Hart, Cr Stuart Hart, Cr Smith

(h) Lake Colac Community Advisory Committee

Number of delegates to be	2 Councillors
appointed by Council	
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory Meeting
Meeting Details	Quarterly
Other Information	Purpose is to be a forum to implement the Lake Colac Management Plan and the Lake Colac Master Plan. To advise Council on the revitalization and development of Lake Colac.
Previous Delegate	Cr Higgins, Cr Smith
New Delegate	Cr Higgins, Cr Smith

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Number of delegates to be	4 Councillors
appointed by Council	
Date Appointed	5 December 2008
Term of Appointment	Until next Statutory Meeting
Meeting Details	Once per year in May and others as required
Other Information	Purpose is to consider the applications received for the
	Small Town Improvement Program.
Previous Delegate	Cr Stuart Hart, Cr Higgins, Cr Russell, Cr Smith
New Delegate	Cr Stuart Hart, Cr Higgins, Cr Russell, Cr Buchanan

(i) Small Town Improvement Program Advisory Committee

Attachments

Nil

Recommendation(s)

That Council make the following appointments to the following committees until the next Statutory Meeting of Council in December 2010.

- (a) That Council appoint all Councillors as members of the Planning Committee;
- (b) That Council appoint Cr Stephen Hart and Cr Stuart Hart as members of the Audit Committee;
- (c) That Council appoint Cr Buchanan, Cr Crook, Cr Russell and Cr Higgins members of the Australia Day Advisory Committee;
- (d) That Council appoint Cr Higgins as member of the Colac Livestock Selling Centre Advisory Committee.
- (e) That Council appoint Cr Buchanan, Cr Crook, Cr Russell and Cr Stuart Hart as members of the Festival and Events Support Scheme Advisory Committee.
- (f) That Council appoint Cr Smith as a member of the Friends of the Colac Botanic Gardens Committee.
- (g) That Council appoint Cr Crook, Cr Stephen Hart, Cr Stuart Hart and Cr Smith as members of the Grants/Community Funding Advisory Committee.
- (h) That Council appoint Cr Higgins and Cr Smith as members of the Lake Colac Community Advisory Committee.
- (i) That Council appoint Cr Stuart Hart, Cr Higgins, Cr Russell and Cr Buchanan as members of the Small Town Improvement Program Advisory Committee.

ST090912-5 COUNCILLOR APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	GEN0460

Purpose

The purpose of this report is to appoint Councillors to various committees and external bodies.

Background

Council has Councillor/Officer representation on a number of committees with varying purposes from managing Council owned or managed facilities, to advising Council on issues and representing Council views on regional and statewide matters.

These committees vary on the number of meetings that are held each year and the role that a Councillor plays on them.

Most of the committees are usually outside the control of Council as they operate under their own charter and determine their procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the public's interest.

Council has previously appointed Councillors and officers to the various committees at its Statutory Meeting.

If formal representation is not required, Councillors could still attend meetings as specific issues arise or where invited by the committee.

The attached schedule of committees (Attachment 1) provides for the information of Councillors to external committees for the next 12 months.

Proposal

The attached nomination of Councillors to Committees and External Bodies table provides details of each committee.

The table indicates:

- Committee and Purpose
- Representative(s)
- Previous Councillor Representative (Appointed December 2008)
- Appointment to December 2010
- Meeting Schedule
- Additional Information

The appointments will be until the next statutory meeting of Council in December 2010.

Steering Committees

The list does not include Steering Committees where Councillors have been appointed to a Committee for a particular project eg. Birregurra and Forrest Structure Plans and Rural Living Strategy.

Officers

In some cases an officer(s) still needs to be appointed to a Committee on an annual basis.

- COPACC Trust (2) (Manager Recreation Arts & Culture and COPACC Manager);
- Corangamite Regional Library Corporation (1) (General Manager Corporate and Community Services);
- G21 Board (1) (Rob Small current representative) can either be a Councillor or officer;
- Otways Tourism Inc (1) (Manager Economic Development)

Attachments

1. Nomination of Councillors to Committees and External Bodies

Recommendation(s)

That Councillor and officer nominations to committees and external bodies be agreed to as set out in Attachment 1 until the appointment of new representatives after the next Statutory Meeting of Council in December 2010.

NOMINATION OF COUNCILLORS TO COMMITTEES AND EXTERNAL BODIES

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 2010	Meeting Schedule	Additional Information
Apollo Bay Harbour Redevelopment Community Reference Group Involvement in the planning of the redevelopment of the harbour precinct.	(1) Councillor	Cr Frank Buchanan	Cr Frank Buchanan	As required	Meetings at Apollo Bay
Apollo Bay Leisure Centre Liaison Group Management of the Leisure Centre at Apollo Bay.	(1) Councillor (1) Officer	Cr Frank Buchanan Bluewater Fitness Centre Manager	Cr Frank Buchanan Bluewater Fitness Centre Manager	As required	Meetings at Apollo Bay
Australian Local Government Association	(1) Councillor	Cr Lyn Russell	Cr Lyn Russell	Annually in June	Meetings in Canberra
Barnard Trust Committee Administer scholarship fund bequeathed to 2 Colac public secondary schools	(1) Councillor	Cr Brian Crook	Cr Brian Crook	Twice yearly	Meetings at Colac High School when all results received
Barwon Regional Waste Management Committee To provide a framework for strategic regional waste management planning.	(1) Councillor(1) Officer	Cr Stephen Hart	Cr Stephen Hart	Quarterly Thursday 10 am – 2 pm	Regional meetings at various municipalities.
Colac Affordable Housing Strategy To provide local input and advice on the implementation of the Housing Strategy.	(2) Councillors	Cr Lyn Russell	Cr Lyn Russell	As required	Meetings in Colac
Colac Otway Network of Community Centres To participate in the development of community strengthening initiatives, sharing of community information and discussing community planning.	(1) Councillor	Cr Lyn Russell	Cr Lyn Russell	Quarterly Tuesday 10 am – 12.30 pm	Meetings alternate between centres
COPACC Trust The Trust is an independent committee appointed to accept donations to be used for the development of COPACC facilities and programs.	(2) Councillors(2) Officers(4) CommunityReps	Cr Chris Smith Cr Brian Crook Manager Recreation, Arts & Culture COPACC Manager	Cr Chris Smith Cr Brian Crook Manager Recreation, Arts & Culture COPACC Manager	Quarterly 2 nd Wednesday 8 – 9 am	Meetings at COPACC
Corangamite Regional Library Corp. The Corporation determines policy in the delivery of services throughout the region (Warrnambool, Moyne, Corangamite, Colac Otway)	(1) Councillor(1) Officer	Cr Stephen Hart General Manager Corporate & Community Services	Cr Stephen Hart General Manager Corporate & Community Services	Quarterly	Meetings at Terang

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 2010	Meeting Schedule	Additional Information
Dairy Industry Training Committee To assist the Dairy Industry with suggested training.	(1) Councillor	Cr Chris Smith	Cr Chris Smith	Monthly or as required	Meetings at Colac Otway Shire Offices
Geelong Otway Tourism Board To set strategic long term direction and priorities for Geelong Otway Tourism Inc, a well-recognised regional tourism body, incorporating Geelong, Bellarine, Colac Otway and Surfcoast.	(1) Councillor	Cr L:yn Russell	Cr L:yn Russell	Monthly Thursday 9 am	Meetings at Geelong Otway Tourism Offices
G21 Board To oversee the management of the company, set the strategic direction of the company, monitor overall performance, financial performance and governance.	Councillor or Officer	Chief Executive Officer Mayor	Chief Executive Officer Mayor	Monthly Last Friday of month 9 – 11 am	Meetings at member Councils
Great South Coast Municipalities Group To advocate and co-ordinate planning on regional issues (8 municipalities)	Mayor	Mayor	Mayor	Quarterly 3 rd Friday 10 am	Meetings at member Councils
Lavers Hill Swimming Pool Committee of Management To monitor and review management of the Lavers Hill Pool.	(1) Councillor(1) Officer	Cr Stephen Hart Bluewater Fitness Centre Manager	Cr Stephen Hart Bluewater Fitness Centre Manager	Quarterly	Meetings at Lavers Hill
Municipal Aerodrome Committee – Colac Manage day to day operations and maintenance.	(1) Councillor (1) Officer	Cr Geoff Higgins	Cr Geoff Higgins	As required.	Meetings at 1 Bromfield St Colac
Municipal Association of Victoria To act as a Victorian Local Government Peak Body.	(1) Councillor	Cr Stephen Hart	Cr Stephen Hart	2 per year	Meetings in Melbourne
Municipal Emergency Management Planning Committee Ensure the prevention of, the response to and the recovery from emergencies that could occur within the Shire.	(1) Councillor	Cr Stuart Hart	Cr Stuart Hart	Quarterly – Feb, May, Aug, Nov 3 rd Thursday 2 - 4 pm	Meetings at COPACC
Municipal Fire Prevention Committee Manage requirements of the Beeac and Corangamite brigade groups.	(1) Councillor (1) Officer	Cr Stuart Hart	Cr Stuart Hart	Twice yearly	Meetings at COPACC

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 2010	Meeting Schedule	Additional Information
Old Beechy Line Committee To monitor and review development of the line. Section 86 Committee of Management under Council.	(1) Councillor(1) OfficerCommunity/OrganisationReps	Cr Chris Smith	Cr Chris Smith	Bi monthly 2 nd Monday of month 10 am – 12 noon	Meetings at COPACC
Ondit Quarry Consultative Committee Required by VCAT to manage concerns between landholders and the quarry operations.	(1) Councillor(1) Officer	Cr Geoff Higgins	Cr Geoff Higgins	Quarterly	Meeting location varies
Otways Tourism Inc. The Board is an independent body appointed to develop policy and implement strategies facilitating tourism marketing and information services.	(1) Councillor (1) Officer	Cr Lyn Russell	Cr Lyn Russell	Monthly 3 rd Tuesday 10 am – 1 pm	Alternate meeting venue between Colac and Apollo Bay
Port of Apollo Bay Consultative Group To consider issues related to the Port of Apollo Bay.	(1) Councillor(2) Officers	Cr Frank Buchanan	Cr Frank Buchanan	Quarterly Thursday 4.30 pm	Meetings at AB Office. Meeting dates set at meeting.
Premier Recreation Reserve Committee To monitor and review development of Central Reserve.	(1) Councillor (1) Officer	Cr Brian Crook	Cr Brian Crook	Bi monthly 2 nd Wednesday 6 – 7 pm	Meetings at Hockey Club rooms.
Rural Councils Network (Vic) Cooperative grouping of Victoria's rural Councils that acts collectively to influence decision makers and tackle the longer term strategic challenges facing rural communities.	(1) Councillor	Cr Brian Crook	Cr Brian Crook	As required	
Rural Financial Counselling Service Vic – Wimmera Southwest (RFC)	(1) Councillor	Cr Lyn Russell	Cr Lyn Russell	Bi monthly 12 – 1pm	Meetings at DPI Office Colac
Timber Towns Committee MAV Working Group to examine the issues of municipalities which have a significant forestry industry.	(1) Councillor(1) Officer	Cr Geoff Higgins	Cr Geoff Higgins	Bi monthly. 2 nd Friday of month 10.00 am	Meetings at MAV Melbourne
Tirrengower Drainage Scheme Committee of Management Manage drainage scheme. Discuss maintenance issues etc	(1) Councillor (1) Officer	Cr Geoff Higgins	Cr Geoff Higgins	Monthly 1 st Wednesday 8 pm	Meetings at Swan Marsh Hall

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 2010	Meeting Schedule	Additional Information
Transport Connections Local Advisory Group To support and monitor the Transport Connections project at a local level	(1) Councillor	Cr Stuart Hart	Cr Stuart Hart	6 weekly	Group includes shire staff plus a number of representatives from other community groups.
Victoria Regional Botanic Gardens Network Executive and BGANZ Council <i>To participate on the Executive and</i> <i>Council.</i>	Staff member			Quarterly	Meetings at regional venues
Weeds Consultative Committee	(1) Councillor	Cr Brian Crook	Cr Geoff Higgins	Quarterly	Meetings at COPACC
Youth Council To pursue initiatives for young people across the Shire in accordance with mission statement.	(1) Councillor (1) Officer Young People (up to 15)	Cr Chris Smith	Cr Chris Smith	Fortnightly as per charter Monday 4 – 5 pm	Meetings at COPACC Additional commitments ie. overnight Beechy Walk
G21 Pillar Membership				· · · ·	
G21 Board	CEO	Cr Brian Crook	Cr Brian Crook	As required	
Arts & Culture	Karen Patterson			As required	
Economic Development	Mike Barrow	Cr Frank Buchanan	Cr Frank Buchanan	As required	
Environment	Stewart Anderson	Cr Stephen Hart	Cr Stephen Hart	As required	
Health & Wellbeing	CEO	Cr Lyn Russell	Cr Lyn Russell	As required	
Planning & Services	Jack Green Paul Marsden Doug McNeil	(Cr Stephen Hart)	(Cr Stephen Hart)	As required	
Sport & Recreation	Marg Scanlon			As required	
Transportation	Neil Allen Greg Fletcher	Cr Stuart Hart	Cr Stuart Hart	As required	
Education & Training		Cr Brian Crook	Cr Brian Crook	As required	