

## LEAVE OF ABSENCE - CR JOHANNA SKELTON

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Report Author: Governance Coordinator  
Responsible Officer: Chief Executive Officer  
Ward(s) affected: Lyster

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

### SUMMARY

Cr Johanna Skelton has given formal notice to the Chief Executive Officer of her intention to run in the upcoming 2022 State Election. It is therefore recommended, in the interest of community confidence and in accordance with the Councillor Code of Conduct and the MAV guidelines, the Council grant a leave of absence for a period of four weeks.

This item has arisen since the distribution of the agenda and is effective immediately.

### RECOMMENDATION

***That Council grant a leave of absence to Cr Skelton for a period of four weeks, effective immediately.***

### RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

### DISCUSSION

#### ***Purpose and Background***

The purpose of this report is to determine the request to grant a leave of absence to Cr Skelton.

Councillors are elected to perform their duties in a lawful manner and must comply with relevant provisions of the *Local Government Act 2020* including the standards of

councillor conduct which are prescribed in regulation 12 of the Local Government (Governance and Integrity) Regulations 2020. When considering standing for Federal or State Parliament, it is recommended councillors consider these duties and requirements under the Act, including standards of conduct and potential conflicts of interest.

Taking a leave of absence is not required under the *Local Government Act 2020*, however the Yarra Ranges Councillor Code of Conduct provides that a Councillor who is contesting in a State or Federal Election will apply for a leave of absence from the Council, to commence no later than the date of their nomination as a candidate. Councillors are advised to do so in the interests of maintaining community confidence.

The *MAV Guidelines for Councillors Standing for State and Federal Elections* also encourages Council to grant a leave of absence and explicitly states that such a request should not be unreasonably refused. Any decision to refuse the request should therefore be supported by reasons, particularly given the provisions of Section 34(2)(a) of the *Local Government Act 2020* in respect of an extraordinary vacancy being created.

On previous occasions where a leave of absence has been granted, it has been the practice of Council for the Mayor to stand in and deal with matters affecting a Ward when a Ward Councillor has been absent.

### ***Recommended option and justification***

It is recommended that Council grant a leave of absence for four weeks for Cr Johanna Skelton to ensure community confidence and to allow for good governance during the 2022 State Government election caretaker period.

## **FINANCIAL ANALYSIS**

There are no budget implications with the recommendation in this report. The Act provides that Cr Skelton may continue to receive the allowance payable to a Councillor during a leave of absence.

## **APPLICABLE PLANS AND POLICIES AND RELEVANT LAW**

Under section 49 of the Victorian Constitution, a person who holds any office or place of profit under the Crown (whether in right of Victoria or any other capacity), or is in any manner employed in the public service of Victoria or of the Commonwealth for salary, wages, fees or emolument may stand for election to the Victorian Parliament provided they resign from that position if elected to the Parliament. Otherwise, the person's election may be null and void. Accordingly, once a councillor is elected to Victorian Parliament they must resign from council.

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

There are no economic impacts associated with the recommendation in this report.

### ***Social Implications***

There are no social impacts associated with the recommendation in this report.

### ***Environmental Implications***

There are no environmental impacts associated with the recommendation in this report.

## **COMMUNITY ENGAGEMENT**

There has been no consultation undertaken in respect of the recommendation in this report.

## **RISK ASSESSMENT**

The Local Government Act provides for Council to grant a leave of absence and explicitly states that such a request should not be unreasonably refused. Any decision to refuse the request should therefore be supported by reasons, particularly given the provisions of Section 34(2)(a) in respect of an extraordinary vacancy being created.

As a prospective or nominating candidate, a councillor needs to ensure they continue to act with integrity, avoid potential conflicts of interests and the perception of misuse of their position and council resources. By granting of a leave of absence Council and the community will be provided a level of confidence that these risks are being managed and that Council has done everything reasonably necessary to confirm this fact.

## **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **ATTACHMENTS TO THE REPORT**

Nil