



GANNAWARRA

Shire Council

Monday, 18 November 2024

6:00 PM

Senior Citizen Centre, Kerang

AGENDA

Special Council Meeting

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Geoff Rollinson
CHIEF EXECUTIVE OFFICER

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respects to elders both past and present

2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

3 APOLOGIES

4 DECLARATION OF CONFLICT OF INTEREST

The *Local Government Amendment (Councillor Conduct and Other Matters) Act 2008*.

A Councillor, member of a special committee, or member of Council staff has a conflict of interest in a matter if he or she has a *direct interest* or an *indirect interest* in that matter.

A person has a direct interest in a matter if there is a likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This includes where there is a likelihood that the person will receive a direct benefit or loss that can be measured in financial terms or that the residential amenity of the person will be directly affected if the matter is decided in a particular way.

A person has an indirect interest in a matter if the person has:

- a close association in the matter because a family member, a relative or a member of their household has a direct or indirect interest in the matter
- an indirect financial interest in the matter
- a conflicting duty – although there are circumstances where a person does not have a indirect interest because of a conflicting duty
- received an ‘applicable gift’
- become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter.

Disclosure of conflict of interest

If a Councillor or member of a special committee has a conflict of interest in a matter which is to be or is likely to be considered at a meeting of the Council or special committee, the Councillor or member must:

- if he or she will be present at the meeting, make a full disclosure of that interest by advising of the class and nature of the interest to either –
- the Council or special committee immediately before the matter is considered at the meeting, *or*
- in writing to the Chief Executive Officer (CEO). Where the disclosure is made to the CEO in writing, the Councillor or member need only disclose the class of interest to the meeting, immediately before the matter is considered.

- if he or she will not be present at the meeting, make a full disclosure to the CEO or Chairperson of the meeting, in writing, of the class and nature of the interest. If a Chairperson is given a written disclosure, he or she must give the written disclosure to the CEO.
- The CEO must keep written disclosures in a secure place for three years after the date the Councillor or member of the special committee who made the disclosure ceases to be a Councillor or member, and destroy the written disclosure when the three year period expires.
- While the matter is being considered or any vote taken, the Councillor or member of a special committee with the conflict of interest must leave the room and notify the Mayor or Chairperson of the special committee he or she is doing so. The Mayor or Chairperson must notify the Councillor or member that he or she may return to the room after consideration of the matter and all votes have been cast.
- A CEO or Chairperson of a special committee must record in the minutes of the meeting the declaration of the conflict of interest, the class of the interest and, if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- A failure by a Councillor or member to comply with Section 79 of the Act may result in a penalty of up to 100 penalty units and disqualification under Section 29(2) of the Act.

2 BUSINESS REPORTS FOR DECISION

2.1 COUNCILLOR DECLARATION REPORT

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council note that the following Councillors have taken the Oath or Affirmation of Office as witnessed by Gannawarra Shire Council Chief Executive Officer, Geoff Rollinson, as dated below:

- Cr Keith Link – Oath – 11 November 2024
- Cr Charlie Gillingham – Oath – 12 November 2024
- Cr Daniel Bolitho – Affirmation – 12 November 2024
- Cr Ross Stanton – Oath – 12 November 2024
- Cr Lisa Farrant – Oath – 12 November 2024
- Cr Garner Smith – Oath – 12 November 2024
- Cr Pat Quinn – Oath – 13 November 2024

EXECUTIVE SUMMARY

As outlined by the *Local Government Act 2020*, Section 30, all Councillors are required to undertake the reading of the Oath or Affirmation in front of the Chief Executive Officer as a witness to undertake their duties as a Councillor.

PURPOSE

The purpose of the report is to inform the requirement of all Councillors to take the Oath or Affirmation of Office as outlined below, and to confirm that six Councillors undertook the Oath and one Councillor undertook the Affirmation.

ATTACHMENTS

Nil

DISCUSSION

In accordance with section 30 of the Act:

- A person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the Regulations; and
- The oath or affirmation of office must be administered by the Chief Executive Officer and dated and signed before the Chief Executive Officer.

Other relevant provisions relating to this matter are:

- A person who is required to take an oath or make an affirmation may choose whether to take an oath or make an affirmation [s7 Oaths and Affirmations Act 2018].
- A person who takes an oath or makes an affirmation must say the words of the oath or affirmation aloud in the presence of the administering officer (in this case, the Chief Executive Officer) [s9(1) Oaths and Affirmations Act 2018].

Councillors undertook this requirement as follows:

- Cr Keith Link – Oath – 11 November 2024
- Cr Charlie Gillingham – Oath – 12 November 2024
- Cr Daniel Bolitho – Affirmation – 12 November 2024
- Cr Ross Stanton – Oath – 12 November 2024
- Cr Lisa Farrant – Oath – 12 November 2024
- Cr Garner Smith – Oath – 12 November 2024
- Cr Pat Quinn – Oath – 13 November 2024

The wording of the Oath of Office undertaken was:

I [Councillor's name] swear by Almighty God that I will undertake the duties of the office of Councillor in the best interest of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model 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* or any other Act to the best of my skill and judgement.

The wording of the Affirmation of Office undertaken was:

I [Councillor's name] will undertake the duties of the office of Councillor in the best interest of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model 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* or any other Act to the best of my skill and judgement.

RELEVANT LAW

- *Local Government Act 2020, section 30*

CONFLICT OF INTEREST

The officer preparing this report declared that they have no conflict of interest in regard to this matter.

2.2 OUTGOING MAYORAL ADDRESS

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council receive and note the Outgoing Mayoral Address of Cr Ross Stanton, Mayor 2023/2024.

EXECUTIVE SUMMARY

The Chief Executive Officer will invite the 2023/2024 Mayor, Cr Ross Stanton, to provide an overview of his year as the Mayor.

2.3 MAYORAL TERM

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council confirms that the Mayoral term for 2024/2025 be for a period of one year.

EXECUTIVE SUMMARY

In accordance with Section 26 of the *Local Government Act 2020* (the Act) and Rules 6 and 7 of Council's Governance Rules, before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a one year or a two-year term.

PURPOSE

The purpose of this report is for Council to determine the Mayoral term as either a one- or two-year term.

ATTACHMENTS

Nil

DISCUSSION

In accordance with Section 26 of the Act, and Rules 6 and 7 of Council's Governance Rules, prior to the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a one year or a two-year term.

RELEVANT LAW

Local Government Act 2020 Section 26.

RELATED COUNCIL DECISIONS

The past practice has been to elect the Mayor for a one-year term. There is no limitation on Council re-electing the same person as Mayor during the Council term.

OPTIONS

To remain compliant with the Local Government Act, the options are either a one year or a two-year term determined by resolution of Council.

COMMUNITY ENGAGEMENT

The Mayoral Election Meeting will be an open Council Meeting allowing attendance by the community.

COUNCIL PLANS AND POLICIES

Gannawarra Shire Council Governance Rules – Rule 6 – *When a Mayor is to be elected.*

Gannawarra Shire Council Governance Rules – Rule 7 – *Election of Mayor*

Gannawarra Council Plan 2021-2025

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

2.4 ELECTION OF MAYOR

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council elect a Councillor to be Mayor of the Gannawarra Shire Council for the 2024/2025 year.

EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) requires Council to elect a Mayor no later than one month after the date of general election.

The process for the election of the Mayor is detailed in the Act and Gannawarra Shire Council's Governance Rules.

The election of mayor is chaired by the Chief Executive Officer, and once elected, the Mayor will take the chair for the remainder of the meeting.

PURPOSE

The purpose of this report is to provide guidance on the process to elect a Mayor for the Gannawarra Shire Council.

ATTACHMENTS

Nil

DISCUSSION

In accordance with Section 26 of the Local Government Act a Mayor is to be elected no later than one month after the date of general election.

Section 25 of the Act provides that the election of a Mayor must be in a Council meeting that is open to the public and that the election of the Mayor must be chaired by the Chief Executive Officer and in accordance with the Governance Rules.

The Governance Rules Part 2, clause 7 provides the process for the Election of Mayor as follows:

- 1) *Any meeting to elect the Mayor must be chaired by the Chief Executive Officer.*
- 2) *The election of the Mayor must be undertaken by a show of hands.*
- 3) *In determining the election of the Mayor, the following will apply:*
 - a) *Subject to paragraphs c) and d), the Mayor must be elected by an absolute majority of the Councillors.*
 - b) *If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.*
 - c) *However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.*

d) In this clause, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council.

e) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) 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 (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with an absolute majority will be declared elected.

RELEVANT LAW

- *Local Government Act 2020*

RELATED COUNCIL DECISIONS

This will be the first Mayoral election of this current Council.

The Mayor will be elected for a term determined by Council resolution earlier in this meeting.

OPTIONS

To comply with the *Local Government Act 2020* a Mayor must be elected in an open Council meeting, and within one month after the date of a general election.

In accordance with the Act and Governance Rules the Mayor must be elected by an absolute majority of the Councillors. Absolute majority means the number of Councillors which is greater than half the total number of Councillors ie. a minimum of four Councillors.

COUNCIL PLANS AND POLICIES

Gannawarra Shire Council Governance Rules – Part 2 – *The Mayor, Deputy Mayor and Acting Mayor.*

Gannawarra Shire Council Plan 2021-2025

TRANSPARENCY OF COUNCIL DECISIONS

The Mayor will be elected in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

2.5 INCOMING MAYORAL ADDRESS

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council receive and note the incoming Mayoral address.

EXECUTIVE SUMMARY

The 2024/2025 Mayor will address the meeting on the year ahead.

2.6 ELECTION OF DEPUTY MAYOR

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

RECOMMENDATION

That Council elect a Councillor to be Deputy Mayor of the Gannawarra Shire Council for the 2024/2025 year.

EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) states that a Council may establish an office of Deputy Mayor to perform the role of the Mayor, and exercise any of the powers of the Mayor in certain circumstances.

The process for the election of the Deputy Mayor is detailed in the Act and the Gannawarra Shire Council Governance Rules.

PURPOSE

The purpose of this report is to consider maintaining the office of Deputy Mayor for Gannawarra Shire Council and if required, guide the process to elect a Deputy Mayor.

ATTACHMENTS

Nil

DISCUSSION

Section 20A of the Act states that a Council may establish an office of Deputy Mayor.

Section 21 of the Act states the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if –

- a) The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- b) The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c) The office of Mayor is vacant.

Any election by Council of a Deputy Mayor will follow the same procedure as that for the election of the Mayor, however the election will be Chaired by the Mayor not the Chief Executive Officer as per the Governance Rules, Part 2 clause 8.

The term of office determined for the Mayor, will also apply to the term for Deputy Mayor.

Gannawarra Shire Council has historically established an office of Deputy Mayor for many years to facilitate the smooth and uninterrupted civic, statutory and policy making functions of the Council in the absence of the Mayor.

RELEVANT LAW

Local Government Act 2020

RELATED COUNCIL DECISIONS

At a Council meeting on 6 November 2023, Cr Gillingham was elected Deputy Mayor for a one-year term.

OPTIONS

Option 1: Council elect a Deputy Mayor to perform the role of Mayor, and exercise any of the powers of Mayor in certain circumstances.

Option 2: Council does not establish the office of Deputy Mayor, and Section 20B of the Act applies for the appointment of an Acting Mayor. In this option Council may appoint an Acting Mayor for a specified period when the Mayor is unable to attend part or all of a Council meeting; or is incapable of performing the duties of the office of Mayor for any reason; or when the office of Mayor is vacant.

COUNCIL PLANS AND POLICIES

Gannawarra Shire Council Governance Rules – Part 2 – *The Mayor, Deputy Mayor and Acting Mayor*.

TRANSPARENCY OF COUNCIL DECISIONS

This matter will be decided in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

6 CONFIDENTIAL REPORTS

Nil