



# GANNAWARRA

## Shire Council

**Monday, 23 November 2020**

**5:30pm**

**Northern District Community Health**

**Kerang**

## **AGENDA**

### **Council Meeting**

Council is operating in accordance with the new *COVID-19 Omnibus (Emergency Measures) Act 2020* which operates for a Prescribed Period from 1 May 2020 to 26 April 2021.

During this Prescribed Period the following arrangements will apply:

- Ordinary Council Meetings will be closed to the public
- Meetings will be live-streamed via Council's website which can be accessed at this link ([gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream](http://gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream))

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**Tom O’Reilly**  
**CHIEF EXECUTIVE OFFICER**

## **1 ACKNOWLEDGEMENT OF COUNTRY**

The CEO will read the Acknowledgement of Country.

I would like to acknowledge the Traditional Owners of the land on which we meet today, their rich culture and connection to Country. I pay my respects to Elders past, present and emerging and acknowledge Elders from other communities who may be meeting with us today.

## **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**

In accordance with section 129(g) of the *Local Government Act 2020* and Regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor does not have a conflict of interest if the matter relates to the nomination of a Councillor for the election to the office of Mayor or Deputy Mayor, or the election of a Councillor to the office of Mayor or Deputy Mayor.

## **5 TEMPORARY CHAIR**

Section 25 of the *Local Government Act 2020* (the Act) states that the election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with the Governance Rules.

Section 26 of the Act states that before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

Once elected, the Mayor will take the chair for the remainder of the meeting.

## **6 BUSINESS REPORTS FOR DECISION**

### **6.1 RECORDING OF OATH OF OFFICE**

**Author:** Lisa Clue, Manager Governance  
**Authoriser:** Tom O'Reilly, CEO  
**Attachments:** 1 Oath of Office - All Councillors

#### **RECOMMENDATION**

**That Council acknowledges on Monday, 16 November 2020 Councillors-elect Burt, Collier, Gillingham, Link, Ogden, Smith and Stanton took the oath of office before the Chief Executive Officer.**

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#### **EXECUTIVE SUMMARY**

In accordance with the *Local Government Act 2020* (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, as specified in the Act and in the manner prescribed by the Local Government (Governance and Integrity) Regulations 2020.

In the presence of the Chief Executive Officer on Monday, 16 November 2020 Councillors-elect Burt, Collier, Gillingham, Link, Ogden, Smith and Stanton took the oath of office before signing and dating their oath of office before the Chief Executive Officer.

It is a requirement of the Act that the taking of the oath or affirmation of office be recorded in the minutes of the Council.

#### **PURPOSE**

The purpose of this report is to record in the minutes of the Council details of oaths and affirmations of office taken by newly declared Councillors-elect.

#### **ATTACHMENTS**

Nil

#### **DISCUSSION**

In accordance with 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.

Section 30(1) of the Act states that the oath or affirmation of office must be -

- (a) administered by the Chief Executive Officer; and
- (b) dated and signed before the Chief Executive Officer; and
- (c) recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

Regulation 5 of the Local Government (Governance and Integrity) Regulations 2020 prescribe the manner for taking the oath or affirmation of office is -

- (a) in accordance with the requirements of Part 2 of the Oaths and Affirmations Act 2018; and
- (b) in person or, with the approval of the Chief Executive Officer, by means of an audio visual link; and
- (c) in the following form –

“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.”

In the presence of the Chief Executive Officer on Monday, 16 November 2020 Councillors-Elect Burt, Collier, Gillingham, Link, Ogden, Smith and Stanton took the oath of office before signing and dating their oath of office before the Chief Executive Officer.

#### **RELEVANT LAW**

*Local Government Act 2020*

*Oaths and Affirmations Act 2018*

Local Government (Governance and Integrity) Regulations 2020

#### **RELATED COUNCIL DECISIONS**

Nil

#### **OPTIONS**

The requirement for a person elected to be a councillor to take the oath or affirmation of office is a statutory requirement.

#### **SUSTAINABILITY IMPLICATIONS**

Nil

#### **COMMUNITY ENGAGEMENT**

Not applicable.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

#### **COLLABORATION**

Not applicable.

#### **FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Council Plan 2017-2021: Good Governance and a Healthy Organisation

Policy No. 078 – Code of Conduct and Values for Elected Members

**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 regards to this matter.



### Oath of Office

I, Kelvin Burt, 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 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.

  
\_\_\_\_\_ 16.11.20  
**Kelvin Burt**

Taken and declared before me at Kerang on the Sixteenth day of November 2020.

  
\_\_\_\_\_ 16.11.2020  
**Tom O'Reilly – Chief Executive Officer**



**Oath of Office**

I, Travis Collier, 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 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.

 16/11/2020

**Travis Collier**

Taken and declared before me at Kerang on the Sixteenth day of November 2020.

 16/11/2020  
**Tom O'Reilly – Chief Executive Officer**





### Oath of Office

I, Charlie Gillingham, 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 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.

 16.11.2020  
\_\_\_\_\_  
**Charlie Gillingham**

Taken and declared before me at Kerang on the Sixteenth day of November 2020.

 16/11/2020  
\_\_\_\_\_  
**Tom O'Reilly – Chief Executive Officer**



### Oath of Office

I, Keith Link, 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 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.

  
\_\_\_\_\_  
16/11/2020  
**Keith Link**

Taken and declared before me at Kerang on the Sixteenth day of November 2020.

  
\_\_\_\_\_  
16/11/2020  
**Tom O'Reilly – Chief Executive Officer**




### Oath of Office

I, Jane Ogden, 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 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.

 16/11/20  
\_\_\_\_\_  
**Jane Ogden**

Taken and declared before me at Kerang on the Sixteenth day of November 2020.

 16/11/2020  
\_\_\_\_\_  
**Tom O'Reilly – Chief Executive Officer**

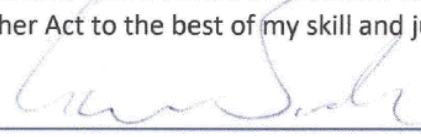


### Oath of Office

I, Garner Smith, 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 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.

 16/11/2020  
\_\_\_\_\_  
**Garner Smith**

Taken and declared before me at Kerang on the Sixteenth day of November 2020.

 16/11/2020  
\_\_\_\_\_  
**Tom O'Reilly – Chief Executive Officer**



### Oath of Office

I, Ross Stanton, 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 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.

 \_\_\_\_\_ 16/11/2020  
**Ross Stanton**

Taken and declared before me at Kerang on the Sixteenth day of November 2020.

 \_\_\_\_\_ 16/11/2020  
**Tom O'Reilly – Chief Executive Officer**

**6.2 MAYORAL TERM - 2020/2021**

**Author:** Lisa Clue, Manager Governance

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

**RECOMMENDATION**

**That Council confirms that the Mayoral term for 2020/2021 be for a period of one year.**

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**EXECUTIVE SUMMARY**

Section 26 of the *Local Government Act 2020* (the Act) states that before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

**PURPOSE**

The purpose of this report is for Council to determine whether to elect the Mayor for a 1 year or a 2 year term.

**ATTACHMENTS**

Nil

**DISCUSSION**

The Act establishes the role of Mayor and states that the Mayor is to be elected no later than one month after the date of a general election. In accordance with Section 26 of the Act, prior to the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to end of the 1 year term as is reasonably practicable. Similarly, if the Mayor is elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.

**RELEVANT LAW**

*Local Government Act 2020* – Division 4 – Election of Mayor and Deputy Mayor

**RELATED COUNCIL DECISIONS**

Council last elected a Mayor at a Special Meeting on 11 November 2019.

**OPTIONS**

The Act states that a Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

**SUSTAINABILITY IMPLICATIONS**

Nil

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Governance Rules

Council Plan 2017 – 2021 – Good Governance and a Healthy Organisation

**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 regards to this matter.

### 6.3 ELECTION OF MAYOR - 2020/2021

**Author:** Lisa Clue, Manager Governance

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

#### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) requires a Mayor to be elected no later than one month after the date of a general election. The process for the election of the Mayor is detailed in the Act and Council's Governance Rules.

Once elected, the Mayor will take the chair for the remainder of the meeting.

#### PURPOSE

The purpose of this report is to guide the process to, and elect a Mayor for the Gannawarra Shire Council.

#### ATTACHMENTS

Nil

#### DISCUSSION

The Act requires, at a meeting of the Council that is open to the public, the Councillors to elect a Councillor to be the Mayor of the Council, no later than one month after the date of a general election

The role of the Mayor is to –

- a) chair Council meetings; and
- b) be the principal spokesperson for the Council; and
- c) lead engagement with the municipal community on the development of the Council Plan; and
- d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- f) assist Councillors to understand their role; and
- g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- i) perform civic and ceremonial duties on behalf of the Council.

The specific powers of the Mayor are set out in section 19 of the Act:

- a) to appoint a Councillor to be the chair of a delegated committee;
- b) to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;



- c) to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

In determining the election of the Mayor the following will apply:

- a) Subject to paragraphs b) and c) below, 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) Section 25(7) of the Act defines absolute majority to mean 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 the 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 a majority will be declared elected.

#### **RELEVANT LAW**

*Local Government Act 2020*

#### **RELATED COUNCIL DECISIONS**

Council last elected a Mayor at a Special Meeting on 11 November 2019.

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

#### **OPTIONS**

In order to comply with the Act, a Mayor must be elected by 24 November 2020.

#### **SUSTAINABILITY IMPLICATIONS**

Nil

#### **COMMUNITY ENGAGEMENT**

Not applicable.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

#### **COLLABORATION**

Not applicable.

#### **FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Governance Rules

Council Plan 2017 – 2021 – Good Governance and a Healthy Organisation

**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 regards to this matter.

## 6.4 ELECTION OF DEPUTY MAYOR - 2020/2021

**Author:** Lisa Clue, Manager Governance

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

### 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.

### PURPOSE

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

### 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 an election of the Mayor.

No additional allowance is currently payable to a Councillor in the office of the Deputy Mayor and it is not a prerequisite for becoming the Mayor.

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

Gannawarra Shire Council has 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.

Note: If the Mayor is temporarily absent or incapable of performing the duties of the office of Mayor for any reason, and there is no elected Deputy Mayor or such person is unavailable, an Acting Mayor may be appointed for a specified period in accordance with Section 20B of the Act.

### RELEVANT LAW

*Local Government Act 2020*

**RELATED COUNCIL DECISIONS**

Council last elected a Deputy Mayor at a Special Meeting on 11 November 2019.

**OPTIONS**

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

Option 2: Council not establish the office of Deputy Mayor and 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.

**SUSTAINABILITY IMPLICATIONS**

Nil

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Governance Rules

Council Plan 2017 – 2021 – Good Governance and a Healthy Organisation

**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 regards to this matter.

**6.5 INCOMING MAYORAL ADDRESS**

**Author:** Lisa Clue, Manager Governance

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

**RECOMMENDATION**

**That Council note the incoming Mayoral address.**

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**EXECUTIVE SUMMARY**

The 2020/2021 Mayor will address the meeting on the year ahead.