



GANNAWARRA
Shire Council

Council Meeting

MINUTES

Wednesday, 21 September 2022

10:00am

Senior Citizens Centre

Kerang

Order Of Business

1	Acknowledgement of Country	3
2	Opening Declaration.....	3
3	Apologies	3
4	Confirmation of Minutes	3
5	Declaration of Conflict of Interest	3
6	Briefing Sessions.....	4
6.1	Records of Councillor Briefings - 10 August to 13 September 2022.....	4
7	Business Reports for Decision	4
7.1	2022 Annual Financial Statements.....	4
7.2	Delegation Update - Council to Members of Council Staff.....	5
7.3	Christmas Closure 2022.....	6
7.4	Draft Domestic Animal Management Plan.....	6
8	Urgent Business.....	6
9	Notices of Motion.....	8
9.1	Notice of Motion - 81	8
10	Question Time.....	8
11	Delegates Reports	9
11.1	Delegates Reports	9
12	Confidential Items	10
	Nil	

**MINUTES OF GANNAWARRA SHIRE COUNCIL
COUNCIL MEETING
HELD AT THE SENIOR CITIZENS CENTRE, KERANG
ON WEDNESDAY, 21 SEPTEMBER 2022 AT 10:00AM**

PRESENT:	Cr Charlie Gillingham (Mayor)	Avoca Ward
	Cr Jane Ogden (Deputy Mayor)	Patchell Ward
	Cr Kelvin Burt	Patchell Ward
	Cr Travis Collier	Patchell Ward
	Cr Ross Stanton	Murray Ward
	Cr Garner Smith	Yarran Ward
	Cr Keith Link	Yarran Ward

IN ATTENDANCE: **Director Infrastructure and Development
Acting Manager Governance**

Gallery: **2**

Media: **1**

1 ACKNOWLEDGEMENT OF COUNTRY

The Gannawarra Welcome to Country video was played as the Acknowledgement of Country.

2 OPENING DECLARATION

The Deputy Mayor read the Opening Declaration.

The Chair, Mayor Gillingham acknowledged the passing of Queen Elizabeth II.

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Kelvin Burt

Seconded: Cr Jane Ogden

That the minutes of the Meeting held on 17 August 2022 and the Unscheduled Meetings held 25 August 2022 and 31 August 2022 be confirmed.

CARRIED

5 DECLARATION OF CONFLICT OF INTEREST

Nil

6 BRIEFING SESSIONS

6.1 RECORDS OF COUNCILLOR BRIEFINGS - 10 AUGUST TO 13 SEPTEMBER 2022

EXECUTIVE SUMMARY

This report presents to Council written records of Councillor Briefings in accordance with Clause 31 of the Gannawarra Shire Council Governance Rules.

RESOLUTION

Moved: Cr Travis Collier

Seconded: Cr Ross Stanton

That Council note the records of Councillor Briefings from 10 August to 13 September 2022.

CARRIED

7 BUSINESS REPORTS FOR DECISION

7.1 2022 ANNUAL FINANCIAL STATEMENTS

EXECUTIVE SUMMARY

The 2022 Financial Statements and Performance Statement are presented to Council for 'in principle' approval. The statements, subject to final audit, present the financial position of the Council as at 30 June 2022. The audit position is unqualified at this stage and is subject to consideration by the Auditor-General.

RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Keith Link

That Council:

- 1. Acknowledge that the 'in principle' 2022 Financial Statements, and 'in principle' 2022 Performance Statement have been presented to and endorsed by the Audit and Risk Committee at its meeting on 6 September 2022.**
- 2. Approve the 'in principle' 2022 Financial Statements and 'in principle' 2022 Performance Statement.**
- 3. Approve the Chief Executive Officer to be authorised to effect any changes required by the Victorian Auditor-General's Office.**
- 4. Nominate Cr Gillingham and Cr Smith to be authorised to certify on behalf of Council the 'final statement' 2022 Financial Statements, and 'final statement' 2022 Performance Statement, which are also to be signed by the Chief Executive Officer and the Principal Accounting Officer and submit to the Minister and Auditor-General.**

CARRIED

7.2 DELEGATION UPDATE - COUNCIL TO MEMBERS OF COUNCIL STAFF

EXECUTIVE SUMMARY

Gannawarra Shire Council has functions and duties which it must perform and powers which it may exercise, pursuant to the *Local Government Act 1989* (the 1989 Act), the *Local Government Act 2020* (the 2020 Act) as well as a range of other Acts and regulations. Legislation referred to in the attached instrument of delegation provides for Council to delegate certain powers, duties or functions to members of staff rather than having all functions and duties dealt with by Council resolution.

Delegations are regularly reviewed to reflect changes in legislation, regulations and Council's organisational structure.

This report addresses delegations to members of Council staff.

RESOLUTION

Moved: Cr Ross Stanton

Seconded: Cr Jane Ogden

That Council in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

CARRIED

7.3 CHRISTMAS CLOSURE 2022

EXECUTIVE SUMMARY

As has occurred in prior years, to enable Council staff to spend the Christmas holiday period with family and friends, it is proposed that Council close its main administration offices, libraries, Gannawarra Shire Children's Centre administration and Works Depot from 2.00 pm Friday, 23 December, 2022 and re-open on Tuesday, 3 January, 2023.

RESOLUTION

Moved: Cr Kelvin Burt

Seconded: Cr Jane Ogden

That Council:

- 1. Acknowledge the closure of Council offices to the public over the Christmas/New Year period from 2.00 pm on Friday 23 December 2022 through to and including Monday 2 January 2023.**
- 2. Advertise the office closure in the local newspaper, website and social media.**

CARRIED

7.4 DRAFT DOMESTIC ANIMAL MANAGEMENT PLAN

EXECUTIVE SUMMARY

The *Domestic Animal Act 1994* (the Act) requires Council to prepare and implement a Domestic Animal Management Plan (DAMP) every four years.

The Plan must set out a method for evaluating whether the animal management services provided by Council are adequate to give effect to requirements of the Act and the Domestic Animal Regulations 2015.

PROCEDURAL MOTION

Moved: Cr Jane Ogden

That Council defer the Draft Domestic Animal Management Plan to the October 2022 Council Meeting.

CARRIED

8 URGENT BUSINESS

MOTION

Moved: Cr Jane Ogden

Seconded: Cr Keith Link

That Council move to Urgent Business to discuss the recent items that have been raised in the media to do with Councillor Smith.

The Chair, Mayor Gillingham adjourned the Meeting at 10:16am to receive advice on Cr Link's request to withdraw his seconding of the motion.

The Meeting resumed at 10:19am.

The Chair, Mayor Gillingham called for any objections to Cr Link's request to withdraw his seconding of the motion to which there was unanimous consent.

Cr Link withdrew his seconding of the motion.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Ross Stanton

That Council move to Urgent Business to discuss the recent items that have been raised in the media to do with Councillor Smith.

CARRIED

The Chair, Mayor Gillingham adjourned the Meeting at 10:24am to enable Cr Ogden to find her notes.

The Meeting resumed at 10:25am.

10:29am – Cr Link received a warning from the Chair, Mayor Gillingham for disrespectful comments.

RESOLUTION

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

That Council requests the Principal Councillor Conduct Registrar to appoint an arbiter to make findings in relation to certain allegations concerning Councillor Garner Smith's recent social media posts concerning a video involving a well-known AFL footballer; namely that the social media posts breach the Standards of Conduct set out in Schedule 1 of the Local Government (Governance & Integrity) Regulations 2020 in that:

- 1. they breach clause 1(a) concerning the elimination of discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010;**
- 2. they breach clause 1(b) in that they are inconsistent with supporting Council in fulfilling its obligation to achieve and promote gender equality;**
- 3. they breach clause 1(c) in that they involve the Councillor engaging in obscene behaviour in his dealings with members of the public;**
- 4. they breach clause 1(d) in that they fail to treat all persons with respect; and**
- 5. they breach clause 4(1) in that they bring discredit upon the Council.**

CARRIED

Cr Stanton called for a Division

In Favour: Crs Gillingham, Stanton, Ogden and Collier

Against: Crs Link, Burt and Smith

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - 81

MOTION

Moved: Cr Jane Ogden

Seconded: Cr Travis Collier

That the Gannawarra council consider the responses to the proposed ongoing protection declaration at Kow Swamp from Campaspe and Loddon Councils, and submit a letter supporting their position to the Minister responsible.

RESOLUTION

Moved: Cr Garner Smith

Seconded: Cr Keith Link

Considering that Gannawarra Councillors have not received responses from Loddon or Campaspe regarding the proposed Ongoing Protection Declaration for Kow Swamp, the Gannawarra Council write to the Minister of Treaty and First Peoples and request that the consultation period be extended for three months and hold a public community meeting before a decision is made.

CARRIED

10 QUESTION TIME

Author	Question	Response
Andrea – Koroop	Gannawarra Shire’s Councillor Code of Conduct provides minimum standards of conduct for elected officials to abide by, as does the Local Government Act and, the Gender Equality Act. The Gender Equality Act was a recommendation from the 2016 Royal Commission into Family Violence which recognised to reduce family violence we need to address Gender Inequality. We know that 65% of woman over 15 have	This matter was considered by Council at this Meeting under “Urgent Business”.

	<p>experienced unwanted touching by a man. Given the recent comments by Councillor Smith and his refusal to apologise to the community for his disgusting misogynistic comments, I want to know what steps have been taken by council to address the ignorance his behaviour demonstrates?</p>	
	<p>The Gender Equality Act was rolled out in March 2021, one of the requirements for this act is the development of a Gender Equity Action Plan (GEAP) along with Gender Impact Assessments. This plan sets out how the Gannawarra shire will address Gender Inequality over the next 4 years. I would like to know when this document was presented to Council and if the Gannawarra Shires Gender Impact Assessments have been applied on all new (and up for review) programs, policies and services that have a direct and significant public impact?</p>	<p>Council's Gender Equality Action Plan 2021-2025 was presented to a Councillor Briefing in March 2022. Council was consulted as the governing body as required by Section 10 of the <i>Gender Equality Act 2020</i>.</p> <p>Council has commenced undertaking Gender Impact Assessments on programs, policies and services.</p> <p>The most recent example was the assessment of the Glasshouse @ Gannawarra project.</p>

11 DELEGATES REPORTS

11.1 DELEGATES REPORTS

Association	Appointed Council Delegate
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
Municipal Association of Victoria	Cr Collier
Municipal Fire Management Planning Committee (MFMPC)	Cr Link
Murray River Group of Councils (MRGC)	Mayor
Rail Freight Alliance	Cr Stanton
Rural Councils Victoria	Cr Smith
Timber Towns Victoria	Cr Smith

NB: * Audit and Risk Committee - no delegate report is required as the Audit and Risk Committee formally reports back separately to Council in accord with the Audit and Risk Committee Charter.

Councillors gave verbal updates on attendance at meetings to which there are the appointed delegate.

12 CONFIDENTIAL ITEMS

Nil

The Meeting closed at 11:04am.

The Minutes of this Meeting were confirmed at the Meeting of the Gannawarra Shire Council held on 19 October 2022.

Mayor Charlie Gillingham

CHAIR