



GANNAWARRA

Shire Council

Wednesday, 19 November 2025

5:30pm

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 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

General conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* (the Act) or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests (as defined in Section 127(2) of the Act) could result in that person acting in a manner that is contrary to their public duty.

Material conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a material conflict of interest in respect of a matter if an affected person (as defined in Section 128(3) of the Act) would gain a benefit or suffer a loss depending on the outcome of the matter.

Disclosure of a conflict of interest

A Councillor who has a conflict of interest and is attending a meeting of the Council must make a full disclosure of that interest by either advising:

- a) the Council at the meeting immediately before the matter is considered at the meeting; or
- b) the Chief Executive Officer in writing before the meeting –

whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.

Note: If a Councillor advises the Chief Executive Officer of the details under b) above, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

In accordance with Section 130 of the Act, a councillor who has disclosed a conflict of interest in respect of a matter must exclude themselves from the decision making process in relation to the matter, including any discussion or vote on the matter at any Council meeting, and any action in relation to the matter.

Failure to comply with Section 130 of the Act may result in a penalty of 120 penalty units.

5 BUSINESS REPORTS FOR DECISION

5.1 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 Garner Smith, Mayor 2024/2025.

EXECUTIVE SUMMARY

The Chief Executive Officer will invite the 2024/2025 Mayor, Cr Garner Smith, to provide an overview of his year as the Mayor.

5.2 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 2025/2026 be for a period of one year.

EXECUTIVE SUMMARY

In accordance with Section 26 of the *Local Government Act 2020* (the Act) and Rules 7 and 8 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 7 and 8 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 7 – When a Mayor is to be elected.*
- *Gannawarra Shire Council Governance Rules – Rule 8 – 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 regarding this matter.

5.3 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 2025/2026 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 and in future elections of the Mayor during the Council's four year term they must be held on a day to be determined by Council that is as close to the end of the one year term as is reasonably practicable.

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

The election of the 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

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 8 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.

The Governance Rules Part 2, clause 9 provides the process for the Election of Mayor as follows if the Election is to be conducted by a lot:

1) If a lot is conducted, the Chief executive Officer will have the conduct of the lot, and the following provisions will apply:

a) each candidate who has an equal number of votes with another candidate or candidates will draw one lot.

b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors surnames are identical, the order will be determined by the alphabetical order of the Councillors first names; and

c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle.

d) If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates.

e) If one of the remaining candidates receives an absolute majority of the votes, they are duly elected. If none of the remaining candidates receive an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate, or determining the defeated candidate by lot, must be repeated until two candidates remain.

f) Where a Councillor is attending the meeting by electronic means they are to nominate a member of Council staff to draw out the paper on their behalf.

Resolution to Conduct a New Election

1) 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 date and time

2) The resolution to conduct a new election at a later time which must specify the date and time of the new meeting to conduct the election.

RELEVANT LAW

- *Local Government Act 2020*

RELATED COUNCIL DECISIONS

This will be the second 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. In accordance with Section 26 of the Act, and Rules 6 and 7 of Council's Governance Rules, 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 the end of the 1 year term as is reasonably practicable.

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 i.e. 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 regarding this matter.

5.4 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 2025/2026 Mayor will address the meeting on the year ahead.

5.5 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 2025/2026 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 18 November 2024, Cr Garner Smith 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 regarding this matter.