



STATUTORY MEETING

AGENDA

**Election of Mayor and Deputy Mayor,
Adoption of Council Meeting Schedule and Appointment of Delegates**

WEDNESDAY 10 NOVEMBER 2021

COMMENCING AT 6:30PM

Remote via Livestream

**Wayne O'Toole
Interim Chief Executive Officer
Buloke Shire Council.**

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ORDER OF BUSINESS

1. OPENING OF THE MEETING

The Interim Chief Executive Officer will open the meeting and call for the nomination of a Temporary Chairperson.

2. ELECTION OF A TEMPORARY CHAIRPERSON

RECOMMENDATION:

That Councillor <Type name here...> be elected as Temporary Chairperson of the Meeting until election of the Mayor.

3. WELCOME

The Temporary Chairperson welcomes VIP's, Councillors and their families, staff, representatives of local community organisations, representatives of the Press and members of the public.

The Temporary Chairperson acknowledges "the traditional owners of the land on which we are meeting and pays our respect to their Elders and to the Elders from other communities who may be here today".

4. RECEIPT OF APOLOGIES

The Temporary Chairperson reads any apologies received by the Interim Chief Executive Officer and asks Councillors elect if they are aware of any other apologies.

5. OTHER BUSINESS

5.1 MAYORAL TERM OF OFFICE

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/07/06

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

Council is to determine the Mayoral Term as per the Council's Governance Rules 2020 (Clause 7) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

SUMMARY

Council, at its Ordinary Meeting 23 November 2020, pursuant to section 26 of the *Local Government Act 2020*, determined to elect the Mayor for a one year term.

RECOMMENDATION

That Council, in accordance with section 26 of the *Local Government Act 2020*, Council elect the Mayor for a term ofYear/s.

Attachments: Nil

DISCUSSION

Section 26 the *Local Government Act 2020* requires that Council must elect a Councillor to be the Mayor of the Council.

The Act also provides that before a Mayor is elected, the Council may resolve to elect a Mayor for a term of one or two years.

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.

If the Mayor is to be 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

This report enables Council to meet its obligations under the *Council's Governance Rules 2020 (Clause 7 and 8)* and the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

At this same Council Meeting, following consideration of this report, Council will then be required to elect the Mayor for the term of office decided upon.

OPTIONS

There is no further option for Council consideration, as Council is to determine the Mayoral Term as per the Council's Governance Rules 2020 (Clause 7) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Not applicable to this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

Council is to determine the Mayoral Term as per the Council's Governance Rules 2020 (Clause 7) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

TRANSPARENCY OF COUNCIL DECISIONS

This item will be address at a Council Meeting that is open to the public.

CONFLICTS OF INTEREST

I, Yvonne Keane, have no Conflicts of Interest in the matter being addressed.

5.2 DEPUTY MAYORAL TERM OF OFFICE

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/07/06

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

Council is to determine the Deputy Mayoral Term as per the Council's Governance Rules 2020 (Clause 7) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

SUMMARY

Council, at its Ordinary Meeting 23 November 2020, pursuant to section 26 of the *Local Government Act 2020*, determined to elect a Deputy Mayor for a one year term.

RECOMMENDATION

That Council, in accordance with section 26 of the Local Government Act 2020, elect the Deputy Mayor for a term ofYear/s.

Attachments: Nil

DISCUSSION

Section 27 of the *Local Government Act 2020* requires that Council must elect a Councillor to be the Deputy Mayor of the Council.

The Act also provides that before a Deputy Mayor is elected, the Council may resolve to elect a Deputy Mayor for a term of one or two years.

If the Deputy Mayor is elected for a 1 year term, the next election of the Deputy 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.

If the Deputy Mayor is to be elected for a 2 year term, the next election of the Deputy 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

This report enables Council to meet its obligations under the *Council's Governance Rules 2020 (Clause 7 and 8)* and the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

At this same Council Meeting, following consideration of this report, Council will then be required to elect the Deputy Mayor for the term of office decided upon.

OPTIONS

There is no further option for Council consideration, as Council is to determine the Deputy Mayoral Term as per the Council's Governance Rules 2020 (Clause 7) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Not applicable to this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

Council is to determine the Deputy Mayoral Term as per the Council's Governance Rules 2020 (Clause 7) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

TRANSPARENCY OF COUNCIL DECISIONS

This item will be address at a Council Meeting that is open to the public.

CONFLICTS OF INTEREST

I, Yvonne Keane, have no Conflicts of Interest in the matter being addressed.

5.3 ELECTION OF MAYOR REPORT

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/07/06

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

In accordance with Council's Governance Rules 2021 (Clause 7), Council is required to elect a Mayor within one month after any vacancy in the office of Mayor occurs.

Council, at its Ordinary Meeting 23 November 2020, elected Cr Daryl Warren as its Mayor for a one year term.

SUMMARY

It is recommended that Council elect a Mayor as per the Council's Governance Rules 2020 (Clause 7 and 8) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

RECOMMENDATION

That Council elects Councilloras Mayor of the Shire of Buloke for the year commencing 23 10 November 2021 for a term ofyear(s).

Attachments: Nil

DISCUSSION

The Governance Rules 2020 (Clause 8) states the Election of Mayor Meeting and process is to be conducted as follows:

- 1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council;
- 2) Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor;
- 3) The election of the Mayor must be chaired by the Chief Executive Officer;
- 4) Subject to subclauses (5) and (6), the Mayor must be elected by an absolute majority of the Councillors;
- 5) 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;
- 6) However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor;

- 7) In this clause, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council;
- 8) The Chief Executive Officer will invite nominations for the office of Mayor;
- 9) Every nomination shall require a seconder;
- 10) Any Councillor nominated may refuse nomination;
- 11) Where two or more nominations are received, the method of voting will be by show of hands;
- 12) If no candidate receives an absolute majority of votes where there are 3 or more candidates, the candidate with the least number of votes must be eliminated as a candidate and a further poll conducted between the remaining candidates;
- 13) If there are several candidates, the procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared Mayor; and
- 14) If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote.

Mayor to Take Chair

After the election of the Mayor is determined, the Mayor must take the Chair.

RELEVANT LAW

This report enables Council to meet its obligations under the *Council's Governance Rules 2020 (Clause 7 and 8)* and the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

At this same Council Meeting, prior to this report, Council will consider the term of office for the Mayor to be elected.

OPTIONS

There is no further option as Council is required to elect a Mayor as per the Council's Governance Rules 2020 (Clause 7 and 8) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

No community engagement was necessary for compiling this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

This report enables Council to meet its obligations under Council's Governance Rules 2020 (Clause 7 and 8), adopted 10 February 2021.

TRANSPARENCY OF COUNCIL DECISIONS

This report is being tabled in a Council Meeting that is open to the public.

CONFLICTS OF INTEREST

I, Yvonne Keane, do not have a conflict of interest in this item to be addressed.

5.4 ELECTION OF DEPUTY MAYOR REPORT

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/07/06

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

In accordance with Council's Governance Rules 2021 (Clause 7), Council is required to elect a Deputy Mayor within one month after any vacancy in the office of Deputy Mayor occurs.

The Deputy Mayor is able to take the Chair during periods of absence of the Mayor.

Council, at its Ordinary Meeting 23 November 2020, elected Cr David Vis as its Deputy Mayor for a one year term.

SUMMARY

It is recommended that Council elect a Deputy Mayor as per the Council's Governance Rules 2020 (Clause 7 and 8) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

RECOMMENDATION

That Council elects Councilloras Deputy Mayor of the Shire of Buloke for the year commencing 10 November 2021 for a term ofyear(s).

Attachments: Nil

DISCUSSION

The Governance Rules 2020 (Clause 8) states the Election of Deputy Mayor Meeting and process is to be conducted as follows:

- 1) At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Deputy Mayor of the Council;
- 2) Subject to section 167 of the Act, any Councillor is eligible for election or re-election to the office of Deputy Mayor;
- 3) The election of the Deputy Mayor must be conducted in accordance with the Governance Rules 2020;
- 4) Subject to subclauses (5) and (6), the Deputy Mayor must be elected by an absolute majority of the Councillors;
- 5) 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;

- 6) However, if only one Councillor is a candidate for Deputy Mayor, the meeting must declare that Councillor to be duly elected as Deputy Mayor;
- 7) In this clause, absolute majority means the number of Councillors which is greater than half the total number of the Councillors of a Council;
- 8) The Chief Executive Officer will invite nominations for the office of Deputy Mayor;
- 9) Every nomination shall require a seconder;
- 10) Any Councillor nominated may refuse nomination;
- 11) Where two or more nominations are received, the method of voting will be by show of hands;
- 12) If no candidate receives an absolute majority of votes where there are 3 or more candidates, the candidate with the least number of votes must be eliminated as a candidate and a further poll conducted between the remaining candidates;
- 13) If there are several candidates, the procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared Deputy Mayor; and
- 14) If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote.

After the election of the Deputy Mayor is determined, the Deputy Mayor is able to take the Chair during any periods of absence of the Mayor.

RELEVANT LAW

This report enables Council to meet its obligations under the *Council's Governance Rules 2020 (Clause 7, 8 and 9)* and the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

At this same Council Meeting, prior to this report, Council will consider the term of office for the Deputy Mayor to be elected.

OPTIONS

There is no further option as Council is required to elect a Deputy Mayor as per the Council's Governance Rules 2020 (Clause 7 and 8) adopted 10 February 2021 in accordance with the *Local Government Act 2020*.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

No community engagement was necessary for compiling this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable to this report.

COUNCIL PLANS AND POLICIES

This report enables Council to meet its obligations under Council's Governance Rules 2020 (Clause 7, 8 and 9), adopted 10 February 2021.

TRANSPARENCY OF COUNCIL DECISIONS

This report is being tabled in a Council Meeting that is open to the public.

CONFLICTS OF INTEREST

I, Yvonne Keane, do not have a conflict of interest in this item to be addressed.

5.5 REPORT OF COUNCIL MEETING SCHEDULE 2021/2022

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/05/02

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

The Council's Governance Rules 2020 adopted 10 February 2021 in accordance with the Local Government Act 2020, states that at the Council Meeting to elect the Mayor, Council must fix the date, time and place of all Meetings of Council and Delegated Committees for the following year, which may be amended where the circumstances require.

SUMMARY

The proposed Council Meeting Schedule for the following year is tabled for Council review and consideration.

RECOMMENDATION

That Council adopts the following Council Meeting Schedule for the following year:

Month	Briefing Commencing 5 pm	Ordinary Meeting Commencing 7 pm	Briefing Commencing 5 pm
November 2021			Wycheproof (17)
December 2021	Wycheproof (1)	Wycheproof (8)	Wycheproof (15)
January 2022	-	-	-
February 2022	Birchip (2)	Wycheproof (9)	Donald (16)
March 2022	Sea Lake (2)	Wycheproof (9)	Wycheproof (16)
April 2022	Donald (6)	Wycheproof (13)	Watchem (20)
May 2022	Charlton (4)	Wycheproof (11)	Berriwilllock (18)
June 2022	Birchip (1)	Wycheproof (8)	Wycheproof (15)
July 2022	Sea Lake (6)	Wycheproof (13)	Wycheproof (20)
August 2022	Birchip (3)	Wycheproof (10)	Charlton (17)
September 2022	Sea Lake (7)	Wycheproof (14)	Nullawil (21)

October 2022	Culgoa (5)	Wycheproof (12)	Nandaly (19)
November 2022	Donald (2)	Wycheproof (9) (Ordinary meeting commencing 7:00pm and Statutory Meeting, commencing 6.30pm)	

Attachments: Nil

DISCUSSION

The proposed Schedule continues to list a Council Meeting on the second Wednesday of each month and a Councillor Briefing on the first and third Wednesday to consider strategic issues, future agendas and hear presentations.

Councillors cannot make decisions at Councillor Briefings but can be briefed on matters being tabled for Council consideration at Council Meetings. Councillors can also obtain clarification on issues from staff, address strategic issues and hear presentations from the community and other parties.

The Council's Governance Rules 2020 states the Meeting for the Election of the Mayor is to be held:

- a) no later than one month after the date of a general election; or
- b) within one month after any vacancy in the office of Mayor occurs.

RELATED COUNCIL DECISIONS

Council adopts its Council Meeting Schedule on an annual basis.

OPTIONS

Council is required to adopt its Meeting Schedule in accordance with the Governance Rules 2020 and Local Government Act 2020.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

The adopted Meeting Schedule will be published in the "Community Matters" in the local papers and placed on Council's website.

The Governance Rules 2020 states that Council must provide at least 7 days' notice on Council's website of meetings of the Council and Delegated Committees, unless urgent or extraordinary circumstances prevent Council from doing so, in which case Council must give notice that is practicable for the circumstances which includes advice of the reasons why the 7 days' notice of the meeting could not be given.

Community presentations at the Councillor Briefings will allow key stakeholders, individuals, regional and community organisations to address or present to Councillors on new initiatives, matters before Council, comment on draft policies, strategies, local laws, etc.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Not applicable to this report.

FINANCIAL IMPLICATIONS

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Government Act 2020

COUNCIL PLANS AND POLICIES

This report enables Council to meet its obligations under the *Council's Governance Rules 2020* and the *Local Government Act 2020*.

ENVIRONMENTAL SUSTAINABILITY

Not applicable to this report.

TRANSPARENCY OF COUNCIL DECISIONS

Council Meetings where decisions are made, are meetings open to the public.

Pursuant to section 66(1) and (2)(a) of the *Local Government Act 2020* the meeting can be closed to the public to consider matters which contain confidential information on the grounds provided in section 3(1) of the *Local Government Act 2020*.

CONFLICT OF INTEREST CONSIDERATIONS

No staff member involved in the preparation of this report had a conflict of interest.

CONCLUSION

It is recommended that Council adopts its Council Meeting Schedule as listed for the next twelve months.

5.6 REPORT OF APPOINTMENT OF DELEGATES

Author's Title: Executive Assistant

Department: Office of the CEO

File No: GO/06/06

Relevance to Council Plan 2021 - 2025

Strategic Objective: Our Council and Community Leadership

PURPOSE

To review and appoint Councillors as its Councillor Delegate (s) for the organisations noted in the list adopted at Council's Statutory Meeting, 23 November 2020.

SUMMARY

The list below is the Council Delegate appointments that was adopted by Council, at its Statutory Meeting 23 November 2020.

Council is to review and consider its appointments of its Councillor Delegate (s) to the organisations noted for the next twelve month period.

RECOMMENDATION

That Council adopts the following list of Council Delegates for appointment.

Organisation	Representative(s)
Audit and Risk Committee	Mayor (or Deputy Mayor)
Australian Livestock Saleyards Association Inc.	Cr Pollard
Birchip Housing Co-operative Committee	Cr Warren
Buloke and Northern Grampians Landcare Network	Cr Getley
Buloke Tourism Board	Cr Vis
Calder Highway Improvement Committee	Cr Pollard
Central Murray Regional Transport Forum	Cr Getley
Central Vic Greenhouse Alliance	Cr Pollard
Charlton Park Committee of Management	Cr Stewart
Charlton Stadium Committee	Cr Pollard
Donald 2000 Inc	Cr Warren
Economic Development and Tourism Committee	Cr Getley, Cr Milne
Loddon Mallee Waste and Resource Recovery Group	Cr Milne
Library Advisory Committee	Cr Simpson, Cr Milne
Municipal Association of Victoria	Mayor (or Deputy Mayor)
Municipal Flood Management Committee	Cr Warren, Cr Pollard

North Central Local Learning Employment Network	Cr Simpson
North West Municipalities Association	Mayor (or Deputy Mayor)
Rail Freight Alliance	Cr Milne
Recreational Water Users Alliance	Cr Stewart
Rural Councils Victoria	Cr Pollard
Sunraysia Highway Improvement Committee	Cr Milne
Watchem Progress Association	Cr Milne
Wimmera Mallee Tourism Association	Cr Milne, Cr Simpson (Deputy)
Wimmera Southern Mallee Transport Group	Cr Getley
Workspace Australia	Cr Warren
Wycheproof Recreation Reserve Committee of Management	Cr Pollard

Attachments: Nil

DISCUSSION

Council is represented on a diverse range of community, state, regional and local organisations. Some of these organisations are established by state statute, or under the *Associations Incorporation Reform Act 2012* or are effectively informal gatherings of individuals.

The distinctions are important in terms of the status of a Councillor as a member of the respective organisation, the nature of the appointment and their powers to commit Council to expenditure or other action.

The role of Councillors at these Committees is to represent Council, share information and contribute to the success of both the committees and Council.

RELATED COUNCIL DECISIONS

Council appoints its delegates to these committees on an annual basis.

OPTIONS

Council can choose which groups to send delegates to and which individual councillors it wishes to appoint to each committee.

SUSTAINABILITY IMPLICATIONS

Not applicable to this report.

COMMUNITY ENGAGEMENT

Not applicable to this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable to this report.

COLLABORATION

Appointment to these committees form a key part of our partnership work and the collaboration with community and other stakeholder groups.

FINANCIAL VIABILITY

Not applicable to this report.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Government Act 2020

COUNCIL PLANS AND POLICIES

This report enables Council to meet its obligations under the *Council's Governance Rules 2020* and the *Local Government Act 2020*.

ENVIRONMENTAL SUSTAINABILITY

Not applicable to this report.

TRANSPARENCY OF COUNCIL DECISIONS

Councillors typically report back to Council Meetings on activities surrounding the operations of these committees and are tasked with providing the organisation with updates.

CONFLICTS OF INTEREST

No staff member involved in the preparation of this report had a conflict of interest.

6. MOTION OF THANKS TO PREVIOUS MAYOR AND DEPUTY MAYOR

It is appropriate for Council to move a Vote of Thanks to the outgoing Mayor and Deputy Mayor.

7. MEETING CLOSE

NEXT MEETING

The next Council Meeting is to be held in accordance with the Council Meeting Schedule adopted for next twelve months.