



Yarriambiack
SHIRE COUNCIL

Minutes

Statutory Meeting of Council

MEETING OF COUNCIL TO COMMENCE AT 9.30AM

We acknowledge that the activities of Yarriambiack Shire Council are being held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people.

MEMBERS OF THE PUBLIC MAY VIEW THE MEETING VIRTUALLY VIA THE LIVESTREAM

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TABLE OF CONTENTS

1	WELCOME	4
2	STREAMING PREAMBLE	4
3	ACKNOWLEDGEMENT AND PRAYER.....	4
3.1	ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND	4
3.2	PRAYER.....	4
4	PRESENT	5
5	APOLOGIES	5
6	FIXING OF THE MAYORAL TERM	6
7	DETERMINING UPON A DEPUTY MAYOR ROLE	6
8	ELECTION OF MAYOR.....	7
9	ELECTION OF DEPUTY MAYOR – IF DETERMINED	9
10	CONGRATULATORY REMARKS TO THE MAYOR.....	10
11	MAYORAL RESPONSE.....	10
12	DEPUTY MAYOR RESPONSE – IF DETERMINED	10
13	NOTICE OF MEETINGS	11
14	COUNCILLOR DELEGATIONS 2024 – 2025	12
15	STATUTORY MEETING CLOSED	13

OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

- ✓ Supporting agriculture
- ✓ Strengthening business and tourism
- ✓ Staying connected through infrastructure
- ✓ Being a supportive Council
- ✓ Looking after our communities
- ✓ Being environmentally friendly

CONTINUOUS IMPROVEMENT

We drive continuous and sustainable improvement in service provision, operational efficiency, and stakeholder relations to create a leading organisation.

LIVE STREAMING

Council meetings will now be live streamed to allow those interested in viewing proceedings greater access to Council decisions and debate without attending the meeting in person.

OATH OR AFFIRMATION OF OFFICE

The affirmation of office was undertaken on 28 October 2024, immediately after all Councillors were declared by the Victorian Electoral Commission.

[Attachment: Affirmation Certification 28 October 2024](#)

1 WELCOME

2 STREAMING PREAMBLE

The Chief Executive Officer reads this section as part of the Meeting Governance process.

This Statutory Meeting is to be streamed live, recorded and published online.

I give notice to anyone who is in the gallery, that they may be recorded, and their image may be published online.

The Chief Executive Officer has the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances, where deemed relevant.

The public can view this livestream or recording via Council's YouTube Channel, with the link available via Council's website. The recording of Council Meetings will be available for viewing until the next scheduled Council Meeting.

Should technical issues prevent the continuation of the livestream, the meeting may continue provided the gallery remains open to the public in accordance with Council's meeting procedures and Governance Rules, clause 2.42.3 (g).

3 ACKNOWLEDGEMENT AND PRAYER

The CEO to open the meeting at 9:30am by acknowledging the Indigenous Community and offering the opening prayer.

3.1 ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND

'We acknowledge that the activities of Yarriambiack Shire Council are held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and we pay respects to their Elders, past and present'.

3.2 PRAYER

Almighty God, without whom no Council can stand, nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.

Amen

4 PRESENT

Councillor	Kylie Zanker	Warracknabeal Ward	In person
Councillor	Andrew McLean	Hopetoun Ward	In person
Councillor	Melinda Keel	Dunmunkle Ward	In person
Councillor	Chris Lehmann	Hopetoun Ward	In person
Councillor	Corinne Heintze	Dunmunkle Ward	In person
Councillor	Karly Kirk	Warracknabeal Ward	In person

Council Officer	Tammy Smith	Chief Executive Officer	In person
Council Officer	Tony Caccaviello	Chief Operating Officer	In person
Council Officer	Monique Metlika	Governance Support Officer	In person
Council Officer	Jo White	Governance Officer	In Person

5 APOLOGIES

Name / Role	Description of Leave / Absence

6 FIXING OF THE MAYORAL TERM

As per Section 25 (3) a of the *Local Government Act 2020* the election of the Mayor must be chaired by the Chief Executive Officer and must be conducted in accordance with the Governance Rules.

As per Section 26 (3) of the *Local Government Act 2020*, prior to the election of a Mayor, Council must determine by resolution if the Mayor is to be elected for one or two year term.

Governance Rules section 2.2 – Determining the Election of the Mayor

- a) The Chief Executive Officer must open the Meeting at which the Mayor is to be elected and preside until the Meeting elects a Mayor.
- b) 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.

Motion:

That Council determine the Mayor be elected for a one (1) year term.

Resolution:

That the recommendation be adopted.

Moved Cr Kirk

Seconded Cr Zanker

Carried

7 DETERMINING UPON A DEPUTY MAYOR ROLE

As per Section 20A of the *Local Government Act 2020*, Council must determine to establish an office of the Deputy Mayor by resolution.

Motion:

- a) That Council determine to establish an office of the Deputy Mayor.
- b) That Council determine the Deputy Mayor be elected for a one (1) year term.

Resolution:

That the recommendation be adopted.

Moved Cr Zanker

Seconded Cr Heintze

Carried

8 ELECTION OF MAYOR

Section 25 of the *Local Government Act 2020* states 'At a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of Council'

Governance Rules Part A – Election of Mayor and Other Officeholders

- a) The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

Governance Rules section 2.2.1 - The Procedure for the Election of the Mayor

- a) The Chief Executive Officer must invite nominations for the office of Mayor (each of which must be seconded). If there is only one nomination, the candidate nominated is to be declared elected.
- b) If there is more than one nomination, a vote of the Councillors present at the meeting will be held.
- c) In the event of a candidate receiving an Absolute Majority of the votes, that candidate is to be declared elected.
- d) In the event that no candidate receives an Absolute Majority of the votes, the candidate with the fewest number of votes is to be declared a defeated candidate. A further vote of the Councillors present at the meeting will be held.
- e) If one of the remaining candidates receives an Absolute Majority of the votes, he or she is to be declared elected. If none of the remaining candidates receives an Absolute Majority of the votes, the process of declaring the candidate with the fewest number of votes (a defeated candidate) and voting for the remaining candidates must be repeated until one of the candidates receives an Absolute Majority of the votes. That candidate must then be declared to be elected.
- f) In the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the declaration will be determined by lot.
- g) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
 - i. each candidate will draw one lot;
 - ii. 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;
 - iii. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle and the word '**Defeated**' shall be written on one of the pieces of paper; and
 - iv. the Councillor who draws the paper with the word '**Defeated**' written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates).
- h) The process under clause 2.2.1(g) will be repeated until one candidate is declared to be elected.

Nominations were invited for office of Mayor for 2024/2025.

Nominations:

Cr Kirk nominated, Cr Zanker as Mayor for 2024/25 term.

Cr Zanker accepted the nomination. Seconded Cr Keel

A call for a vote by show of hands for Cr Zanker as Mayor for the one (1) term.

Cr Keel

Cr Kirk

Cr Zanker

Cr Lehmann nominated, Cr McLean as Mayor for 2024/25 term.

Cr McLean accepted the nomination. Seconded Cr Heintze

A call for a vote by show of hands for Cr McLean as Mayor for the one (1) term.

Cr Lehmann

Cr Heintze

Cr McLean

Yarriambiack Shire Council had an equal number of votes for Cr Andrew McLean and Cr Kylie Zanker, for the role of Mayor.

A lot was conducted in accordance with Council's Governance Rules, and as outlined above on page 7. Once the lot was undertaken, the candidate was declared elected.

A motion was then put to Councillors, to meet the requirements of Section 25 of the *Local Government Act 2020*, in which the Mayor is to be elected by absolute majority.

Motion:

That Councillors:

- a) After undertaking the Procedure for the Election of Mayor, in accordance with Section 2.2.1 of the Yarriambiack Shire Council Governance Rules, Cr Kylie Zanker be declared the Mayor for the 24/25 term.

Resolution:

That the recommendation be adopted.

Moved Cr Kirk

Seconded Cr Keel

Carried unanimously

Carried

9 ELECTION OF DEPUTY MAYOR

Governance Rules 2.2.2 - Procedures for Election of Deputy Mayor

The procedure used for the election of Mayor was used to elect a deputy Mayor, is Council determined that the position of Deputy Mayor was required.

Nominations were invited for office of Deputy Mayor for 2024/2025.

Nominations:

Cr Zanker nominated, Cr Kirk as Deputy Mayor for 2024/25 term.

Cr Kirk accepted the nomination. Seconder Cr Keel

A call for a vote by show of hands for Cr Kirk as Deputy Mayor for the one (1) term.

Cr Kirk

Cr Zanker

Cr Keel

Cr Heintze nominated, Cr McLean as Deputy Mayor for 2024/25 term.

Cr McLean accepted the nomination. Seconder Cr Lehmann

A call for a vote by show of hands for Cr McLean as Deputy Mayor for the one (1) term.

Cr Lehmann

Cr Heintze

Cr McLean

Yarriambiack Shire Council had an equal number of votes for Cr Karly Kirk and Cr Andrew McLean for the role of Deputy Mayor.

A lot was conducted in accordance with Council's Governance Rules, and as outlined above on page 7. Once the lot was undertaken, the candidate was declared elected.

A motion was then put to Councillors.

Motion:

That Councillors:

- b) After undertaking the Procedure for the Election of Deputy Mayor, in accordance with Section 2.2.1 of the Yarriambiack Shire Council Governance Rules, Cr Andrew McLean be declared the Deputy Mayor for the 24/25 term.

Resolution:

That the recommendation be adopted.

Moved Cr Kirk

Seconded Cr Heintze

Carried unanimously

Carried

10 CONGRATULATORY REMARKS TO THE MAYOR

Councillors offered their congratulations to the newly elected Mayor followed by the Chief Executive Officer.

Cr Zanker, newly elected Mayor presided over the remainder of the Statutory Council Meeting.

11 MAYORAL RESPONSE

Mayor acknowledged congratulations and addressed the meeting.

12 DEPUTY MAYOR RESPONSE

Deputy Mayor acknowledged congratulations and addressed the meeting.

13 NOTICE OF MEETINGS

SUMMARY

At the Council Meeting to elect the Mayor, Council must fix the date, time and place of all Council Meetings and Delegated Committee Meetings for the following year, which may be amended where the circumstances require.

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

Motion:

That Council adopts the Council Meeting Schedule as tabled below, for the Council Forum and Council Meeting dates for 2024/2025.

Resolution:

That the recommendation be adopted.

Moved Cr Kirk

Seconded Cr Heintze

Carried

Forums 2024		Meetings 2024
27 November 2024		27 November 2024 (9.30am)
11 December 2024		11 December 2024 (9.30am)

Forums 2025		Meetings 2025
29 January 2024		29 January 2024 (9.30am)
12 February		26 February (9.30am)
12 March		26 March (9.30am)
09 April		23 April (9.30am)
14 May		28 May (9.30am)
11 June		30 June (9.30am)
09 July		23 July (9.30am)
13 August		27 August (9.30am)
10 September		24 September (9.30am)
08 October		29 October (9.30am)
12 November		26 November (9.30am)
10 December		17 December (9.30am)

14 COUNCILLOR DELEGATIONS 2024 – 2025

Council makes a series of appointments to Regional and State bodies as detailed below.

It is appropriate that Council representatives and alternate representatives to these bodies be appointed, as well as the CEO or an Officer of Council in certain cases.

Councillor Delegations 2024-25 are outlined below. The term of the appointment is twelve months commencing from 20 November 2024 Statutory Meeting.

Motion:

- a) That Council adopts the Councillor Delegations as tabled below, for the 2024-2025 term, to commence from 20 November 2024.
- b) That Council appoint the Mayor as the Municipal Association Victoria Delegate and appoint the accepted nominated Councillor as substitute for the Municipal Association Victoria Delegate in the Mayor's absence.

Cr McLean nominated, as Municipal Association Victoria Delegate substitute for 2024/25 term.

Cr McLean accepted the nomination.

Resolution:

That the recommendation and nominated substitute be adopted.

Moved Cr Kirk

Seconded Cr Heintze

Carried

Delegation	Councillor Delegate
GWM Water Regional Recreation Water Users Group	Cr Heintze and Cr McLean
Internal Audit and Risk Committee	Mayor and Cr Kirk
Municipal Association of Victoria (MAV)	Mayor
Municipal Association of Victoria (MAV) Substitute	Deputy Mayor
Rail Freight Alliance	Cr Keel
Sunraysia Highway Improvement Committee	Cr McLean
Wimmera Southern Mallee Development	Delegated by Councillors to the Chief Executive Officer
Wimmera Southern Mallee Regional Transport Group	Cr Heintze
Western Highway Action Committee	Cr Zanker
Yarrilinks – Yarriambiack Landcare Group	Cr Heintze
Yarriambiack Tourism Advisory Committee of Council	Cr Kirk
Hopetoun Former School Site Advisory Committee of Council	Cr Lehmann
Community Asset Committees of Council, Councillor Representatives: Hopetoun Swimming Pool Woomelang Retirement Units	Cr Lehmann and Cr McLean

15 STATUTORY MEETING CLOSED

Council will close the Statutory Meeting of Council.

Motion:

That the Statutory Meeting of Council is now closed at 9.52am.

Resolution:

That the recommendation be adopted.

Moved Cr Keel

Seconded Cr Kirk

Carried