



Mildura Rural City Council

# AGENDA

## Special Meeting of Council

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**6:30pm Thursday 7 April 2022**

**VENUE:**

**Committee & Council Room  
76 Deakin Ave, Mildura**

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# Prayer

Almighty God,

We who are gathered together in Council,  
pledge ourselves to work in harmony for  
the welfare and development of our Rural City.

Guide us, we pray, in our deliberations,  
help us to be fair in our judgement and  
wise in our actions,  
so that prosperity and happiness  
shall be the lot of our people.

Amen.

# Acknowledgement of Country

“I would like to acknowledge the Traditional Owners and Custodians of the land, which now comprises the Mildura Rural City municipality. We pay our respects to Elders past and present and celebrate and respect their continuing cultures and acknowledge the memories of their ancestors”.

# Note to Councillors

## Declaration of Interest

Councillors should note that in accordance with section 130 of the *Local Government Act 2020*, there is an obligation to declare a conflict of interest in a matter before Council.

A conflict of interest can be *general* or *material* in nature.

A Councillor has a *general conflict of interest* if an impartial, fair-minded person would consider that the Councillor's private interests could result in that Councillor acting in a manner that is contrary to their public duty.

- Private interests means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- Public duty means the responsibilities and obligations that a Councillor has to members of the public in their role as an elected representative.

A Councillor has a *material conflict of interest* if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred –

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

An *Affected Person* includes:

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

## Disclosure of Conflict of Interest

A Councillor must make full disclosure of a conflict of interest by advising the type and nature of the interest immediately before the matter is considered at the meeting. Following the disclosure and prior to the matter being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

# INDEX

1	PRAYER AND ACKNOWLEDGEMENT OF COUNTRY .....	5
2	OPENING AND WELCOME .....	5
3	PRESENT.....	5
4	APOLOGIES AND ABSENCES .....	5
5	MANAGEMENT REPORTS.....	6
6	URGENT BUSINESS .....	8
7	CLOSURE .....	8

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**MARTIN HAWSON**

**ACTING CHIEF EXECUTIVE OFFICER**

**1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

**2 OPENING AND WELCOME**

**3 PRESENT**

**4 APOLOGIES AND ABSENCES**

## 5 MANAGEMENT REPORTS

### 5.1 ELECTION OF DEPUTY MAYOR

**File Number:** 02/01/06  
**Officer:** General Manager Corporate

#### 1. Summary

The purpose of this report is to fill the vacancy of Deputy Mayor in accordance with section 258 of the *Local Government Act 2020*.

#### 2. Recommendation

**That Council elect Councillor \_\_\_\_\_ to the position of Deputy Mayor, for the remainder of the Mayoral term, in accordance with section 7 of the Governance Rules.**

#### 3. Background

The Mayor will call for nominations for the position of Deputy Mayor.

In accordance with the *Local Government Act 2020*, if Council has established an office of Deputy Mayor, the Deputy Mayor must perform the role of the Mayor and exercise any of the powers of 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.

Further to this, in accordance with section 26 of the *Local Government Act 2020*, and section 7 of the Governance Rules, a Deputy Mayor is to be elected within one (1) month of a vacancy occurring.

#### 4. Consultation Proposed/Undertaken

There are no consultation implications associated with this report.

#### 5. Discussion

The requirement to elect a Deputy Mayor for the remainder of the term was brought about through the recent resignation of Councillor Cyndi Power, effective on 21 March 2022.

In accordance with section 258 of the *Local Government Act 2020*, the Acting Chief Executive Officer notified in writing the Minister and Victorian Electoral Commission (VEC) of an Extraordinary Vacancy. The VEC have scheduled a recount to fill the Extraordinary Vacancy on 20 April 2022.

**6. Time Frame**

The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.

**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcomes to be achieved:

- Trust, respect and understanding between community and Council; and
- Effective governance to deliver results in line with community expectations.

**8. Asset Management Policy/Plan Alignment**

There are no asset management implications associated with this report.

**9. Implications**

**Policy**

There are no policy implications associated with this report.

**Legal/Statutory**

The requirement to elect a Deputy Mayor is optional under the *Local Government Act 2020*, however it is considered good practice to elect one to deputise for the Mayor in the Mayor's absence. Once it is resolved to appoint a Deputy Mayor, any vacancy must be filled within a one (1) month period.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

There are no social implications associated with this report.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

There are no attachments for this report.

**6 URGENT BUSINESS**

**7 CLOSURE**