

Council Meeting

Minutes

Date: Tuesday 26 November 2024

Venue: Civic Centre (Council Meeting Room)
13 Mair Street, Benalla

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Governance Matters

The Council Meeting was conducted in accordance with the *Local Government Act 2020* and the *Benalla Rural City Council Governance Rules 2020*.

Recording of Council Meetings

In accordance with Rule 6.4 of the *Governance Rules 2020* the Council Meeting was livestreamed via the Council's website and an audio recording was made of the proceedings and made available for public access, with the exception of matters identified as confidential items in the agenda.



Minutes

Councillor Elects David Blore
Peter Davis
Bernie Hearn
Puna Hewa Gunaratne
Justin King
Jillian Merkel
Nathan Tolliday

In attendance Dom Testoni Chief Executive Officer
Robert Barber General Manager Corporate
Jess Pendergast Governance Coordinator

In accordance with the *Benalla Rural City Council Governance Rules 2020*, the Chief Executive Officer Chaired the meeting pending the election of the Mayor.

Opening and Acknowledgement of Country

The Chief Executive Officer opened the meeting at 6pm and recited the following Acknowledgement of Country.

We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.

Apologies

No apologies were submitted to the meeting.

Disclosures of Conflict of Interest

No conflicts of interest were disclosed to the Chair.

Public Question Time

No public questions were submitted to the Council Meeting.



Business

1. Swearing in of Councillors

Under Section 30 of the *Local Government Act 2020* (the Act), a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.

The oath or affirmation of office was administered by the Chief Executive Officer, dated and signed before the Chief Executive Officer, and recorded in the minutes.

In accordance with section 7 of the *Oaths and Affirmations Act 2018*, a person who is required to take an oath may choose whether to take an oath or to make an affirmation.

TAKING THE OATH/AFFIRMATION OF OFFICE

The following oath/affirmation of office was taken by all Councillor elects. No substitute wording was permitted:

I (name of person making oath) swear by Almighty God that/solemnly and sincerely declare and affirm that:

"I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the *Model Councillor Code of Conduct* and uphold the standards of conduct set out in the *Model Councillor Code of Conduct*.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the *Local Government Act 2020* and any other Act to the best of my skill and judgement."

The following Councillor elects took the oath/affirmation of office in the presence of the Chief Executive Officer:

David Blore

Peter Davis

Bernie Hearn

Puna Hewa Gunaratne

Justin King

Jillian Merkel

Nathan Tolliday

A handwritten signature in black ink, appearing to be 'B. Blore', is located in the bottom right corner of the page.

Following the oaths and affirmations of office the Councillors recited the following Statement of Commitment:

*I declare,
that as a Councillor of Benalla Rural City
I will undertake on every occasion
to carry out my duties in the best interests of the community
and that my conduct shall maintain the standards of our Model Councillor Code of Conduct
so that I may faithfully represent
and uphold the trust placed in the Council
by the people of Benalla and District.*

2. Election of Mayor and Deputy Mayor

Under the *Local Government Act 2020* (the Act) a Mayor is to be elected at a Council meeting that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council. The Council may resolve to establish the position of Deputy Mayor.

Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor or Deputy Mayor.

Term of Appointment of the Mayor

Under Section 26 of the Act, before the election of the Mayor, the Council must determine by resolution whether the Mayor is to be elected for a one-year or a two-year term.

Cr King / Cr Blore:

That the term of appointment for the Mayor be for one year.

Carried

Election of Mayor

The Chief Executive Officer called for nominations for the position of Mayor.

Councillor Bernie Hearn and Councillor Puna Hewa Gunaratne were nominated for the position of Mayor.

Cr Tolliday / Cr Davis:

That Councillor Bernie Hearn be elected as Mayor of Benalla Rural City Council for the 2024/25 Council Year.

Carried

The Chief Executive Officer declared Councillor Bernie Hearn elected as Mayor for the 2024/25 Council Year.



The Chief Executive Officer vacated the Chair and the Mayor filled the Chair for the balance of the meeting.

Establish the position of Deputy Mayor

The Council resolved to establish the position of Deputy Mayor.

Cr Blore / Cr Gunaratne:

That the position of Deputy Mayor be established.

Carried

Term of Appointment of the Deputy Mayor

Under Section 26 of the act, before the election of the Deputy Mayor, the Council must determine by resolution whether the Deputy Mayor is to be elected for a one-year or a two-year term.

Cr Davis / Cr Blore:

That the term of appointment of the Deputy Mayor be for one year.

Carried

Election of Deputy Mayor

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

Cr Blore/ Cr Davis:

That Councillor Justin King be elected as Deputy Mayor of Benalla Rural City Council for the 2024/25 Council Year.

Carried

The Mayor declares Councillor Justin King elected as Deputy Mayor for the 2024/25 Council Year.

The Mayor made a ceremonial speech (refer **Appendix 1**). The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan

Standing orders were suspended at 6.17pm.

Cr King / Cr Gunaratne:

That standing orders be suspended to allow for discussion.

Carried

Cr Davis / Cr Blore:

That standing orders resume.

Carried

Standing orders resumed at 6.41pm.

Firstly, I want to express my heartfelt gratitude to our community for the trust you have placed in me by re-electing me to the council for another four years. I am both excited and honoured to have the opportunity to serve once again, and I look forward to the work ahead.

I would also like to extend a warm welcome and congratulations to my fellow councillors on your election. We have some returning faces, as well as new members, all of whom will play a crucial role in shaping the future of our beautiful city.

It is an incredible privilege to have been elected as Mayor of Benalla Rural City for another term. Thank you to my fellow councillors for placing your trust in me to represent both you and our entire community in this important role. With your support and our collective experience, I am confident that we will work as a cohesive, respectful team to ensure the continued growth and success of Benalla.

Having lived in this town my entire life, I consider it a profound honour to once again have the opportunity to advocate for and champion the needs of our communities. I do not take this responsibility lightly.

Our first year in office will be a busy one, with the resignation of our CEO and the challenging task of finding a suitable replacement. In addition, we have compulsory councillor training, personal development courses, and the renewal of key plans, including the Council Plan, the 10-year Financial Plan, and the Budget, all of which must be completed by the end of June 2025.

We are also managing a large capital works budget of approximately \$31.5 million, which includes several major projects that I am excited to see come to life with strong designs, on time, and on budget.

During my term as mayor, I will work tirelessly with my fellow councillors to champion development and growth for our town. It



is essential that all projects benefit the people of Benalla and ensure that every resident feels heard, connected, and involved in shaping the future of our Rural City.

I am grateful for the unwavering love and support of my husband, Russell, my sons Nick and Brad, Brad's wife Emma, and my beautiful grandson Percy. They are my world, and their encouragement allows me the privilege to serve this community to the best of my ability.

Once again, I thank my fellow councillors for their support, and I am eager to begin this term. I take on this responsibility with good faith, determination, and a commitment to working together in a fair, equal, and honest environment for the betterment of our entire community.

Thank you.

A handwritten signature in black ink, appearing to be 'Beth', located in the bottom right corner of the page.

3. General Election Results 2024

The report presented the results of the Benalla Rural City Council General Election held in October 2024.

Cr King / Cr Tolliday:
That the report be noted.

Carried

4. 2024/25 Meeting Cycle for Council and Delegated Committee Meetings

The report proposed a schedule of Council and Delegated Committee Meetings for the 2024/25 Council Year.

Standing orders were suspended at 6.44pm.

Cr King / Cr Gunaratne:
That standing orders be suspended to allow for discussion.

Carried

Cr King / Cr Davis:
That standing orders resume.

Carried

Standing orders resumed at 6.47pm.

Cr Tolliday / Cr King:
That the meeting schedule for Council meetings and Finance and Planning delegated committee meetings for the 2024/25 Council Year, as amended, be adopted.

Carried

5. Leave of Absence

Councillor Bernie Hearn has requested a leave of absence from 3 December 2024 to 10 December 2024.

Cr Tolliday / Cr Blore:
That a leave of absence be granted to Councillor Bernie Hearn from 3 December 2024 to 10 December 2024.

Carried



6. Confirmation of the Minutes of the Previous Meeting

The minutes have been circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at this meeting.

Cr Gunaratne / Cr Davis:

That the minutes of Council meetings held on 16 October 2024 and 23 October 2024 be confirmed as true and accurate records of the meetings.

Carried

Closure of the meeting

The Council Meeting closed at 6.49pm.

The minutes were confirmed on the eighteenth day of December 2024.

Signed: 

Cr Bernie Hearn (Mayor)