Notice of Special Meeting of Council

A special meeting of council was held Tuesday 20 October 2015 in the council chambers, Cnr Honour Avenue and Flint Street, Wyalkatchem commencing at 3.30pm.

The purpose of the meeting was as follows:

1. Swearing in of Councillors
2. Election of Shire President and Deputy Shire President

CHIEF EXECUTIVE OFFICER
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1. DECLARATION OF OPENING
1.1 The Presiding Person declared the Meeting open.
1.2 The Shire of Wyalkatchem disclaimer was read aloud.

“No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten days of this meeting”.

2. Record of attendance, apologies, and approved leave of absence
2.1 Present: Cr Gawley, Cr Holdsworth, Cr Butt, Cr Garner, Cr Jones, Cr Gamble, Cr Davies
2.2 Apologies
2.3 On leave of absence
2.4 Staff: Trevor Webb, Ian McCabe, Rachel Nightingale
2.5 Visitors: Julie Gamble, Sasha Gamble, Rhett Hislop, Amy Holdsworth, Peter Wood, David Holdsworth.
2.6 Gallery
2.7 Applications for leave of absence:
Background
The two councillors elected unopposed at the extraordinary election will be randomly
drawn in order to determine their term of office. The first name drawn will have the four
g year term and the second the two year term.

Each newly elected member must then make a declaration of office

Comment
The format for the swearing in ceremony will be as follows.
Cr Davies to make a declaration of office
Cr Gamble to make a declaration of office
Cr Butt to make a declaration of office
Cr Holdsworth to make a declaration of office

Appendix
Form 7 Declaration by elected member of council

Consultation:
Ian McCabe  
CEO

Statutory Environment:
Section 2.29 of the Local Government Act and Regulation 13 of the Local Government
(Constitution) Regulations 1996 a person elected to the position of a council member must
make a declaration of office prior to being able to act in that office.

Oaths, Affidavits and Statutory Declarations Act 2005 Schedule 2

Policy Implications
There is no council policy relative to this report

Financial Implications
There are no financial implications relative to this item
Strategic Plan/Risk Implications
There are no Strategic Plan/Risk Implications relative to this item

Notation: Each Councillor was called before Mr Peter Wood JP to sign the Declaration of Office.

The random draw was conducted to determine which councillor served which term. Cr Fred Butt will serve the four (4) year term and Cr Emma Holdsworth the two (2) year term.

Cr Elect Stephen Gamble signed the declaration by elected member (Form 7) and read the declaration aloud.

Cr Elect Emma Holdsworth signed the declaration by elected member (Form 7) and read the declaration aloud.

Cr Elect Frederick Butt signed the declaration by elected member (Form 7) and read the declaration aloud.

Cr Elect Quentin Davies signed the declaration by elected member (Form 7) and read the declaration aloud.

The Chief Executive Officer then congratulated all newly appointed members to council.
Declaration by elected member

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995
Local Government (Constitution) Regulations 1998

Declaration by elected member

I, _______________________,

of _______________________,

having been elected to the office of councillor
of _______________________,

declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

Declared at _______________________, on _______________________,

by _______________________,

Before me: _______________________.

Insert your residential address.

Delete those that do not apply.

Insert the name of the local government.
Declaration by elected member

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995
Local Government (Constitution) Regulations 1998

Declaration by elected member

1. Emma Caris Holdsworth
   of 44 Flint Street, Wyalkatchem WA 6485

having been elected to the office of councillor
of the Shire of Wyalkatchem

declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

Declared at Wyalkatchem on 20/10/15

by

Before me:

1. Insert your residential address.
2. Delete those that do not apply.
3. Insert the name of the local government.
Declaration by elected member

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995
Local Government (Constitution) Regulations 1998

Declaration by elected member

I, ____________________________

of 1. ___________________________

having been elected to the office of councillor

of the 3. ___________________________

declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

Declared at ____________________________ on ____________________________

by ____________________________

Before me: ____________________________

1 Insert your residential address.
2 Delete those that do not apply.
3 Insert the name of the local government.
Declaration by elected member

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995
Local Government (Constitution) Regulations 1998
Declarations by elected member

I, Martin Ross Davies

of 1842 Davies Rd, York Marine, 6409

having been elected to the office of councillor

of the Shire of Wyalkatchem,

declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

Declared at __________________________ on __________________________

by __________________________

Before me: __________________________

1 Insert your residential address.

2 Delete those that do not apply.

3 Insert the name of the local government.
Background

Once the newly elected members have been sworn in, the Shire President must be elected from the newly formed council.

Chief Executive Officer, Mr Ian McCabe, is required to preside until the office of President is filled (Local Government Act 1995 Schedule 2.3 Clause 3).

Comment

Before or at the meeting, nominations must be in writing. They can be given to the CEO before or at the meeting, nominations must be in writing. They can be given to the CEO before the meeting or at the meeting itself after the CEO calls for nominations. The nomination period is to be sufficient to allow any nominations to be made. Councillors can nominate themselves. Confirmation that they accept the nomination (orally or in writing must be given to the CEO if a Councillor nominates another Councillor. The CEO cannot accept a nomination unless the nominee has advised the CEO that he or she is willing to accept (Local Government Act 1995 Schedule 2.3 Clause 4).

Appendix

Form 7 Declaration by elected member of council

Issuing Ballot Papers and Voting

The CEO will prepare ballot papers in the form of Form 10 of the Local Government (Elections) Regulations 1997. If there are only two candidates for the position, council members are to vote by writing the numeral 1 in the box opposite the name of the candidate they wish to elect.

Where there are three or more candidates for the position, Councillors are to vote by writing the numeral 1 in the box opposite the name of the candidate who is their first preference, the numeral 2 in the box opposite the name of the candidate who is their
second preference, and so on until they have numbered every box to indicate the order of their preferences for all the candidates

**Conducting the count**
When ballot papers are completed, they are to be returned to the CEO, they will be placed in a container and shaken. Ballot papers are then removed and counted.

**Ascertaining vote result**
If there are only two candidates for the position, the Councillor receiving the greatest number of votes is declared elected to the position. Where there are three or more candidates for the position, the count is done on a preferential basis.

**Declaration and Notice of result**
The CEO will declare the result of the election at the meeting.

**Declaration of Office**
As for a newly elected member the President is sworn in as follows
1. Councillor x to make a declaration of office

The above will be done in front of a Justice of the Peace.

**First Act as Shire President**
Once the Shire President has been elected, the CEO steps down as the Presiding Officer and hands the meeting over to the Shire President. The President then assumes the role of Presiding Officer.

**Consultation:**
Ian McCabe  
CEO

**Statutory Environment:**
Section 2.29 of the *Local Government Act* and Regulation 13 of the *Local Government (Constitution) Regulations 1996* a person elected to the position of a council member must make a declaration of office prior to being able to act in that office.

Oaths, Affidavits and Statutory Declarations Act 2005 Schedule 2

**Policy Implications**
There is no council policy relative to this report

**Financial Implications**
There are no financial implications relative to this item
Strategic Plan/Risk Implications

There are no Strategic Plan/Risk Implications relative to this item

**Notation:** The newly elected president will be called before JP Mr Peter Wood to sign the Declaration of Office.

The Chief Executive Officer advised the meeting that one (1) written nomination for the position of Shire President had been received from Cr Quentin Davies. There being no other nominations received, the Chief Executive Officer invited Cr Quentin Davies to sign and read the declaration as Shire President before Mr Peter Wood JP. Cr Quentin Davies signed the declaration of office as Shire President and read the declaration aloud. At 15.42, the Chief Executive Officer stepped down as Presiding Officer, and invited Cr Davies to take the chair.
Declaration by elected member

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995
Local Government (Constitution) Regulations 1998

Declaration by elected member

1. Quentin Ross Davies

of 1842 Davies Road, Yorkunure, 6409

having been elected to the office of President
of the Shire of Wyalkatchem,

declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

Declared at

by

Before me:

1. Insert your residential address.
2. Delete those that do not apply.
3. Insert the name of the local government.
Background

Once the Shire President has been sworn in, the Shire President resumes the chair and as for the Shire President, the Shire Deputy President must be elected from the newly formed council.

Comment

Before or at the meeting, nominations must be in writing. They can be given to the CEO before or at the meeting, nominations must be in writing. They can be given to the CEO before the meeting or at the meeting itself after the CEO calls for nominations. The nomination period is to be sufficient to allow any nominations to be made. Councillors can nominate themselves. Confirmation that they accept the nomination (orally or in writing must be given to the CEO if a Councillor nominates another Councillor. The CEO cannot accept a nomination unless the nominee has advised the CEO that he or she is willing to accept (Local Government Act 1995 Schedule 2.3 Clause 4).

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Form 7 Declaration by elected member of council

Issuing Ballot Papers and Voting

The CEO will prepare ballot papers in the form of Form 10 of the Local Government (Elections) Regulations 1997. If there are only two candidates for the position, council members are to vote by writing the numeral 1 in the box opposite the name of the candidate they wish to elect.

Where there are three or more candidates for the position, Councillors are to vote by writing the numeral 1 in the box opposite the name of the candidate who is their first preference, the numeral 2 in the box opposite the name of the candidate who is their
second preference, and so on until they have numbered every box to indicate the order of their preferences for all the candidates.

**Conducting the count**
When ballot papers are completed, they are to be returned to the CEO, they will be placed in a container and shaken. Ballot papers are then removed and counted.

**Ascertainment vote result**
If there are only two candidates for the position, the Councillor receiving the greatest number of votes is declared elected to the position. Where there are three or more candidates for the position, the count is done on a preferential basis.

**Declaration and Notice of result**
The CEO will declare the result of the election at the meeting.

**Declaration of Office**
As for a newly elected member the Deputy President is sworn in as follows

1. Councillor x to make a declaration of office

The above will be done in front of a Justice of the Peace.

**Consultation:**
Ian McCabe
CEO

**Statutory Environment:**
Section 2.29 of the *Local Government Act* and Regulation 13 of the *Local Government (Constitution) Regulations 1996* a person elected to the position of a council member must make a declaration of office prior to being able to act in that office.

Oaths, Affidavits and Statutory Declarations Act 2005 Schedule 2

**Policy Implications**
There is no council policy relative to this report

**Financial Implications**
There are no financial implications relative to this item

**Strategic Plan/Risk Implications**
There are no Strategic Plan/Risk Implications relative to this item
**Notation:** The newly elected deputy president will be called before JP Mr Peter Wood to sign the Declaration of Office.

The Shire President advised that one (1) written nomination for the position of Deputy Shire President had been received from Cr Owen Garner. There being no other nominations received, the Shire President invited Cr Garner to sign and read the declaration of officer as Deputy Shire President before Mr Peter Wood JP. Cr Owen Garner signed the declaration of deputy Shire President and read the declaration aloud.

The Shire President thanked Mr Peter Wood JP for his time today and extended an invitation to him and the visitors to remain for the rest of the meeting.
Declaration by elected member

Form 7. Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995
Local Government (Constitution) Regulations 1998

Declaration by elected member

I, [Name] of [Address]

having been elected to the office of Deputy President
of the Shire of Wyalkatchem,

declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

Declared at [Place] on [Date]

by

Before me:

[Signature]

1. Insert your residential address.
2. Delete those that do not apply.
3. Insert the name of the local government.
6.0 STANDING ORDERS – MEMBERS TO OCCUPY OWN SEATS – OCTOBER 2015

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<td>AUTHOR’S NAME AND POSITION:</td>
<td>Rachel Nightingale Administration Officer</td>
</tr>
<tr>
<td>AUTHOR’S SIGNATURE:</td>
<td>R. Nightingale</td>
</tr>
<tr>
<td>DATE REPORT WRITTEN:</td>
<td>16 September 2015</td>
</tr>
<tr>
<td>DISCLOSURE OF INTEREST:</td>
<td>The author has no financial interest in this matter.</td>
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Background

In accordance with the Standing Orders part 8 members are to occupy their own seats. At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each councillor and the councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of councillors for a re-allotment of positions.

Statutory Environment

Standing Orders Local Law 1999 – Shire of Wyalkatchem – Section 8.2 Members to occupy own seats.

Notation

The Chief Executive Officer conducted a random draw to decide where each councillor will sit around the table in chambers for the next two (2) years until next council election. After the draw each councillor moved to their new position.
Council Chambers Seating Arrangements

As at October 2015

Seating arrangements (as if entering through chamber doors).

MOW  CEO  Shire Pres  SFO  Minute taker

Gamble
Jones
Garner

Holdsworth
Gawley
Butt
7. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY THE PRESIDING PERSON
10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED
11. CLOSURE OF MEETING: 15.52