



Minutes of Special Meeting of Council

A special meeting of council was held Tuesday 23 October 2017 in the council chambers, Cnr Honour Avenue and Flint Street, Wyalkatchem commencing at 3.00pm.

The purpose of the meeting is as follows:

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

CHIEF EXECUTIVE OFFICER

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Minutes of the Special meeting of Council held in council chambers, Cnr Honour Avenue and Flint Street, Wyalkatchem on Tuesday 23 October 2017 commencing at 3.00pm.

1. DECLARATION OF OPENING

1.1 The Presiding Person declared the Meeting open 3.00pm

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 Davies, Cr Gamble, Cr Garner, Cr Butt, Cr Holdsworth

2.2 Apologies Nil

2.3 On leave of absence Nil


2.4 Staff Ian McCabe, Claire Trenorden, Craig Harris, Ella McDonald

2.5 Visitors Cr Elect Metcalfe, Max Ward, Kevin Jones, Pat Jones, Ross Crute, Eddie Garner, Noela Maitland, Coral Ryan, Susan Bruse, David Holdsworth, Peter Wood

2.6 Gallery Nil

2.7 Applications for leave of absence: Nil

3.0 GOVERNANCE – ELECTIONS – SWEARING IN OF COUNCILLORS – OCTOBER 2017

FILE REFERENCE:	13.06.10/13.07.02
AUTHOR'S NAME AND POSITION:	Ella McDonald Administration Officer
AUTHOR'S SIGNATURE:	
DATE REPORT WRITTEN:	16 October 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter.

Background

Each newly elected member must make a declaration of office.

Comment

The format for the swearing in ceremony will be as follows (same order as submitted to minister in Form 20).

Cr Garner to make a declaration of office

Cr Holdsworth to make a declaration of office

Cr Elect Metcalfe to make a declaration of office

Appendix

1. Form 7 Declaration by elected members 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 JP Mr Peter Wood to sign the Declaration of Office.

Cr Garner signed the declaration by elected member (Form 7) and read the declaration aloud.

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

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

Ella McDonald left the room at 3.07pm

Ella McDonald re-entered the room at 3.09pm



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, OWEN JOHN EDWIN GARNER
of ¹ 360 MCNEE ROAD NEMBODDING WA 6085

having been elected to the office of councillor
of the ³ 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 23/10/17

by  OWEN JOHN EDWIN GARNER

Before me: ASW/J.P. 4324

- 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, Emma Caris Holdsworth

of ¹ 44 Flint Street Wyalkatchem WA 6485

having been elected to the office of councillor

of the ³ 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 23/10/17

by [Signature] EMMA CARIS HOLDSWORTH

Before me: [Signature] Paul Wood SE 4324

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, HEATHER JUNE METCALFE
of ¹ 26 WILSON ST

having been elected to the office of councillor

of the³ WYALKATCHEM SHIRE,

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 23/10/17

by H. Metcalfe HEATHER JUNE METCALFE


Before me: P. W. J. J. P. 4324

¹ Insert your residential address.

² Delete those that do not apply.

³ Insert the name of the local government.

4.0 GOVERNANCE – ELECTIONS – ELECTION OF SHIRE PRESIDENT – OCTOBER 2017

FILE REFERENCE:	13.07.02
AUTHOR'S NAME AND POSITION:	Ella McDonald Administration Officer
AUTHOR'S SIGNATURE:	
DATE REPORT WRITTEN:	16 October 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter.

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

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. The Chief Executive Officer stepped down as Presiding Officer, and invited Cr Davies to take the chair.

Cr Davies thanked Mr Peter Wood for his services as Justice of the Peace. He then thanked Cr Holdsworth for renominating, she is a great part of Council and is a big part of the future of the town. Cr Davies thanked Cr Garner for renominating and thanked him for his service as Deputy President. He then welcomed Cr Elect Metcalfe to Council and thanked her for nominating, it is very exciting to have her on board. Cr Davies thanked all the guests for attending and reminded them all of the spare spot on Council. He reported that he was enormously disappointed that no one nominated for Council in the past two nomination periods. For the future of the community, we all must encourage people to run for 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, QUENTIN ROSS DAVIES
of ¹ 1842 DAVIES RD

having been elected to the office of President

of the ³ 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 23/10/17

by Quentin Ross Davies

Before me: RS Wood SP 4324

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

5.0 GOVERNANCE – ELECTIONS – ELECTION OF DEPUTY SHIRE PRESIDENT – OCTOBER 2017

FILE REFERENCE:	13.07.02
AUTHOR'S NAME AND POSITION:	Ella McDonald Administration Officer
AUTHOR'S SIGNATURE:	
DATE REPORT WRITTEN:	16 October 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter.

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).

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 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

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.



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, OWEN JOHN EDWIN GARNER
of ¹ 360 MCNEE ROAD NEMBUDDING WA 6085

having been elected to the office of Deputy President
of the³ 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 23/10/17

by  OWEN JOHN EDWIN GARNER

Before me: Phil Wood JP 6024

- 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 2017

FILE REFERENCE:	13.05.01
AUTHOR'S NAME AND POSITION:	Ella McDonald Administration Officer
AUTHOR'S SIGNATURE:	
DATE REPORT WRITTEN:	16 October 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter.

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.

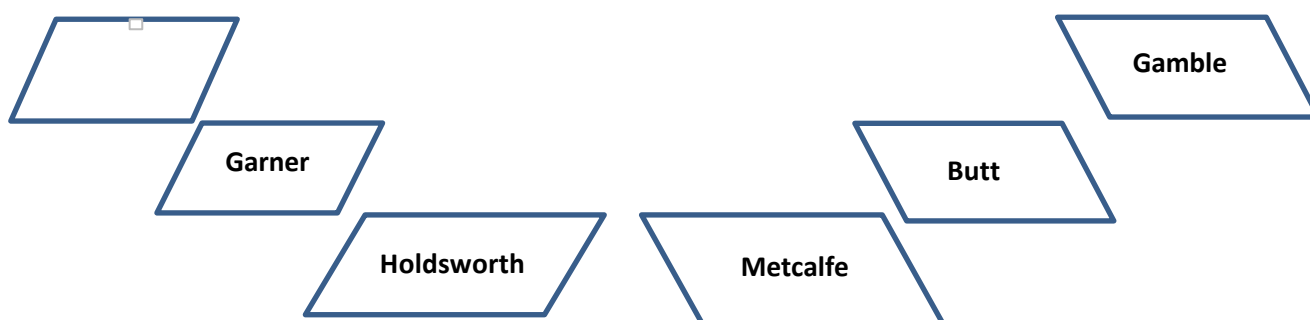
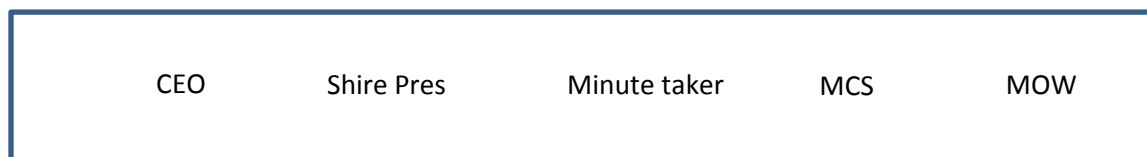
Appendices

Seating Plan as at October 2017

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. As there is one vacancy on Council, the last seat was left empty for a new Councillor to fill once elected.

Council Chambers Seating Arrangements

As at October 2017



7. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil**
- 8 **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN Nil**
9. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY THE PRESIDING PERSON Nil**
10. **MATTERS FOR WHICH THE MEETING MAY BE CLOSED Nil**
11. **CLOSURE OF MEETING 3.21pm**