



# **MINUTES**

**Special Council Meeting  
Monday 21 October, 2019**

**Commencing at 6.00 p.m.**

**Council Chambers  
Ravensthorpe**

## SHIRE OF RAVENSTHORPE

*Minutes for the Special Meeting of Council held in the Council Chambers, Ravensthorpe on Monday 21 October 2019 – commencing at 6.00pm.*

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chief Executive Officer as Presiding Member declared the meeting open at 6.00pm.

**2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

COUNCILLOR'S: Cr Julianne Belli  
Cr Graham Richardson

STAFF: Gavin Pollock (Chief Executive Officer)  
Les Mainwaring (Director Corporate and Community Services)  
Graham Steel (Director Technical Services)  
Portia Chambers (Executive Assistant)

APOLOGIES: Nil

ON LEAVE OF ABSENCE: Cr Thomas Major

ABSENT: Nil

MEMBERS OF THE PUBLIC: Keith Dunlop  
Ian Goldfinch  
Mark Mudie  
Ken Norman  
Jennifer Chambers JP  
Elaine Mudie

**3. SWEARING IN OF NEWLY ELECTED COUNCILLORS**

The following Councillors elect were sworn in by Mrs Jennifer Chambers JP at the commencement of the meeting.

Cr Mark Mudie  
Cr Keith Dunlop  
Cr Ian Goldfinch  
Cr Ken Norman

**4. PUBLIC QUESTION TIME**

Nil

**5. DISCLOSURES OF INTEREST**

Nil

## **6. ELECTION OF PRESIDENT**

### **CEO to preside**

The CEO is to preside at the meeting until the office is filled.

### **How the Shire President is elected**

- The council is to elect a councillor to fill the office.
- The election is to be conducted by the CEO in accordance with the procedure prescribed.
- **Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.**
- Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

### **Votes may be cast a second time**

- If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for **not more than 7 days**.
- Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

### **Statutory Implications**

Section 2 of Schedule 2.3 of the *Local Government Act* provides that, in relation to the Office of President:

- (1) The office is to be filled as the first matter dealt with —
  - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day.

Section 3 provides that the CEO is to preside at the meeting until the Office is filled.

Section 4 provides:

- (1) the Council is to elect a councillor to fill the office.
- (2) the election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) nominations for the Office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

- (3a) nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) if a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) the councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

In relation to the role of the President Section 2.8 provides that:

- (1) The president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.

Section 5.34 provides that if —

- (a) the office of President is vacant; or
- (b) the President is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy President may perform the functions of president.

Regulation 13 of the *Local Government (Constitution) Regulations* (Oaths, affirmations and declarations) provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —  
**“authorised person”** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

***Cr Keith Dunlop and Cr Ken Norman prior to the meeting had provided nominations to the Chief Executive Officer for the position of Shire President.***

***A Secret Ballot was conducted and Cr Dunlop was elected 5/1 and sworn in as Shire President by Mrs Jennifer Chambers JP.***

## **7. ELECTION OF DEPUTY PRESIDENT**

### **How the deputy president is elected**

- The council is to elect a councillor (other than the mayor or president) to fill the office.
- The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

### **Votes may be cast a second time**

- If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

*NOTE: In the advent that the current Deputy President nominates for the Shire President position and is unsuccessful they automatically retain the Deputy Shire President position. (Deputy does not need to resign to contest the President position.)*

## Statutory Implications

In relation to the Office of Deputy President, Section 7 provides:

- (2) If the local government has a councillor president the office of deputy president is to be filled —
  - (a) as the next matter dealt with after the president is elected at the first meeting of the council after an ordinary elections day;

In relation to the role of the Deputy President Section 2.9 provides that the deputy President performs the functions of the President when authorised to do so under section 5.34.

Regulation 13 of the *Local Government (Constitution) Regulations* provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

**“authorised person”** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Section 5.34 provides that if —

- (a) the office of President is vacant; or
- (b) the President is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy President may perform the functions of president.

Regulation 13 of the *Local Government (Constitution) Regulations* (Oaths, affirmations and declarations) provides that:

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  - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
  - (d) the form of declaration for a commissioner is that in Form 8.
- (2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —
  - (a) the immediate predecessor of the person in the office of mayor or president; or
  - (b) an authorised person.
- (3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.
- (4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.
- (5) In this regulation —

**“authorised person”** means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

***Cr Julianne Belli had provided a nomination to the Chief Executive Officer prior to the meeting for the Position of Deputy Shire President and was elected unopposed.***

***Cr Belli was declared Deputy President and was sworn in by Mrs Jennifer Chambers JP.***

**8. ALLOCATION OF SEATING ARRANGEMENTS**

Shire President Cr Keith Dunlop conducted a draw of seats for Elected Members.

Order of elected members were drawn out as follows –

Cr Richardson  
Cr Major  
Cr Mudie  
Cr Goldfinch  
Cr Norman

Shire President Cr Keith Dunlop thanked everyone for re-electing as Shire President and wished the new and returning Councillors all the best for their term.


**9. MATTERS BEHIND CLOSED DOORS**

Nil

**10. CLOSURE OF MEETING**

The Presiding Member declared the meeting closed at 6.18pm.

These minutes were confirmed at the meeting of the 19 November 2019

Signed:   
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: 19 November 2019