



Unlocking the past, securing our future

We reflect on the spirit of the people who settled this country and developed the land; along with the service personnel and volunteers whose sacrifices have enabled us to enjoy the lifestyle we are accustomed.

CONFIRMED MINUTES

SPECIAL MEETING OF COUNCIL

25 OCTOBER 2023

SHIRE OF CARNAMAH COUNCIL CHAMBERS

33-37 Macpherson Street, Carnamah

CONFIRMED MINUTES

SPECIAL MEETING OF COUNCIL

25 OCTOBER 2023

DISCLAIMER

No responsibility is implied or accepted by Shire of Carnamah for any act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

Shire of Carnamah advises that anyone who has any application lodged with Shire of Carnamah shall obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by Shire of Carnamah in respect of the application.

CONFIRMED MINUTES

These minutes were confirmed as a true and accurate record of the proceedings at the Ordinary Meeting of Council held on 25 October 2022.

Presiding Person at the Meeting at which the Minutes were confirmed

Disclosure of Interests at Meetings

The Act places specific obligations on **elected members of council, local government employees** and other persons involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. Generally, those obligations include the lodgement of disclosure of interest returns, the lodgement of written declarations and the verbal disclosure of financial interests at council and council committee meetings.

- **Financial interest:** a financial interest is where it is reasonable to expect that a matter being considered will result in a financial gain, loss, benefit or detriment for the person declaring the interest.
- **Proximity interest:** a proximity interest in a matter is where the matter being considered involves redevelopment or other changes of use of land that adjoins or has a common boundary or is directly across a thoroughfare to any land belonging to the person making the declaration of interest.
- **Indirect financial interest:** an indirect interest is where a matter being considered by the local government relates to another person with which the person making the declaration has a financial relationship.
- **Impartiality interest:** An impartiality interest is where there is an actual or perceived relationship that could adversely affect the impartiality of the person making the decision, and includes family, friends or membership of an association (*Local Government (Administration) Regulations 1996 reg 34C*).

PROXIMITY
 Applicant's property shares common boundary or is directly opposite EM property.



Ministerial approval obtained?



| | |
|-----|----|
| YES | NO |
|-----|----|



| | |
|-------------------------|-------------------------|
| STAY Debate and vote | LEAVE No debate/vote |
|-------------------------|-------------------------|

FINANCIAL
 Matter will result in financial gain, loss, benefit or detriment to a EM or close associate.



| | |
|--|--------------------------------|
| Trivial, insignificant or in common with a significant number of ratepayers? | Ministerial approval obtained? |
|--|--------------------------------|



| | | |
|----|-----|----|
| NO | YES | NO |
|----|-----|----|



| | | |
|-------------------------|-------------------------|-------------------------|
| LEAVE No debate/vote | STAY Debate and vote | LEAVE No debate/vote |
|-------------------------|-------------------------|-------------------------|

IMPARTIALITY
 Applicant is the EM's relative, employer, business partner, friend or adversary.



Disclosure is at the member's discretion



STAY
 Debate and Vote

| | | |
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SPECIAL COUNCIL MEETING
Wednesday, 25 October 2023

1.0 DECLARATION OF OPENING

1.1 OPENING

The Chief Executive Officer declared the meeting open at 3.43pm and welcomed Elected Members and Staff.

Acknowledgement of Country

The Chief Executive Officer acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, waters and community; and pays respect to Elders past, present and emerging.

2.0 RECORD OF ATTENDANCE

2.1 PRESENT

Elected Members

| | |
|-----------------|------------|
| Cr Chisholm | Councillor |
| Cr Isbister* | Councillor |
| Cr Kikeros | Councillor |
| Cr Ogilvie | Councillor |
| Cr Risinger | Councillor |
| Cr Smallwood | Councillor |
| Cr Woollorton** | Councillor |

Staff

| | |
|---------------|--------------------------------|
| Robert Paull | Chief Executive Officer |
| Ian Walsh | Deputy Chief Executive Officer |
| Joe Hodges | Manager Works and Services |
| Rachael Moore | Executive Coordinator |

Guests

Nil

Note

* As an outcome of the meeting, Cr Isbister was elected President unopposed.

** As an outcome of the meeting, Cr Woollorton was elected Deputy President unopposed.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3.0 PUBLIC QUESTION TIME

Nil

4.0 DISCLOSURE OF INTEREST

4.1 DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS

Nil

4.2 DECLARATION OF INTEREST AFFECTING IMPARTIALITY

Nil

5.0 REPORTS OF THE CEO

5.1 ELECTION OF PRESIDENT

| | |
|-------------------------------|--|
| File Code | ADM797 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Nomination for Shire President – Cr Isbister |

SUMMARY

Council is to elect a member to the role of President of the Shire of Carnamah at the first meeting of Council after the election.

BACKGROUND

Local Government Act 1995 clause 4 of Division 1 of Schedule 2.3 notes that the Council is required to appoint a President at its first meeting following an election day. The Chief Executive Officer (CEO) is to preside at the meeting until the office is filled and the election is to be conducted by the CEO in accordance with the procedure prescribed in the Act. Accordingly, the CEO will call for Councillors to nominate as candidates at the meeting. All Councillors, including newly elected Councillors, are eligible to nominate.

The roles and responsibilities of the President are outlined in the *Local Government Act 1995*:

“2.8 Role of mayor or president

- 1) *The mayor or president —*
 - a) *presides at meetings in accordance with this Act; and*
 - b) *provides leadership and guidance to the community in the district; and*
 - c) *carries out civic and ceremonial duties on behalf of the local government; and*
 - d) *speaks on behalf of the local government; and*
 - e) *performs such other functions as are given to the mayor or 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.”*

In the event that there is more than one nomination for the position of President, the CEO will act in the position of Returning Officer to conduct the ballot as required under the *Local Government Act 1995*. The ballot for the position of President will be conducted pursuant to the provisions of clause 4 of Division 1 of Schedule 2.3 of the Act as outlined below:

“4. How mayor or president is elected

- 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.*
- 6) *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.*
- 7) *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.”*

The ballot for President will be undertaken using the preferential voting system with the CEO being the Returning Officer.

The winner will be declared elected to the position of President for a two-year term and will be required to read (and sign) a form titled Declaration for the Office of President (Electoral Form 7) in accordance with Regulation 13(1)(c) of the *Local Government (Constitution) Regulations 1998*.

COMMENT

The term of office of the President begins when they are elected and ends when they resign or are next elected at or after the next ordinary election – usually every two years.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Oaths, Affidavits and Statutory Declarations Act 2005

Local Government Act 1995:

Local Government (Elections) Regulations 1997

Local Government (Constitution) Regulations 1998 reg 13(1) and Form 7

Chief Executive Officer, Robert Paull called for nominations for President. Mr Paull advised that he had earlier received a nomination of Cr Merle Isbister as President from Cr Bruce Chisholm. Cr Isbister had advised in writing of her acceptance of the nomination. Cr Isbister verbally reaffirmed her acceptance to Council.

As no further nominations were received, Cr Isbister was duly elected to the position of President.

DECLARATION OF RESULT

Cr Isbister was elected to the role of President for a term of two years.

Having been elected as President, Cr Isbister took over the role of chair from the Chief Executive Officer and presided over the Special Meeting. The Chief executive Officer moved to the right of the President.

5.2 ELECTION OF DEPUTY PRESIDENT

| | |
|-------------------------------|--|
| File Code | ADM797 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Nomination form for election of Deputy Shire President |

SUMMARY

Council is to elect a member to the role of Deputy President of the Shire of Carnamah at the first meeting of Council after the election.

BACKGROUND

Local Government Act 1995 clause 4 of Division 1 of Schedule 2.3 notes that the Council is required to appoint a Deputy President at its first meeting following an election day. The Shire President will call for Councillors to nominate as candidates at the meeting. All Councillors, with the exception of the President, are eligible to nominate.

The roles and responsibilities of the President are outlined in the *Local Government Act 1995*:

“2.9 Role of deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.”

Section 5.34 states:

“5.34. When deputy mayors and deputy presidents can act

If —

- a) the office of mayor or president is vacant; or*
- b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*
then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.”

The Deputy President is also entitled to one quarter of the Shire Presidents allowance in addition to Council sitting fees. The ballot for the position of Deputy President will be conducted according to the provisions of clause 6-9 of Schedule 2.3 of the *Local Government Act 1995* as outlined below:

“8. How deputy mayor or deputy president is elected

- 1) The council is to elect a councillor (other than the mayor or president) to fill the office.*
- 2) 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.*
- 3) 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.*

- (3a) *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.*
- 4) *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.*
- 5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- 6) *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.*
- 7) *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.”*

The ballot for Deputy President will be undertaken using the preferential voting system. The winner will be declared elected to the position of Deputy President for a two-year term and will be required to read and sign a form titled Declaration for the Office of President (Electoral Form 7) in accordance with Regulation 13(1) (c) of the Local Government (Constitution) Regulations 1998.

COMMENT

The term of office of the Deputy President begins when they are elected and ends when they resign or are next elected at or after the next ordinary election – usually every two years.

CONSULTATION

Executive Management Team

STATUTORY IMPLICATIONS

Oaths, Affidavits and Statutory Declarations Act 2005

Local Government Act 1995:

Local Government (Elections) Regulations 1997

Local Government (Constitution) Regulations 1998 reg 13(1) and Form 7

*Presiding Member called for nominations for Deputy President.
Cr Kikeros nominated Cr Wooltorton., who accepted the nomination.*

As no further nominations were received, Cr Wooltorton was duly elected to the position of Deputy President.

DECLARATION OF RESULT

Cr Wooltorton was elected to the role of Deputy President for a term of two years.

Having been elected as Deputy President, Cr Wooltorton, moved to the seating position to the left of the President.

5.3 ALLOCATION OF SEATING OF COUNCILLORS

| | |
|-------------------------------|---|
| File Code | ADM0198 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Attachment 1 – Seating arrangements |

SUMMARY

The seating arrangements for councillors is to be allocated at the meeting.

BACKGROUND

Clause 8.1 of the *Shire of Camamah Meeting Procedures Local Law 2013 (Meeting Procedures)* provides the method of allocating seating positions to elected members as follows:

“8.1 Members to be in their proper places

- 1) At the first meeting held after each Election Day, the CEO is to allot, alphabetically by ward, a position at the council table to each Member.*
- 2) Each member is to occupy his or her allotted position at each council meeting.”*

COMMENT

In accordance with the *Meeting Procedures*, seating will be allocated at the discretion of the Chief Executive Officer and Councillors advised prior to the meeting.

CONSULTATION

Executive Management Team

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Camamah Meeting Procedures Local Law 2013

| |
|--|
| Chief Executive Officer Robert Paull advised Councillors of the seating arrangements (Note Attachment 1) |
|--|

5.4 COPIES OF LOCAL GOVERNMENT ACT 1995, LOCAL LAWS, CODE OF CONDUCT AND SHIRE POLICIES TO COUNCILLORS

| | |
|-------------------------------|---|
| File Code | ADM0198 |
| Author | Robert Paull, Chief Executive Officer |
| Senior Employee | Robert Paull, Chief Executive Officer |
| Disclosure of Interest | Nil |
| Attachments | Local Government Act 1995 Register of Local Laws Code of Conduct for Council Members, Committee Members and Candidates State Law Publisher Legislation |

SUMMARY

Access to relevant legislation and local laws are provided to Councillors

BACKGROUND

It is considered appropriate for the Chief Executive Officer to provide to each Councillor as soon as convenient after being elected to office, access to the *Local Government Act 1995* (Act) as well as local laws regulating, Code of Conduct documents governing the administration of the local government.

COMMENT

To ensure a manageable size of the Agenda, the following links provide with web based access to the Act and local government local laws:

- **Local Government Act 1995**
- **Local Government Local Laws**
- **Code of Conduct for Council Members, Committee Members and Candidates**

A printed copy of the Code of Conduct for Council Members, Committee Members and Candidates can be provided to Councillors upon request. Other relevant links are provided to:

- **All other Western Australian Acts and Regulations (State Law Publisher)**

Under separate cover, Shire staff will also provide all new Councillors with an induction and information pack addressing the roles, responsibilities and general information on the operations of the Shire.

STATUTORY ENVIRONMENT

Local Government Act 1995

Note:

The Chief Executive Officer advised that the Executive Coordinator had prepared a folder for all Councillors with an information folder titled "Councillor Handbook" which is to be retained in the Chambers and will be updated when required.

The "Councillor Handbook" comprises:

- Elected Member Induction manual
- Local Government (Rules of Conduct) Regulations 2007
- New Creditors/Change of Details Form
- Declaration of Interest Form
- Application for Leave Form
- Complaint about Alleged Breach Form
- MRWA Common Class Restricted Access Vehicles (RAV)
- RAV categories

6.0 CLOSURE OF MEETING OF MEETING

The presiding member declared the meeting closed at 3.50pm