



Shire of Cunderdin

Minutes of a Special Council Meeting

Dear Council Member,

Pursuant to Section 5.25(g) of the Local Government Act 1995 and Regulation 12(3)(4) of the Local Government (Administration) Regulations 1996, Public Notice of a Special Meeting of Council was given for a Special Meeting of the Cunderdin Shire Council held on **Wednesday 25th October 2023** in the Council Chambers, Lundy Avenue Cunderdin and commenced at **4.00pm**, for the purpose of:

1. Taking of Oath & Declaration of Office
2. Election of Shire President
3. Election of Shire Deputy President

Stuart Hobley
Chief Executive Officer
25th October 2023

Table of Contents

1. Declaration of opening.....3
2. Record of Attendance, Apologies and Approved Leave of Absence.....3
3. Public Question Time3
4. Petitions, Deputations & Presentations3
5.1 Taking of Oath and Declaration of Office.....4
5.2 Election of Shire President6
5.3 Election of Shire Deputy President.....8

UNCONFIRMED

MINUTES

1. Declaration of opening

The President declared the meeting open at 4pm

The Shire of Cunderdin disclaimer will be read aloud.

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13.

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin 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 working days of this meeting”.

2. Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

Cr AE (Alison) Harris	Shire President
Cr A (Anthony) Smith	Deputy President
Cr TE (Todd) Harris	
Cr NW (Norm) Jenzen	
Cr B (Bernie) Daly	
Cr N (Natalie) Snooke	

In Attendance

Stuart Hoble	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance and Administration Officer

Guests of Council

Amanda Godfrey, Shanika Moore, Amber Bell and Ashlei Otway.

Members of the Public

Nil.

Apologies

Nil.

Leave of Absence Previously Granted

Nil.

3. Public Question Time

Nil.

4. Petitions, Deputations & Presentations

Nil.

5.1 Taking of Oath and Declaration of Office

Location:	Shire of Cunderdin
Applicant:	Governance and Administration Officer
Date:	17 th October 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For the newly elected Councillors to take the Declaration by Elected Member in accordance with the provisions of the Local Government Act 1995.

Background

Provisions within the *Local Government Act 1995*, S2.29, and the Local Government (Constitution) Regulations 1998, C13, state that a person elected as a councillor has to make a declaration in the prescribed form before acting in the office and the format in which that declaration is to be made.

Four positions on Council were open for nomination in the Shire of Cunderdin 2023 Ordinary Elections. Three (3) of these positions were for a four (4) year term in office from 2023 – 2027 and one (1) position was for a two (2) year term in office, 2023 – 2025.

All four (4) positions were filled by nominating candidates and they are to be duly elected unopposed.

As per the Local Government (Elections) Regulations 1997 Part 12C, the Returning Officer conducted the drawing of lots establishing which candidates would be elected for the four (4) year and two (2) year terms.

The results of this draw were:

- Cr B (Bernie) Daly Four (4) year term in office from 2023 – 2027
- Cr TE (Todd) Harris Four (4) year term in office from 2023 – 2027
- Cr A (Tony) Smith Four (4) year term in office from 2023 – 2027
- Cr HN (Holly) Godfrey Two (2) year term in office from 2023 – 2025

Comment

Four (4) newly Elected Councillors will take the Declaration of Office administered by Cr Alison Harris JP.

- Cr B (Bernie) Daly
- Cr TE (Todd) Harris
- Cr A (Tony) Smith
- Cr HN (Holly) Godfrey

Consultation

Nil.

Statutory Implications

Local Government Act 1995

2.29. Declaration

(1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*

- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.
Penalty: \$5 000 or imprisonment for one year.

Local Government (Constitution) Regulations 1998

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

- (1) For the purposes of sections 2.29 and 2.42 — [(a), (b) deleted] (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.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Result

Newly elected Councillors Bernie Daly, Todd Harris, Anthony Smith and Holly Godfrey took the Declaration by Elected Member before Cr AE (Alison) Harris Justice of the Peace.

5.2 Election of Shire President

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	18 th October 2023
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to elect the Shire President for the next two (2) year period, for the period of October 2023 until October 2025.

Background

Provisions within the *Local Government Act 1995*, Schedule 2.3, Division 1, provide for the election of the Shire President by the Council.

Section 2.29 of the *Act* states that a person elected by the council as president is required to make a declaration in the prescribed form before acting in the office.

Local Government (Constitution) Regulations 1998, C13, provides for the format in which the person elected as the president has to make the declaration.

Comment

Election for Shire President will be conducted by the Chief Executive Officer.

Nominations for the office are to be given to the CEO in writing before the meeting. If no nominations are received prior to the meeting the CEO will call for nominations during the meeting.

Consultation

Nil.

Statutory Implications

Local Government Act 1995

2.29. Declaration

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.
Penalty: \$5 000 or imprisonment for one year.

Local Government (Constitution) Regulations 1998

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

- (1) For the purposes of sections 2.29 and 2.42 — [(a), (b) deleted] (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.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Result

1. CEO advised of one (1) written nomination received for Alison Harris to fill the Position of Shire President.
2. CEO called for further nominations.
3. No further nominations received, Cr AE (Alison) Harris was declared elected unopposed to the position of Shire President for the Shire of Cunderdin for the two-year period to October 2025.
4. Cr AE (Alison) Harris duly took the Declaration by Elected Member for the position of Shire President before Mr Clive Gibson, Justice of the Peace.

5.3 Election of Shire Deputy President

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	18 th October 2023
Author:	Stuart Holey
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to elect the Shire Deputy President for the next two (2) year period, for the period of October 2023 until October 2025.

Background

Provisions within the *Local Government Act 1995*, Schedule 2.3, Division 1, provide for the election of the Shire Deputy President by the Council.

Section 2.29 of the *Act* states that a person elected by the council as president is required to make a declaration in the prescribed form before acting in the office.

Local Government (Constitution) Regulations 1998, C13, provides for the format in which the person elected as the president has to make the declaration.

Comment

Election for Shire Deputy President will be conducted by the Chief Executive Officer.

Nominations for the office are to be given to the CEO in writing before the meeting. If no nominations are received prior to the meeting the CEO will call for nominations during the meeting.

Consultation

Nil.

Statutory Implications

Local Government Act 1995

2.29. Declaration

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.
Penalty: \$5 000 or imprisonment for one year.

Local Government (Constitution) Regulations 1998

13. Oaths, affirmations and declarations (s. 2.29, 2.42)

- (1) For the purposes of sections 2.29 and 2.42 — [(a), (b) deleted] (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.

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 - (a) the immediate predecessor of the person in the office of mayor or president; or
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authorised person means a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Result

1. CEO advised that no written nominations had been received for the Position of Shire Deputy President.
2. CEO called for further nominations. Cr B (Bernie) Daly nominated Cr A (Tony) Smith.
3. No further nominations were received, Cr A (Tony) Smith was declared elected unopposed to the position of Deputy President for the Shire of Cunderdin for the two-year period to October 2025.
4. Cr A (Tony) Smith duly took the Declaration by Elected Member for the position of Shire Deputy President before Mr Clive Gibson, Justice of the Peace.

There being no further business Cr AE (Alison) Harris declared the meeting closed at 4.13pm