



Shire of Cunderdin

Notice of a Special Council Meeting

Dear Council Member,

A Special Meeting of the Cunderdin Shire Council will be held on **Tuesday 5th November 2019** in the Council Chambers, Lundy Avenue Cunderdin commencing **at 5:00pm**, for the purpose of:

1. Swearing in of newly elected Councillors.
2. Election of Shire President.
3. Election of Deputy Shire President.
4. Reappointment of Councillors to Committees, Working Group and Portfolios.

Stuart Hobley

Chief Executive Officer

Tuesday 29th October 2019

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AGENDA

1. Declaration of opening

The Deputy Shire President will declare the meeting open at_____

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”.

1.1 Swearing In of newly elected Councillors

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	29 th October 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
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.

Comment

Mr Clive Gibsone JP is in attendance to administer this function.

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

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1.2 Election of Shire President

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	29 th October 2019
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, 2019 to 2021.

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 has 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

Nil

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.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15]

Division 1 — Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1); office means the office of councillor mayor or president.

2. When council elects mayor or 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; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
 - (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.
 3. CEO to preside
The CEO is to preside at the meeting until the office is filled.
 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.
- [Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]
5. Votes may be cast a second time
 - (1) 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.
 - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
 - (3) 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.
 - (4) 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.

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



1.3 Election of Deputy Shire President

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	29 th October 2019
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 Deputy Shire President for the next two (2) year period, 2019 to 2021.

Background

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

Section 2.29 of the *Act* states that a person elected by the council as deputy president has 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 deputy president has to make the declaration.

Comment

Nil

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.

Schedule 2.3 Division 2 — Deputy mayors and deputy presidents

6. Terms used In this Division —
extraordinary vacancy means a vacancy that occurs under section 2.34(1); office means the office of deputy mayor or deputy president.
7. When the council elects the deputy mayor or deputy president
 - (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president 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; and
- (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (a) as the next matter dealt with after the mayor or president is elected 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; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.
- 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.

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

- 9. Votes may be cast a second time
 - (1) 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.
 - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
 - (3) 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.
 - (4) 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.

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



Pm Mr Clive Gibsone JP departed the Council Chamber

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

2.1 Record of attendances

Councillors

Cr DA (Dennis) Whisson
Cr AE (Alison) Harris
Cr TE (Todd) Harris
Cr NW (Norm) Jenzen
Cr B (Bernie) Daly
Cr J (Jayson) Goldson
Cr W (Sam) Stewart
Cr A (Tony) Smith

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Manager of Corporate Services and Finance
Lauren Cole	Governance and Compliance Officer

Guests of Council

Members of the Public

2.2 Apologies

2.3 Leave of Absence Previously Granted

3. Public Question Time

Declaration of public question time opened at:

Declaration of public question time closed at:

4. Petitions, Deputations & Presentations

5. Finance & Administration

5.1 Review of Appointments to Committees, Working Groups and Portfolios

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	29 th October 2019
Author:	Stuart Hobley
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council to review appointments to Committees, Working Groups and Portfolios.

Background

Council has previously adopted the following appointments to the various Committees, Working Groups and Portfolios at the OCM held on 16th November 2017:

That the various Council appointments to the Committees, Working Groups and Portfolios be as follows:

Committees of Council

Audit Committee

Cr Dennis Whisson, Cr Doug Kelly, Cr Jayson Goldson & Cr Norm Jenzen

Cunderdin Airfield Committee

Cr Dennis Whisson & Cr Doug Kelly

Local Emergency Management Committee (LEMC)

Cr Dennis Whisson, Cr Doug Kelly & Cr Jayson Goldson

Museum Management Committee

Cr Todd Harris

Other Committees and Groups

Cunderdin Aged Appropriate Accommodation Project Management Committee

Cr Bernie Daly & Cr Dianne Kelly

Department of Fire and Emergency Services Committee (DFES)

Cr Todd Harris & Cr Norm Jenzen

Primary Health Care Demonstration Site Project User Group

Cr Dennis Whisson & Cr Dianne Kelly; Cr Jayson Goldson (Proxy Delegate)

Regional Road Group Kellerberrin Sub Group

Cr Doug Kelly & Cr Bernie Daly

Shared CEO Resource Sharing Committee (with Shire of Tammin)

Shire President & Deputy Shire President

WALGA Great Eastern Country Zone (GECZ)

Cr Dennis Whisson; Cr Alison Harris (Proxy Delegate)

Portfolios

Avon Catchment Council & Natural Resource Management

Cr Dennis Whisson

Buildings

Cr Dianne Kelly & Cr Alison Harris
Cunderdin Community Resource Centre
Cr Dennis Whisson
Cunderdin Sports & Recreation Centre Management Committee
Cr Alison Harris; Cr Dennis Whisson (Proxy Delegate)

Education Issues

Cr Todd Harris & Cr Norm Jenzen

Health Issues

Cr Dianne Kelly

Law, Order & Police Issues

Cr Bernie Daly

Meckering Action Group

Cr Dianne Kelly & Cr Doug Kelly

Plant & Equipment

Cr Norm Jenzen & Cr Todd Harris

Seniors Issues

Cr Bernie Daly

Tourism Issues

Cr Dianne Kelly

Marketing and Public Relations

Cr Alison Harris & Cr Dianne Kelly (Proxy Delegate)

Cunderdin Business Association

Cr Jayson Goldson

Comments

Depending on the outcome of the election for Shire President and possibly Deputy Shire President, it may be appropriate for Council to review some, or all, of the aforementioned appointments to the various Committees, Working Groups and Portfolios.

It has been suggested that a review of the portfolios take place. The following committees have been disbanded;

- Shared CEO Resource Sharing Committee (Shire of Tammin)
- Cunderdin Aged Appropriate Accommodation Project Management Committee
- Primary Health Care Demonstration Site Project User Group
- Cunderdin Meckering Tammin Age Friendly Community Steering Committee

Cr Bernie Daly and Cr Di Kelly lately formed part of the AAAP committee that's looks after the AAA unties. It is recommended that the AAA working committee continue.

CMT Seniors Committee has recently replaced the Cunderdin Meckering Tammin Age Friendly Community Steering Committee. Both Cr Di Kelly and Cr Bernie Daly formed part of the Age Friendly Committee, however going forward the CMT Seniors Committee only require one delegate from Council.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area’s infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

Recommendation 3.3

Moved: Cr _____

Seconded: Cr _____

Vote: Simple Majority

Carried

6. Closure of meeting

There being no further business the Shire President declared the meeting closed at pm.