



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Minutes

Special Council Meeting

21 October 2019



DISCLAIMER

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of 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.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Northam.

The Shire of Northam advises that anyone who has any application lodged with the Shire of Northam must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

The Shire of Northam advises that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

Contents

| | | |
|-----|---|----|
| 1. | DECLARATION OF OPENING | 4 |
| | SWEARING IN OF NEW COUNCILLORS / DECLARATION OF OFFICE | 4 |
| 2. | ATTENDANCE..... | 4 |
| | 2.1 APOLOGIES..... | 5 |
| | 2.2 APPROVED LEAVE OF ABSENCE | 5 |
| 3. | DISCLOSURE OF INTERESTS..... | 5 |
| 4. | ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) | 5 |
| 5. | ELECTION OF SHIRE PRESIDENT..... | 6 |
| 6. | ELECTION OF DEPUTY SHIRE PRESIDENT | 9 |
| 7. | BALLOT FOR SEATING | 12 |
| 8. | PUBLIC QUESTION TIME | 12 |
| | 8.1 PUBLIC QUESTIONS..... | 12 |
| 9. | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE | 12 |
| 10. | RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS | 12 |
| | 10.1 PETITIONS..... | 12 |
| | 10.2 PRESENTATIONS | 12 |
| | 10.3 DEPUTATIONS..... | 12 |
| 11. | APPLICATION FOR LEAVE OF ABSENCE..... | 13 |
| 12. | CONFIRMATION OF MINUTES | 13 |
| 13. | ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY | 13 |
| 14. | REPORTS OF COMMITTEE MEETINGS | 13 |
| 15. | SPECIAL ITEMS | 13 |
| 16. | MATTERS BEHIND CLOSED DOORS | 13 |
| 17. | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... | 13 |
| 18. | URGENT BUSINESS APPROVED BY DECISION | 13 |
| 19. | DECLARATION OF CLOSURE | 13 |

1. DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 5:02pm.

SWEARING IN OF NEW COUNCILLORS / DECLARATION OF OFFICE

All recently elected Councillors are required to undertake a declaration to office in accordance with the requirements of Section 2.29 of the Local Government Act 1995, section 13 of the Local Government (Constitution) Regulations 1998 and the Oaths, Affidavits and Statutory Declarations Act 2005.

In accordance with previous precedents the swearing in will be witnessed by the Chief Executive Officer of the Shire of Northam. The prescribed form will be provided by the Chief Executive Officer on the night of the Ordinary Council meeting.

Elected Members are encouraged to invite friends and family to attend the meeting to witness the swearing in ceremony. A light supper will be provided at the conclusion of the meeting. Newly elected members will be sworn in based on experience.

SWEARING IN PROCESS

Each Councillor was sworn into the office of Council of the Shire of Northam by the Chief Executive Officer, Mr Jason Whiteaker. Each Councillor made and signed the requisite declaration. The order of Councillors being sworn in is as follows:

- Christopher Antonio;
- Rob Tinetti;
- Julie Williams;
- David Galloway; and
- Maria Girak.

2. ATTENDANCE

Council:

Shire President

Deputy Shire President

Councillors

C R Antonio

J E G Williams

M P Ryan

R W Tinetti

D Galloway

A J Mencshelyi

T M Little

M Girak

C P Della

Staff:

| | |
|---|---------------|
| Chief Executive Officer | J B Whiteaker |
| Executive Manager Engineering Services | C D Kleynhans |
| Executive Manager Development Services | C B Hunt |
| Executive Manager Community Services | R Rayson |
| Executive Manager Corporate Services | C Young |
| Coordinator Governance / Administration | C F Greenough |
| Executive Assistant – CEO | A C McCall |
| Administration/Records Officer | A Rowland |
| Creditors Officer | K Scholz |

Gallery:

| | |
|----------------------|--------------------------|
| Avon Valley Advocate | Eliza Wynn |
| Public | Dianne Tinetti |
| | Sally Hart |
| | Colby Best |
| | Maren Lavery |
| | Tudor Williams |
| | Anastasia Williams |
| | Prudence Williams |
| | Bryn Williams |
| | Gary Williams |
| | Saxon Williams at 5:40pm |

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Cr S B Pollard has been granted leave of absence from 26 August 2019 to 1 November 2019 (inclusive).

3. DISCLOSURE OF INTERESTS

Nil.

4. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

5. ELECTION OF SHIRE PRESIDENT

| | |
|---|--|
| Address: | N/A |
| Owner: | N/A |
| Applicant: | N/A |
| File Reference: | 2.1.3.3 |
| Reporting Officer: | Jason Whiteaker, Chief Executive Officer |
| Responsible Officer: | Jason Whiteaker, Chief Executive Officer |
| Officer Declaration of Interest: | Nil |
| Voting Requirement: | N/A |
| Press release to be issued: | Yes |

BRIEF

To elect the President of the Council for the following two (2) year term of office.

ATTACHMENTS

Nil.

A. BACKGROUND / DETAILS

Schedule 2.3 provides the legislative framework for how the positions of President are filled by the Council;

- 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.

- The votes cast under 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.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Theme Area 6: Governance and Leadership.

Outcome 6.4: The Elected Members of the Shire of Northam provide accountable, strong and effective community leadership.

B.2 Financial / Resource Implications

Nil.

B.3 Legislative Compliance

Local Government Act 1995, Schedule 2.3.

B.4 Policy Implications

N/A

B.5 Stakeholder Engagement / Consultation

N/A

B.6 Risk Implications

| Risk Category | Description | Rating (consequence x likelihood) | Mitigation Action |
|----------------------|-------------|---|-------------------|
| Financial | Nil. | N/A | N/A |
| Health & Safety | Nil. | N/A | N/A |
| Reputation | Nil. | N/A | N/A |
| Service Interruption | Nil. | N/A | N/A |
| Compliance | Nil. | N/A | N/A |
| Property | Nil. | N/A | N/A |
| Environment | Nil. | N/A | N/A |

C. OFFICER'S COMMENT

At the time of writing this report, one (1) nomination has been received from Cr Chris Antonio. On receiving nominations and undertaking the Election

process the newly Elected Shire President will be required to be declared into office by the Chief Executive Officer, in accordance with the Local Government Act 1995 and Local Government (Constitutional) Regulations 1998 (Form 7).

At the conclusion of electing the Shire President, the President will 'take the chair'.

ELECTION PROCESS

The Local Government Act 1995 states that the nomination for President is to be made in writing before the meeting or at the meeting before close of nominations. The election is to be conducted by the Chief Executive Officer in accordance with the procedure prescribed.

Mr Whiteaker advised that he has received one (1) nomination for the position of President, this was from Cr Chris Antonio.

Mr Whiteaker then called for any further nominations from Councillors for the position of President. No further nominations were forthcoming, the Chief Executive Officer closed the nomination period and declared Cr Antonio as being elected to the position of Shire President unopposed, for a period of two years ending 2021.

Cr Antonio made his declaration in accordance with Form 7 – Declaration by elected member of Council and was seated at 5:13pm.

Cr Antonio welcomed new Councillors and acknowledged the contribution of the outgoing Councillors John Proud and Chris Davidson.

One (1) member of the Gallery left the meeting at 5:26pm and returned at 5:32pm.

6. ELECTION OF DEPUTY SHIRE PRESIDENT

| | |
|---|--|
| Address: | N/A |
| Owner: | N/A |
| Applicant: | N/A |
| File Reference: | 2.1.3.3 |
| Reporting Officer: | Jason Whiteaker, Chief Executive Officer |
| Responsible Officer: | Jason Whiteaker, Chief Executive Officer |
| Officer Declaration of Interest: | Nil |
| Voting Requirement: | N/A |
| Press release to be issued: | Yes |

BRIEF

To elect the Deputy President of the Council for the following two (2) year term of office.

ATTACHMENTS

Nil.

A. BACKGROUND / DETAILS

Schedule 2.3 provides the legislative framework for how the positions of Deputy President are filled by the Council;

- 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.

- The votes cast under 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.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Theme Area 6: Governance and Leadership

Outcome 6.4: The Elected Members of the Shire of Northam provide accountable, strong and effective community leadership.

B.2 Financial / Resource Implications

Nil.

B.3 Legislative Compliance

Local Government Act 1995, Schedule 2.3.

B.4 Policy Implications

N/A.

B.5 Stakeholder Engagement / Consultation

N/A.

B.6 Risk Implications

| Risk Category | Description | Rating (consequence x likelihood) | Mitigation Action |
|----------------------|-------------|---|-------------------|
| Financial | Nil. | N/A | N/A |
| Health & Safety | Nil. | N/A | N/A |
| Reputation | Nil. | N/A | N/A |
| Service Interruption | Nil. | N/A | N/A |
| Compliance | Nil. | N/A | N/A |
| Property | Nil. | N/A | N/A |
| Environment | Nil. | N/A | N/A |

OFFICER'S COMMENT

At the time of writing this report, one (1) nomination has been received from Cr Julie Williams. On receiving nominations and undertaking the Election

process the newly Elected Deputy Shire President will be required to be declared into office by the Chief Executive Officer, in accordance with the Local Government Act 1995 and Local Government (Constitutional) Regulations 1998 (Form 7).

At the conclusion of electing the Deputy Shire President, the Deputy Shire President will 'assume their chair'.

ELECTION PROCESS

The Chief Executive Officer provided an overview of the election process.

The Local Government Act 1995 states that the nomination for Deputy President is to be made in writing before the meeting or at the meeting before close of nominations. The election is to be conducted by the Shire President in accordance with the procedure prescribed.

The Shire President advised that he has received three (3) nominations for the position of Deputy President, this was from Cr Michael Ryan, Cr Attila Mencshelyi and Cr Julie Williams.

The Shire President then called for any further nominations from Councillors for the position of Deputy President. No further nominations were forthcoming and as such the Shire President declared the nomination period closed.

The Shire President read out the three nominations as received and requested that the three nominees make a short (maximum 5 minute) presentation to Council.

Cr Williams made her presentation to Council, followed by Cr Ryan and Cr Mencshelyi.

An election was undertaken in accordance with the Local Government Act 1995 and the Local Government (Elections) Regulations 1997, by secret ballot. The Shire President conducted the count and at the conclusion announced that Cr Williams was elected as Deputy Shire President.

Cr Williams made her declaration in accordance with Form 7 – Declaration by elected member of Council and was seated at 5:36pm.

7. BALLOT FOR SEATING

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in the Chambers.

The Shire President will invite Councillors to take their seats after the ballot.

BALLOT PROCESS

The Chief Executive Officer, Mr Jason Whiteaker commenced the ballot process with the names being drawn as follows in a clockwise direction from the President and Deputy President:

- Cr Maria Girak
- Cr Attila Mencshelyi
- Cr David Galloway
- Cr Carl Della
- Cr Terry Little
- Cr Robert Tinetti
- Cr Michael Ryan
- Cr Steven Pollard

One (1) member of the Gallery left the meeting at 5:40pm and returned at 5:40pm.

One (1) member of the Gallery entered the meeting at 5:40pm.

8. PUBLIC QUESTION TIME

8.1 PUBLIC QUESTIONS

Nil.

9. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

10. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

10.1 PETITIONS

Nil.

10.2 PRESENTATIONS

Nil.

10.3 DEPUTATIONS

Nil.

11. APPLICATION FOR LEAVE OF ABSENCE

Nil.

12. CONFIRMATION OF MINUTES

Nil.

13. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

Nil.

14. REPORTS OF COMMITTEE MEETINGS

Nil.

15. SPECIAL ITEMS

Nil.

16. MATTERS BEHIND CLOSED DOORS

Nil.

17. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

18. URGENT BUSINESS APPROVED BY DECISION

Nil.

19. DECLARATION OF CLOSURE

There being no further business, the Shire President, Cr C R Antonio declared the meeting closed at 5:41pm.

"I certify that the Minutes of the Special Meeting of Council held on Monday, 21 October 2019 have been confirmed as a true and correct record."


_____ President

20/11/19
_____ Date