



AGENDA

SPECIAL COUNCIL MEETING
19 October 2021

Notice of Meeting

The Special Council Meeting for the Shire of Corrigin will be held on Tuesday 19 October 2021 in the Council Chambers, 9 Lynch Street, Corrigin commencing at 11.30am.

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I have reviewed this agenda and am aware of all recommendations made to Council and support each as presented.



Natalie Manton
Chief Executive Officer
14 October 2021

Disclaimer:

The Shire of Corrigin gives notice to members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995. Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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SWEARING-IN OF NEW COUNCILLORS PRIOR TO THE MEETING

Mrs Natalie Manton, Justice of the Peace, will swear-in new Councillors, who will be required to make the following declaration:

Declaration by elected member

I,.....

of ¹.....

.....,

having been elected to the office of councillor of the Shire of Corrigin declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at

on.....

By

Before me:

¹ Insert residential address.

1 DECLARATION OF OPENING

Note: As this is the first meeting following the expiration of the current councillor term of office at the ordinary election on 16 October 2021, the Local Government Act 1995 provides that the Chief Executive Officer will preside over the opening of the meeting and conduct the election for the Office of the Shire President.

**2 ATTENDANCE/APOLOGIES
APOLOGIES**

3 DECLARATIONS OF INTEREST

Councillors and Officers are reminded of the requirements of s5.65 of the *Local Government Act 1995*, to disclose any interest during the meeting before the matter is discussed and also of the requirement to disclose an interest affecting impartiality under the Shire of Corrigin Code of Conduct.

4 ELECTION OF PRESIDENT

| | |
|-------------------------|---|
| Applicant: | Shire of Corrigin |
| Date: | 6/10/2021 |
| Reporting Officer: | Natalie Manton, Chief Executive Officer |
| Disclosure of Interest: | NIL |
| File Ref: | GOV.0048 |
| Attachment Ref: | NIL |

SUMMARY

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

BACKGROUND

The 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.

STATUTORY ENVIRONMENT

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

DECLARATON OF RESULT

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

Having been elected as President, Cr _____, took over the role of chair from the Chief Executive Officer and presided over the rest of the meeting.

5 ELECTION OF DEPUTY PRESIDENT

| | |
|-------------------------|---|
| Applicant: | Shire of Corrigin |
| Date: | 6/10/2021 |
| Reporting Officer: | Natalie Manton, Chief Executive Officer |
| Disclosure of Interest: | NIL |
| File Ref: | GOV.0048 |
| Attachment Ref: | NIL |

SUMMARY

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

BACKGROUND

The Local Government Act 1995 clause 7 of Division 2 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 Deputy President are outlined in the Local Government Act 1995:

2.9 Role of the 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 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.

STATUTORY ENVIRONMENT

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

DECLARATON OF RESULT

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

6 ALLOCATION OF SEATING OF COUNCILLORS

| | |
|-------------------------|---|
| Applicant: | Shire of Corrigin |
| Date: | 6/10/2021 |
| Reporting Officer: | Natalie Manton, Chief Executive Officer |
| Disclosure of Interest: | NIL |
| File Ref: | GOV.0048 |
| Attachment Ref: | NIL |

SUMMARY

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

BACKGROUND

Clause 11.4.1 of the Shire of Corrigin Local Laws Relating to Standing Orders (Standing Orders) provides the method of allocating seating positions to elected members as follows:

At the first ordinary meeting attended by a councillor after election, the Chief Executive Officer shall allot a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.

COMMENT

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

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Corrigin Local Laws Relating to Standing Orders

POLICY IMPLICATIONS

NIL

7 COPIES OF LOCAL GOVERNMENT ACT 1995 AND LOCAL LAWS TO COUNCILLORS

| | |
|-------------------------|---|
| Applicant: | Shire of Corrigin |
| Date: | 6/10/2021 |
| Reporting Officer: | Natalie Manton, Chief Executive Officer |
| Disclosure of Interest: | NIL |
| File Ref: | GOV.0048 |
| Attachment Ref: | Available on Shire of Corrigin website |

SUMMARY

Copies of relevant legislation and local laws are to be provided to councillors

BACKGROUND

Clause 21.1 of the Shire of Corrigin Local Laws Relating to Standing Orders (Standing Orders) states that:

21.1 Copies of Act and Standing Orders and papers to Councillors of the Council.

The Chief Executive Officer shall provide to each Councillor as soon as convenient after being elected to office, a copy of the Act and local laws regulating and governing the administration of the local government.

The reference to the Act in the Standing Orders is the Local Government Act 1995. A copy of the Standing Orders are included as Attachment 8.

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 Act 1995](#)

Local Government Local Laws

[Register of Local Laws](#)

A printed copy of the Act and local laws can be provided to Councillors upon request.

All other Western Australian Acts and Regulations

[State Law Publisher Legislation](#)

COMMENT

The 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. A copy of the most recent Strategic Community Plan, Corporate Business Plan and other informing plans is available on the Shire of Corrigin website.

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Corrigin Local Laws Relating to Standing Orders

POLICY IMPLICATIONS

NIL

8 MEETING CLOSURE