



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES
SPECIAL COUNCIL
MEETING**

17 October 2021

DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

Signed on behalf of Council

A handwritten signature in black ink, appearing to read 'V. E. Lawrence', written in a cursive style.

VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES

- 1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.**
- 2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.**

C O N T E N T S

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
4. PUBLIC QUESTION TIME	5
5. PETITIONS.....	5
6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	5
7. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	5
8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	5
9. REPORTS	6
9.1. DECLARATION BY ELECTED MEMBERS OF COUNCIL.....	6
9.2. ELECTION OF THE SHIRE PRESIDENT	7
9.3. ELECTION OF THE DEPUTY SHIRE PRESIDENT.....	9
9.4. ELECTED MEMBER SEATING.....	11
10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	12
12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	12
13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	12
14. MATTERS BEHIND CLOSED DOORS	12
15. CLOSURE	12

**SHIRE OF WYNDHAM EAST KIMBERLEY
SPECIAL COUNCIL MEETING MINUTES
KUNUNURRA COUNCIL CHAMBERS
HELD ON SUNDAY 17 OCTOBER 2021 AT 10:00AM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

The CEO declared the meeting open at 10.02am.

Announcement of Visitors

The CEO welcomed and introduced Mr Jeff Gooding JP.

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

ATTENDENCE

Cr N Brook	Councillor
Cr T Chafer	Councillor
Cr M Dear	Councillor
Cr J Farquhar	Councillor
Cr D Hearty	Councillor
Cr D Menzel	Councillor
Cr M McKittrick	Councillor
Cr C McNeil	Councillor
V Lawrence	Chief Executive Officer
N Kearns	Director Planning and Community Development
F Heading	Director Corporate Services
S Maitland	Minute Taker
S Tasi	SWEK
L Heading	SWEK
K Guerin	SWEK
K Menzel	Resident
S Lawrence	Resident
Bethany Hearty	Resident

APOLOGIES

Cr A Petherick
Cr M McKittrick
S Dyson

Councillor
Councillor
Director Infrastructure

3. DECLARATION OF INTEREST

- Financial Interest
NIL
- Impartiality Interest
NIL
- Proximity Interest
NIL

4. PUBLIC QUESTION TIME

NIL

5. PETITIONS

NIL

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The CEO addressed the meeting:

- Thanked the Returning Officer, Lincoln Heading and staff for their work on the election
- Thanked all Candidates for putting their names forward to serve the community
- Thanked the outgoing Councillors Lodge and Pearce, and Cr Petherick who tendered her resignation prior to the meeting.

7. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NIL

9. REPORTS

9.1. DECLARATION BY ELECTED MEMBERS OF COUNCIL

In accordance with the requirements of the *Local Government Act 1995*, newly Elected Members of Council made their declaration before Mr Jeff Gooding JP.

Elected members made the following declaration by order of highest vote, determining their length of term:

Having been elected to the office of Councillor of the Shire of Wyndham East Kimberley, 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 code of conduct adopted by the Shire of Wyndham East Kimberley under section 5.104 of the Local Government Act 1995.

- | | |
|-------------------|-------------|
| 1. Narelle Brook | 4 year term |
| 2. Tony Chafer | 4 year term |
| 3. David Menzel | 4 year term |
| 4. Chelsea McNeil | 4 year term |
| 5. Dylan Hearty | 4 year term |

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.

9.2. ELECTION OF THE SHIRE PRESIDENT

The Chief Executive Officer called for nominations for Shire President and declared the close of nominations.

All nominations must be in writing and can be given to the Chief Executive Officer either before the meeting or at this point in the meeting.

The CEO advised that he had received one nomination of Cr David Menzel, from Cr Tony Chafer for the position of Shire President which was accepted. The motion was seconded by Cr Brook.

With no further nominations, the CEO declared Cr David Menzel Shire President for the term 17 October 2021 – 21 October 2023.

The newly elected Shire President made his declaration before the CEO and Mr Jeff Gooding JP.

The Shire President assumed responsibility for presiding over the remainder of the meeting.

The Shire President addressed the new Council.

The Shire President acknowledged and thanked all those who stood in the recent election and congratulated those candidates who were successful.

Local Government Act 1995 - Schedule 2.3

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: 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.*

9.3. ELECTION OF THE DEPUTY SHIRE PRESIDENT

The Shire President called for nominations for Deputy Shire President and declared the close of nomination.

The CEO advised that he had received one nomination of Cr Anthony Chafer, from Cr David Menzel for the position of Deputy Shire President which was accepted. The motion was seconded by Cr Farquhar

With no further nominations, the Shire President declared Cr Anthony Chafer the Deputy Shire President for the term 17 October 2021 – 21 October 2023.

The newly elected Deputy Shire President made his declaration before the CEO and Mr Jeff Gooding JP.

Local Government Act 1995 - Schedule 2.3

7. When council elects 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.*

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.*

9.4. ELECTED MEMBER SEATING

In accordance with the Shire of Wyndham East Kimberley's Meeting Procedures Local Law 2016, Section 8.1 Members to be in their proper places

- 1. At the first meeting held after each ordinary election day, the CEO is to allot, alphabetically, from the Councillor's last name, a position at the Council table to each Councillor.*
- 2. Each Member is to occupy his or her allotted position at each Council meeting.*

Following the appointment of the Shire President and Deputy Shire President the CEO allotted the seating arrangement in Alphabetical order and advised Councillors that this would take effect from the Ordinary Council Meeting on Tuesday 26 October 2021.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

NIL

**13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY
DECISION**

NIL

14. MATTERS BEHIND CLOSED DOORS

NIL

15. CLOSURE

The Shire President thanked Mr Jeff Gooding JP for his time and declared the meeting closed at 10.21am.