



Shire of Pingelly

Minutes

Special Council Meeting
21 October 2015

SHIRE OF PINGELLY

**Minutes of the Special Council Meeting of the Shire of Pingelly held in the Council Chambers,
17 Queen Street, Pingelly on 21 October 2015.**

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MEMBERS PRESENT

Cr SJ Lange	(newly elected)
Cr RJ Marshall	(newly elected)
Cr DI Freebairn	(newly elected)
Cr WV Mulroney	(newly elected)
Cr M Walton-Hassell	(newly elected)
Cr E Hodges	(newly elected)
Cr LN Steel	(current)
Cr AJ Morton	(current)

STAFF IN ATTENDANCE

Mr G Pollock	Chief Executive Officer
Mr B Gibbs	Director Technical Services
Ms G French	Director Corporate & Community Services
Mrs L Boddy	Executive Assistant

APOLOGIES

Nil

OBSERVERS & VISITORS

Mrs Elizabeth Trump

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman, Mr Gavin Pollock, declared the meeting open at 11.05am.

1.1 Swearing in of Elected Members

Conducted by Peter Narducci JP

1.2 Election Of President

Background

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

The term of the positions is for two (2) years (until the next ordinary election).

Comment

The process of election is the same *mutatis mutandis* as the process for election of that of a Councillor.

The CEO is to preside at the meeting until the Office of President is filled. Once a Councillor has been elected and completed the declaration, the President is to assume the Chair.

Statutory Implications

Section 2 of Schedule 2.3 of the *Local Government Act* provides that, in relation to the Office of 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.

Section 3 provides that the CEO is to preside at the meeting until the Office is filled.

Section 4 provides:

- (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.

In relation to the role of the President Section 2.8 provides that:

- (1) The president —
 - (a) presides at meetings in accordance with this Act;
 - (b) provides leadership and guidance to the community in the district;
 - (c) carries out civic and ceremonial duties on behalf of the local government;
 - (d) speaks on behalf of the local government;
 - (e) performs such other functions as are given to the 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.

Section 5.34 provides that if —

- (a) the office of President is vacant; or
- (b) the President is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy President may perform the functions of president.

Regulation 13 of the *Local Government (Constitution) Regulations* (Oaths, affirmations and declarations) provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
 - (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*.

Cr Raymond Marshall nominated Cr Shirley Lange

There being no further nominations the CEO declared Cr Lange elected as president. Cr Lange read aloud and signed the *Declaration for the Office of President (form 7)* in the presence of Mr Peter Narducci JP.

Cr Lange assumed the Chair and presided over the rest of the meeting.

1.3 Election Of Deputy President

Background

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

Comment

The process of election is the same as the process for election of that of President.

Statutory Implications

In relation to the Office of Deputy President, Section 7 provides:

- (2) If the local government has a councillor president the office of deputy president is to be filled —
 - (a) as the next matter dealt with after the president is elected at the first meeting of the council after an ordinary elections day;

In relation to the role of the Deputy President Section 2.9 provides that the deputy President performs the functions of the President when authorised to do so under section 5.34.

Regulation 13 of the *Local Government (Constitution) Regulations* provides that:

- (1) For the purposes of sections 2.29 and 2.42 —
 - (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*.

Cr Aaron Morton nominated Cr Ray Marshall.
Seconded by Cr Ray Marshall.

Cr William Mulroney nominated himself in writing.
Seconded by Cr Lee Steel.

There being multiple nominations a secret ballot was conducted.

All Councillors received a ballot paper to complete and were handed back to the Chief Executive Officer for the count.

David Freebairn left the room at 11.25am and returned at 11.26am.

The Chief Executive Officer declared the results of the vote as follows:

Cr R Marshall 2 votes
Cr W Mulroney 6 votes

Based on the result of the ballot, the Shire President declared Cr Mulroney elected as Deputy President. Cr Mulroney read aloud and signed the *Declaration for the Office of Deputy President (Form 7)* in the presence of Mr Peter Narducci JP.

1.4 Seating Arrangements

CEO to conduct draw of seating arrangements in the Shire Chambers

Following the election of the Deputy President, the Chief Executive Officer conducted a draw to determine seating arrangements for the ensuing two year period.

The seating arrangement was determined as follows (position 1 left hand side of Chamber table).

- 1 – Cr Lee Steel
- 2 – Cr Michelle Walton-Hassell
- 3 – Cr Ray Marshall
- 4 – Cr Aaron Morton
- 5 – Cr Evan Hodges
- 6 – Cr David Freebairn
- 7 – Cr William Mulroney – right hand side of Chamber table reserved for the Deputy President.

1.5 Reminder

To accept and understand the things I cannot change
Courage and resolution to change the things I can
And the wisdom and good judgment to know the difference

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DISCLOSURES OF INTEREST

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

N/A

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
Nil

12. CLOSURE OF MEETING

The Chairman declared the meeting closed at 11.29am.

These minutes were confirmed by Council at the Ordinary Meeting held on 18 November 2015.

Signed.....
Presiding Person at the meeting at which the minutes were confirmed.