



SHIRE OF COOLGARDIE

SWEARING IN OF NEW COUNCIL MEMBERS

Notice is given that all Council Members of the Shire of Coolgardie, elected on October 16, 2021, will be sworn in, by making the declaration of office at a ceremony at 5.30 pm October 19, 2021.

Family members, friends, associates, members of the public and the media are invited to attend the Swearing In ceremony.

If a Council Member, having been elected, fails to make the Declaration within 2 months of being elected, they may be disqualified, and an extraordinary election held to fill the vacancy.

Process

The CEO will manage the Swearing In ceremony, assisted by Sue Schoch, Justice of the Peace who is an Authorised Person for the purpose.

The CEO will invite each Council Member elect to come forward and read the Declaration (Form 7) and sign it and have it witnessed by an Authorised Person.

At the completion of the ceremony for all Council Members elect, there will be an opportunity for family, friends, or media to take photographs, prior to the commencement of the Special Council meeting.

SHIRE OF COOLGARDIE

A G E N D A

OF THE

SPECIAL COUNCIL MEETING

19 October 2021

6.00pm

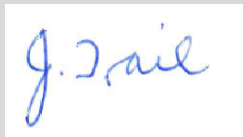
Kambalda

Please note that the Special Council Meeting will be immediately preceded at 5.30 pm by the Swearing In Ceremony for all Council Members elected October 16, 2021. A Council Member elect cannot act as a Council Member until they have made the Declaration.

SHIRE OF COOLGARDIE
NOTICE OF SPECIAL MEETING OF COUNCIL

Dear Council Member

A Special Meeting of the Shire of Coolgardie will be held on 19 October 2021 in the Kambalda Community Recreation Facility, Barnes Drive, Kambalda commencing at 6:00pm.



JAMES TRAIL
CHIEF EXECUTIVE OFFICER

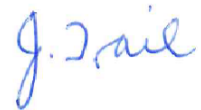
SPECIAL COUNCIL MEETING

19 OCTOBER 2021

Welcome to the Special Council Meeting of the Shire of Coolgardie.

The dates, times, and locations of the Ordinary Council Meetings for 2021 are listed hereunder. This month's meeting is highlighted.

Tuesday	January 2021	6.00pm	No Meeting
Tuesday	23 February 2021	6.00pm	Kambalda
Tuesday	23 March 2021	6.00pm	Coolgardie
Tuesday	27 April 2021	6.00pm	Kambalda
Tuesday	25 May 2021	6.00pm	Coolgardie
Tuesday	22 June 2021	6.00pm	Kambalda
Tuesday	27 July 2021	6.00pm	Coolgardie
Tuesday	24 August 2021	6.00pm	Kambalda
Tuesday	28 September 2021	6.00pm	Coolgardie
Tuesday	26 October 2021	6.00pm	Kambalda
Tuesday	23 November 2021	6.00pm	Coolgardie
Tuesday	21 December 2021	6.00pm	Kambalda



James Trail
Chief Executive Officer

DISCLAIMER

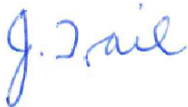
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.



James Trail
CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time-to-time Council may form a Committee to examine subjects and then report to Council.
3. Generally, all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Council Members** may from time to time have a financial interest in a matter before Council. Council Members must declare an interest and the extent of the interest in the matter on the Agenda. However, the Council Member can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Council Member must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Employees, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The employee must declare that interest and generally the Presiding Member of the meeting will advise the employee if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Council Members within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered, there is provision on the Agenda for items of an urgent nature to be considered.

Should a person wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched. If appropriate, an Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries, and at the Shire of Coolgardie website seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. No one should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Local Government (Administration) Regulations 1996

- Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members,
having regard to the requirements of sub regulations (2) and (3).
- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
- (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

10. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries, and at the Shire of Coolgardie website within ten (10) working days after the Meeting.

NOTE:

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in

- sub clause (1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
 - (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
 - (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

QUESTION TIME FOR THE PUBLIC

(Please Write Clearly)

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT: -

- **GENERAL QUESTION / QUESTION RELATED TO THE AGENDA)**
(Strike out unnecessary words)

ITEM NO: _____ PAGE NO: _____

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 5.45PM AT THE MEETING, OR BY 2.30PM ON THE DAY OF THE MEETING AT THE KAMBALDA OFFICE, IRISH MULGA DRIVE, KAMBALDA.

SHIRE OF COOLGARDIE

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

TUESDAY _____ 2021

Where indicated by the word 'YES' in column 6, I will be seeking a determination (under Section 5.68) by the meeting, for reasons I will expand on.

(Print Name) _____ (Signature) _____ (Date) _____

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9080 2111 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

"With regard to....(the matter in item)... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."



APPLICATION FOR LEAVE OF ABSENCE

I Cr, _____ hereby request leave of absence for the following

Dates, From _____ to _____

Signed Cr: _____

Date _____

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Council Member Seating Arrangements

In accordance with cl 8.1 of the Shire of Coolgardie Meeting Procedures Local Law - the CEO is to allot, alphabetically a position at the Council table to each Member. (2) Each Member is to occupy his or her allotted position at each Council meeting.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Approved Leave of Absence:

3 DECLARATIONS OF INTEREST

3.1 *Declarations of Financial Interests – Local Government Act Section 5.60A*

3.2 *Declarations of Proximity Interests – Local Government Act Section 5.60B*

3.3 *Declarations of Impartiality Interests – Administration Regulation 34C*

4 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5 PUBLIC QUESTION TIME

Please note that in accordance with the provisions of the Local Government Act 1995, and Regulations, that the only questions which may be asked and answered, at a Special Council meeting are those which relate to the purpose and business of the Special Council meeting.

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSION

10 REPORTS OF OFFICERS

10.1 ELECTION OF SHIRE 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 2 years (until the next ordinary election).

Comment

The process of election is effectively the same, as the process for election of a Council Member, except that there is a different way of dealing with a tied vote for the office.

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

The Process of electing the Shire President

The CEO, in presiding at the Special Council meeting will:

- invite nominations from Council Members for the position of Shire President - nominations may be provided, **in writing** to the CEO, in advance of the meeting, and at any time up to when the CEO advises that nominations close (Sch 2.3 LGA)
- if a Council Member nominates another Council Member to be President, then latter must accept the nomination, orally, or in writing to the CEO (Sch 2.3 LGA)
- at the close of nominations, the CEO is to announce the nominations for the office of Shire President - if only one candidate, then the CEO is to announce that candidate is elected unopposed, if more than nomination the CEO is to announce that an election will be held (Sch 4.1 LGA):
 - the CEO is then to write the name of each candidate on a piece of paper – it may be in alphabetical order or some other order, which is fair to all candidates (Reg 11 Const Regs)
 - the CEO must initial the back of each ballot paper (Sch 11b Const Regs)
 - the CEO will advise that the election will be conducted as though it were an election for Council Members, in that each Council Member must place 1 tick, or mark against the name of the candidate for whom they wish to vote (Reg 11 Const Regs) and that although it is to be conducted as a secret ballot, the results of the election will be announced
 - if a Council Member makes an error, they may request a replacement ballot paper and the CEO shall provide it, and endorse “spoilt” on the original ballot paper (Reg 11C Const Regs)
 - the CEO will advise that each Council Member has only 1 vote and the result will be determined on a “first past the post” basis, with the candidate who receives the most votes, being declared the successful candidate (Sch 4.1 LGA)
 - Having counted the ballot papers cast, the CEO shall announce the results and if the CEO ascertains that a candidate has polled more votes than any other candidate, that person shall be declared elected Shire President
- If having counted the ballot papers cast, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and that the count is to be discontinued and a Special Council meeting adjourned for no more than 7 days (Sch 2.3 5. LGA) - note - the CEO could determine that the adjourned Special Council meeting is to be reconvened 30 mins after the closure of the current Special Council meeting.
- If at the subsequent Special Council meeting, having followed all the procedures for a fresh election, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and shall proceed to draw lots between the tied candidates, to determine the result of the election.
- The Council Member elected Shire President shall make the required declaration (Form 7).
- The CEO will give Local Public Notice of the results of the election using Form 19.
- The CEO will advise the Minister of the results of the election using Form 20.

10.2 ELECTION OF DEPUTY SHIRE PRESIDENT

The Process of electing the Deputy Shire President

Having made the declaration, as President, the Shire President will take the Presiding Member chair for the election of the Deputy Shire President (or if the Shire President is unable, or unwilling to do so, then the CEO shall do so – Sch 2.3 LGA).

The Shire President, as Presiding Member, will:

- invite nominations from Council Members for the position of Deputy Shire President - nominations may be provided, **in writing**, in advance of the meeting, and at any time up to when the Shire President advises that nominations close (Sch 2.3 LGA)
- if a Council Member nominates another Council Member to be Deputy Shire President, then latter must accept the nomination, orally, or in writing to the CEO (Sch 2.3 LGA)
- at the close of nominations, the Shire President is to announce the nominations for the office of Deputy Shire President - if only one candidate, then the Shire President is to announce that candidate is elected unopposed, if more than nomination the Shire President is to announce that an election will be held (Sch 4.1 LGA)
- the Shire President may direct the CEO to conduct the election (Sch 2.3 LGA) and if so:
 - the CEO is then to write the name of each candidate on a piece of paper – it may be in alphabetical order or some other order, which is fair to all candidates (Reg 11 Const Regs)
 - the CEO must initial the back of each ballot paper (Sch 11b Const Regs)
 - the CEO will advise that the election will be conducted as though it were an election for Council Members, in that each Council Member must place 1 tick, or mark against the name of the candidate for whom they wish to vote (Reg 11 Const Regs) and that although it is to be conducted as a secret ballot, the results of the election will be announced
 - if a Council Member makes an error, they may request a replacement ballot paper and the CEO shall provide it, and endorse “spoilt” on the original ballot paper (Reg 11C Const Regs)
 - the CEO will advise that each Council Member has only 1 vote and the result will be determined on a “first past the post” basis, with the candidate who receives the most votes, being declared the successful candidate (Sch 4.1 LGA)
 - Having counted the ballot papers cast, the CEO shall announce the results and if the CEO ascertains that a candidate has polled more votes than any other candidate, that person shall be declared elected Deputy Shire President
- If having counted the ballot papers cast, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and that the count is to be discontinued and a Special Council meeting will be held within 7 days (Sch 2.3 9. LGA) - note - the CEO could determine that such a Special council meeting is to held 30 mins after the closure of the current Special Council meeting.
- If at the resumed Special Council meeting, having followed all the procedures for a fresh election, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and shall proceed to draw lots between the tied candidates, to determine the result of the election.
- The Council Member elected Deputy Shire President shall make the required declaration (Form 7).

- The CEO will give Local Public Notice of the results of the election using Form 19.
- The CEO will advise the Minister of the results of the election using Form 20.

Statutory Implications

Various provisions exist in the Local Government Act 1995, the Local Government (Constitution) Regulations 1999 and the Local Government (Elections) Regulations 1997 dealing with how the offices of President and Deputy President are filled, and they are summarised above.

Officer Recommendation:

That Council, congratulate Councillor _____, on being elected Shire President (for the next two years)

That Council, congratulate Councillor _____, on being elected Deputy Shire President (for the next two years)

11 REPORTS OF COMMITTEES

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 Council Members

13.2 Shire Officers

14 CONFIDENTIAL ITEMS

15 CLOSURE OF MEETING