



# **SHIRE OF JERRAMUNGUP**

## **SPECIAL COUNCIL MEETING**

**Held at the Council Chambers  
Jerramungup  
Wednesday, 27 October 2021**

### **MINUTES**

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**Shire of Jerramungup**  
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**Wednesday 27 October 2021**

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**SWEARING-IN OF NEW COUNCILLORS PRIOR TO THE MEETING**

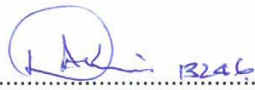
Form 7

**DECLARATION BY ELECTED MEMBER**

I, Joanne Iffla of 15 Bennett Street, Bremer Bay, having been elected to the office of Councillor of the Shire of Jerramungup 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 Jerramungup under section 5.104 the *Local Government Act 1995*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on Wednesday 27 October 2021

By:  .....  
Joanne Iffla

Before me:  .....  
Sergeant David Atkins, WA Police

*Local Government Act 1995*


*Local Government (Constitution) Regulations 1998*

Form 7

**DECLARATION BY ELECTED MEMBER**

I, Julie Leenhouders of 11214 Borden-Bremer Bay Road, Bremer Bay, having been elected to the office of Councillor of the Shire of Jerramungup 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 Jerramungup under section 5.104 of the *Local Government Act 1995*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on Wednesday 27 October 2021

By:  .....

Julie Leenhouders

Before me:  13226 .....

Sergeant David Atkins, WA Police

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

Form 7

**DECLARATION BY ELECTED MEMBER**

I, Neil Foreman of 15 Derrick Street, Jerramungup, having been elected to the office of Councillor of the Shire of Jerramungup 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 Jerramungup under section 5.104 of the *Local Government Act 1995*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on Wednesday 27 October 2021

By:  .....

Neil Foreman

Before me:  13246 .....

Sergeant David Atkins, WA Police

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

## SPECIAL COUNCIL MEETING MINUTES

### 1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 11:48am by the Chief Executive Officer.

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.

### 2.0 RECORD OF ATTENDANCE

#### 2.1 ATTENDANCE

##### ELECTED MEMBERS:

Cr Robert Lester	Councillor
Cr Joanne Iffla	Councillor
Cr Rex Parsons	Councillor
Cr Julie Leenhouders	Councillor
Cr Andrew Price	Councillor
Cr Drew Dawson	Councillor
Cr Neil Foreman	Councillor

##### STAFF:

Martin Cuthbert	Chief Executive Officer (Chair)
Charmaine Solomon	Deputy Chief Executive Officer
Rachel Smith	Executive Officer

##### VISITORS:

Sergeant David Atkins	WA Police
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##### GALLERY:

Nil

#### 2.2 APOLOGIES

Noel Myers, Manager of Development

#### 2.3 APPROVED LEAVE OF ABSENCE

Nil

#### 2.4 ABSENT

Nil

#### 2.5 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision

making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

**2.5.1 DECLARATIONS OF FINANCIAL INTERESTS**

Nil

**2.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

Nil

**2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**

Nil

**3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by Absolute Majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

**5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6.0 PUBLIC TIME**

**6.1 PUBLIC QUESTION TIME**

Nil

**6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS**

Nil

**7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Nil



## 8.0 REPORTS

### 8.1 ELECTION AND SWEARING IN OF SHIRE PRESIDENT

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	20 October 2021
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Executive

#### SUMMARY:

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

The procedure for electing a Shire President is set out in schedule 2.3, division 1, of the *Local Government Act 1995*. The election is to be conducted as the first matter at the first meeting of the Council following an ordinary election.

The Chief Executive Officer will act as the Returning Officer for this election if required.

Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

The Chief Executive Officer will call for nominations for Shire President.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with schedule 4.1.

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the Councillors are to vote again.

The Chief Executive Officer is to declare and give notice of the result in accordance with regulation 11F of the *Local Government (Constitution) Regulations 1998*.

#### Swearing in of Shire President

The same procedure as for Item 'Swearing in/Declaration of Elected Members' applies. Chief Executive Officer, Mr Martin Cuthbert to officiate.

The Shire President will now take up the position of presiding member for the meeting.

#### BACKGROUND:

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*.

#### CONSULTATION:

Department of Local Government, Sport and Cultural Industries.

**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 (Elections) Regulations 1997***

***Local Government (Constitution) Regulations 1998 reg 13(1) and Form 7***

***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.*

(2) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

***Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council******Division 1 — Mayors and presidents*****1. Terms used**

*In this Division —*

***extraordinary vacancy*** means a vacancy that occurs under section 2.34(1);

***office*** means the office of councillor mayor or president.

**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.*

**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.*

If required 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*.

**STRATEGIC IMPLICATIONS:**

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 - 2031; Prove informed and transparent decision making that meets our legal obligations, and the needs of our diverse community.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications for this report.

**WORKFORCE IMPLICATIONS:**

There are no additional workforce implications as a result of this item.

**POLICY IMPLICATIONS:**

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

The Chief Executive Officer called for nominations in writing for the position of Shire President.

The following candidates were nominated:

1. Cr Joanne Iffla nominated in writing by Cr Julie Leenhouders
2. Cr Joanne Iffla nominated in writing by Cr Robert Lester

The Chief Executive Officer confirmed with Cr Joanne Iffla she accepted the nomination.

No other nominations were received.

The Chief Executive Officer declared Cr Joanne Iffla elected as Shire President for a period of two years.

Cr Joanne Iffla having read aloud and signed the Declaration required under the *Local Government Act 1995*, was formally sworn in as Shire President before Sergeant David Atkins, WA Police.

Form 7
<b>DECLARATION BY ELECTED MEMBER</b>
I, <u>Joanne Iffla</u>
of <u>1 15 Bennett St Bremer Bay</u> , having been elected to the office of Shire President of the Shire of Jerramungup 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 Jerramungup under section 5.104 the <i>Local Government Act 1995</i> .
Declared at: Council Chambers, 8 Vasey Street, Jerramungup on Wednesday 27 October 2021
By: <u>[Signature]</u>
Before me: <u>[Signature]</u>
Sergeant David Atkins, WA Police
<b>1</b> Insert your residential address.
<i>Local Government Act 1995</i>
<i>Local Government (Constitution) Regulations 1998</i>

## DECLARATION OF RESULT

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

Having been elected as President, read aloud and signed the Declaration required under the *Local Government Act 1995*, to be formally sworn in as Shire President before Sergeant David Atkins, WA Police, Cr Joanne Iffla, took over the role of chair from the Chief Executive Officer and presided over the rest of the meeting.

## 8.2 ELECTION AND SWEARING IN OF DEPUTY SHIRE PRESIDENT

<b>Location/Address:</b>	Shire of Jerramungup
<b>Name of Applicant:</b>	Shire of Jerramungup
<b>File Reference:</b>	
<b>Author:</b>	Martin Cuthbert, Chief Executive Officer
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	20 October 2021
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	Executive

### SUMMARY:

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

The Shire President is to determine the procedure for electing the Deputy Shire President. However, schedule 2.3, division 2 of the *Local Government Act 1995* sets out a procedure, which is essentially the same as that for electing the Shire President. The election is to be conducted as the next matter following the election of the Shire President, at the first meeting of the Council after an ordinary election.

The Chief Executive Officer will act as the Returning Officer for this election. Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

The Shire President will call for nominations for Deputy Shire President.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with Schedule 4.1.

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the councillors are to vote again.

The Shire President is to declare and give notice of the result in accordance with regulation 11F of the *Local Government (Constitution) Regulations 1998*.

Swearing in of Deputy Shire President

The same procedure as for Item 'Election and Swearing in of Shire President' applies. Chief Executive Officer, Mr Martin Cuthbert will officiate.

### CONSULTATION:

Department of Local Government, Sport and Cultural Industries.

### STATUTORY ENVIRONMENT:

*Oaths, Affidavits and Statutory Declarations Act 2005*

*Local Government (Elections) Regulations 1997*

*Local Government (Constitution) Regulations 1998 reg 13(1) and Form 7*

*Local Government Act 1995*

*Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council*

*Division 2 — Deputy mayors and deputy presidents*

6. *Terms used*

*In this Division —*

**extraordinary vacancy** means a vacancy that occurs under section 2.34(1);

**office** means the office of deputy mayor or deputy president.

**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.*

**The Shire President called for nominations in writing for the position of Deputy Shire President.**

**The following candidates were nominated:**

- 1. Cr Julie Leenhouders nominated in writing by Cr Joanne Iffla**
- 2. Cr Julie Leenhouders nominated in writing by Cr Robert Lester**
- 3. Cr Robert Lester nominated by Cr Drew Dawson**

**The Chief Executive Officer confirmed with Cr Julie Leenhouders she accepted the nomination.**

**The Chief Executive Officer confirmed Cr Robert Lester declined the nomination.**

**The Shire President declared Cr Julie Leenhouders elected as Deputy Shire President for a period of two years.**

**Cr Julie Leenhouders having read aloud and signed the Declaration required under the *Local Government Act 1995*, was formally sworn in as Deputy Shire President before Sergeant David Atkins, WA Police.**

Form 7

**DECLARATION BY ELECTED MEMBER**

I, JULIE LEENHOUDERS

of 1 11214 BREMER BAY RD, having been elected to the office of Deputy Shire President of the Shire of Jerramungup 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 Jerramungup under section 5.104 of the *Local Government Act 1995*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on Wednesday 27 October 2021

By: [Signature]

Before me: [Signature] 13246

Sergeant David Atkins, WA Police

**1** Insert your residential address.

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

## 9.0 CONFIDENTIAL REPORTS

Nil

## 10.0 ANNOUNCEMENTS BY THE SHIRE PRESIDENT

The Shire President, Cr Jo Iffla, thanked Cr Rob Lester for his service as Shire President for the previous 9 years and all that the Shire had achieved in that time.

The Shire President, Cr Jo Iffla, thanked Sergeant David Atkins for attending the meeting to witness the swearing in of Councillors and welcomed him to the community.

## 10.0 CLOSURE

### 10.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 27 October 2021, commencing at 2.00pm, in the Council Chambers, 8 Vasey Street, Jerramungup.

### 10.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 11:55am

These minutes were confirmed at a meeting held

.....

Signed: .....

Presiding Person at the meeting at which these minutes were confirmed

Date: .....