



SPECIAL MEETING OF COUNCIL  
MINUTES

18 OCTOBER 2011

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**CITY OF GREATER GERALDTON**  
**SPECIAL MEETING OF COUNCIL**  
**HELD ON TUESDAY 18 OCTOBER 2011 AT 5.30PM**  
**AT CHAMBERS, EDWARD ROAD**

**DISCLAIMER:**

The Chairman advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Standing Orders Local Laws establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The City of Greater Geraldton expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

**1 WELCOME TO COUNTRY**

Derek Councillor was invited to give the Welcome to Country

**2 OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION**

T Brun, Chief Executive Officer introduced Honorary Freeman of the City of Greater Geraldton and former Mayor of the City of Geraldton, Mr P Cooper JP to undertake the Oath or Affirmation of Allegiance and Declarations pursuant to S.2.29 of the Local Government Act 1995 (as amended) of all new elected members.

**3 ACKNOWLEDGEMENT TO COUNTRY**

*Ian Carpenter gave the Acknowledgement to Country*

I would like to acknowledge the traditional owners of the land on which we meet, and pay respect to the Elders and to knowledge embedded forever within the Aboriginal Custodianship of Country.

Order of swearing in:

Ian Carpenter was declared into office as Mayor and assumed the Chair, for 4 year term (expiring 17 October 2015)

Ronald Ashplant, declared into office as a Councillor 2 Year term (expiring 19 October 2013)

Neil Bennett, declared into office as a Councillor 2 Year term (expiring 19 October 2013)

Desmond J Brick, declared into office as a Councillor 4 Year term (expiring 17 October 2015)

Jerry Clune, declared into office as a Councillor 4 Year term (expiring 17 October 2015)

Peter Fiorenza, declared into office as a Councillor 4 Year term (expiring 17 October 2015)

Robert D Hall, declared into office as a Councillor 4 Year term (expiring 17 October 2015)

Neil McIlwaine, declared into office as a Councillor 4 Year term (expiring 17 October 2015)

Nino Messina, declared into office as a Councillor 2 Year term (expiring 19 October 2013)

Ilse Middleton, declared into office as a Councillor 2 Year term (expiring 19 October 2013)

Tarleah Thomas, declared into office as a Councillor 4 Year term (expiring 17 October 2015)

Shane Van Styn, declared into office as a Councillor 2 Year term (expiring 19 October 2013)

#### **4 DECLARATION OF OPENING**

The Chair declared the meeting open at 5.58pm

#### **5 ATTENDANCE**

##### Present:

Mayor I Carpenter  
Cr R Ashplant  
Cr N Bennett  
Cr D Brick  
Cr J Clune  
Cr P Fiorenza  
Cr R D Hall,  
Cr N McIlwaine,  
Cr N Messina  
Cr I Middleton  
Cr T Thomas  
Cr S Van Styn

##### Officers:

A Brun, Chief Executive Officer  
M Connell, Manager Town Planning / Acting Director of Sustainable Communities  
C Wood, Director of Corporate Services  
B Davis, Director of Commercial Enterprises  
A Selvey, Director of Creative Communities

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N Arbuthnot, Director of Community Infrastructure  
 S Moulds, PA to the Chief Executive Officer  
 K Franceschi, Executive Support Secretary  
 A Adam, Administrative Support  
 S Chiera, Public Relations Officer  
 M Chadwick, Manager Environmental Health & Sustainability  
 K Godfrey, Manager Economic & Social Development  
 K Seidl, Manager Community Law & Safety  
 B Robartson, Manager Land & Property Services  
 J Rolston, Manager Community Relations  
 T Mutale-Mbirimi, Coordinator Governance & Risk  
 D Granville, Manager Organisation Resources & Strategy  
 T Hartman, Manager Mullewa District officer  
 S Smith, Manager Library  
 J Panter, Functions Officer  
 P Cooper JP, Freeman  
 P T Freeman, Freeman  
 R Maslen, Freeman

Others:

Members of Public: 38  
 Members of Press: 3

Apologies

Mr Barry Haase MP, Member for Durack  
 Mr Ian Blayney MLA, Member for Geraldton  
 Hon Grant Woodhams MLA, Member for Moore  
 Hon Murray Criddle, Chairman, Mid West Development Commission  
 C Gabelish  
 P Melling, Director Sustainable Communities

Absent:

G Bylund  
 R Ramage

**6 ELECTION OF DEPUTY MAYOR**

The Mayor conducted the Deputy Mayoral election  
 Nominations were received for:  
 Cr Des Brick  
 Cr Neil McIlwaine

**7 MAKING OF DECLARATION OF DEPUTY MAYOR**

*The Chief Executive Officer to be the returning officer and Director of Corporate Services the scrutineer.*

Following a secret ballot Cr McIlwaine was elected as Deputy Mayor for the ensuing two-year period.

**CR MCILWAIN DULY ELECTED**

Mr P Cooper, JP, conducted the declaration of Deputy Mayor.

## 8 CEO REPORT

CS208 THE ELECTION OF THE DEPUTY MAYOR AND THE SWEARING IN OF THE MAYOR AND NEW COUNCILLORS
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<b>AGENDA REFERENCE:</b>	<b>D-11-17935</b>
<b>AUTHOR:</b>	<b>C Wood, Director of Corporate Services</b>
<b>EXECUTIVE:</b>	<b>T Brun, Chief Executive Officer</b>
<b>DATE OF REPORT:</b>	<b>4 October 2011</b>
<b>FILE REFERENCE:</b>	<b>GO/8/0008</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>No</b>

### **SUMMARY:**

The amalgamation of the Shire of Mullewa and the City of Geraldton-Greenough occurred on 1 July 2011 to form the City of Greater Geraldton. The inaugural election for the new Council were held on 15 October 2011 and the new Mayor and councillors are now required to take the oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office.

Furthermore, the Deputy Mayor is required to be elected for a term of two years and is also be required to make a declaration in the prescribed form before acting in the office of Deputy Mayor.

### **BACKGROUND:**

This report outlines the statutory processes required for the swearing in of the Mayor and councillors and election of the Deputy Mayor.

The CEO will also conduct a ballot to allocate seating arrangements in the Chamber.

### **Election of Deputy Mayor:**

The Mayor will conduct the election of the Deputy Mayor. Written nominations can be received by the CEO prior to the meeting or written nominations will be invited at the meeting. Once nominations are declare closed no further nominations will be received. If there are more than two nominations the Mayor will conduct the election on the proportional preferential system as required by Schedule 4.1 of the Local Government Act. The CEO will assist the Mayor if there is a need for an election.

If an election is necessary the Mayor will count the votes. The voting will be conducted in confidence. When the successful nominee is declared elected by the Mayor, a request will be made for approval for the ballot papers to be destroyed.

### **COMMUNITY CONSULTATION:**

The inaugural election has been filled through the election process run by the Electoral Commission of WA on the 15 October 2011.

**COUNCILLOR CONSULTATION:**

There has been no councillor consultation.

**STATUTORY IMPLICATIONS:**

The Election of the Mayor and Deputy Mayor is covered under Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

[Sections 2.11(1)(b) and 2.15]

**Division 1 — Mayors and presidents****1. Terms used in this Division**

In this Division —

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

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

**4. How mayor or president is elected**

- (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 by 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.

**Division 2 — Deputy mayors and deputy presidents**

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**6. Terms used in this Division**

In this Division —

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

**7. When the council elects the 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 the 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.
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- (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.

*[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]*

**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.

*[Clause 9 amended by No. 49 of 2004 s. 69(10).]*

**The new councillors and incoming Mayor and Deputy Mayor are required to make a declaration as prescribed by s2.29 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.

*[Section 2.29 amended by No. 24 of 2005 s. 57.]*

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial or budget implications.

**REGIONAL OUTCOMES:**

**Regional Outcomes:**

The Mayor and Councillors are required to work for the good of the region.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic issues.

**Social:**

It is important to show the electors that their say in local government and management of the City's affairs are been carried out by the nominated officials who represent them in the management and affairs of the City Council. This also gives effect and in compliance to Local Government Act 1995.

**Environmental:**

There are no environmental issues.

**Cultural & Heritage:**

There are no cultural or heritage issues.

**RELEVANT PRECEDENTS:**

There are no relevant precedents.

**DELEGATED AUTHORITY:**

As per Schedule 2.3, 4.1 and section 2.29 of the Local Government Act 1995

**VOTING REQUIREMENTS:**

Simple majority is required, as prescribed under Schedule 2.3 of the Local Government Act 1995.

**OPTIONS:**

As this is a mandatory requirement in terms of the Local Government Act as prescribed by Schedule 2.1, there are no options available to the nomination of the Mayor and deputy mayor, and the taking of the declaration as prescribed by s2.29 of the Act by the councillors taking office.

**CONCLUSION:**

The inaugural meeting of the Mayor and councillors has been conducted and election of the Deputy Mayor is an auspicious event for the City.

**EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority as already carried out under schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) and 4.1 (How to count votes and ascertain the result of an election) of the Local Government Act RESOLVES to:

1. AFFIRM that the requirement set under S 2.29 (Oath or affirmation of allegiance and declaration) of the Mayor Ian Carpenter has been done;
2. AFFIRM that the requirement set under S 2.29 (Oath or affirmation of allegiance and declaration) of all new councillors has been done:
  - a. Hills Ward Cr Jerry Clune  
for 4 year term (expiring 2015)
  - b. Hills Ward Cr Ilse Middleton  
for 2 year term (expiring 2013)
  - c. Port Ward Cr. Robert Hall  
for 4 year term (expiring 2015)
  - d. Port Ward Cr. Neil Bennett  
for 2 year term (expiring 2013)
  - e. Tarcoola Ward Cr. Neil McIlwaine  
for 4 year term (expiring 2015)
  - f. Tarcoola Ward Cr Shane Van Styn  
for 2 year term (expiring 2013)
  - g. Champion Bay Ward Cr Peter Fiorenza  
for 4 year term (expiring 2015)
  - h. Chapman Ward Cr Desmond Brick  
for 4 year term (expiring 2015)
  - i. Chapman Ward Cr Ronald Ashplant  
for 2 year term (expiring 2013)
  - j. Mullewa Ward Cr Tarleah Thomas  
for 4 year term (expiring 2015)
  - k. Mullewa Ward Cr Nino Messina  
for 2 year term (expiring 2013)
3. AFFIRM the election of the Deputy mayor has been carried out in terms of Schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) and 4.1 (How to count votes and ascertain the result of an election) of the Local Government Act:
  - a. The Deputy Mayor Cr. \_\_\_\_\_ for a period of (2) two years termination on or before the 15 October 2013.
4. AFFIRM that the requirement set under s 2.29 (Oath or affirmation of allegiance and declaration) of the new office bearers Deputy Mayor has been done:
  - a. The Deputy Mayor Cr. \_\_\_\_\_

**COUNCIL DECISION****MOVED CR BRICK, SECONDED CR MESSINA**

That Council by Simple Majority as already carried out under schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) and 4.1 (How to count votes and ascertain the result of an election) of the Local Government Act **RESOLVES** to:

1. **AFFIRM** that the requirement set under S 2.29 (Oath or affirmation of allegiance and declaration) of the Mayor Ian Carpenter has been done;
2. **AFFIRM** that the requirement set under S 2.29 (Oath or affirmation of allegiance and declaration) of all new councillors has been done:
  - a. Hills Ward Cr Jerry Clune  
for 4 year term (expiring 2015)
  - b. Hills Ward Cr Ilse Middleton  
for 2 year term (expiring 2013)
  - c. Port Ward Cr Robert Hall  
for 4 year term (expiring 2015)
  - d. Port Ward Cr Neil Bennett  
for 2 year term (expiring 2013)
  - e. Tarcoola Ward Cr Neil Mcllwaine  
for 4 year term (expiring 2015)
  - f. Tarcoola Ward Cr Shane Van Styn  
for 2 year term (expiring 2013)
  - g. Champion Bay Ward Cr Peter Fiorenza  
for 4 year term (expiring 2015)
  - h. Chapman Ward Cr Desmond Brick  
for 4 year term (expiring 2015)
  - i. Chapman Ward Cr Ronald Ashplant  
for 2 year term (expiring 2013)
  - j. Mullewa Ward Cr Tarleah Thomas  
for 4 year term (expiring 2015)
  - k. Mullewa Ward Cr Nino Messina  
for 2 year term (expiring 2013)
3. **AFFIRM** the election of the Deputy mayor has been carried out in terms of Schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) and 4.1 (How to count votes and ascertain the result of an election) of the Local Government Act:
  - a. The Deputy Mayor Cr N Mcllwaine for a period of (2) two years termination on or before the 15 October 2013.
4. **AFFIRM** that the requirement set under s 2.29 (Oath or affirmation of allegiance and declaration) of the new office bearers Deputy Mayor has been done:
  - a. The Deputy Mayor Cr N Mcllwaine
5. **AFFIRM** that the requirement set under S 2.29 (Oath or affirmation of allegiance and declaration) of the following new councillors at the next Agenda Forum meeting, due to their absence:

- a. Willcock Ward Cr Graeme Bylund  
for 4 year term (expiring 2015)**
- b. Willcock Ward Cr Chris Gabelish  
for 2 year term (expiring 2013)**
- c. Champion Bay Ward Cr Robert Ramage  
for 2 year term (expiring 2013)**

**CARRIED 12/0**

## **9 MAYORAL ADDRESS**

*Mayor Ian Carpenter addressed the meeting*

Firstly let me offer my personal congratulations to all of you for making the commitment to become a Councillor. It is a difficult job, it is poorly paid and comes with plenty of criticism – usually unfounded of course. I'd especially like to acknowledge the arrival of our two new Councillors from Mullewa Tarleah Thomas and Nino Messina. Thanks also to Freeman of the City and former Mayor Mr Phil Cooper who will officiate this evening.

Already many people have commented to me about the mixed composition of our new Council. From a democratic point of view (and that is what Council is all about) let me make the following observations.

We have seven experienced Councillors.

We have eight new Councillors.

All fifteen Councillors seem to be from very different backgrounds. I am sure this diversity will provide for some great discussion and debate – that is very important to the democratic process. I am under no misapprehensions that working with a Council of 15 will present its own particular challenges.

In number, we probably now have the largest number of Councillors of any Council in Western Australia. (In the fullness of time that will be something we will need to deal with – especially when you consider most large companies can operate with a board of around eight, I am of the opinion there is probably no reason why we can't too) It's worth noting we have, with recent amalgamations, come from a total of 33 Councillors down to 15.

It is important for all Councillors, including myself, to keep in the back of their minds that Councillors do not make individual decisions.

Councillors make their decisions as a group. All will always have their chance to sway the opinions of others but when all is said and done, majority rules and we must all accept the outcome of a vote and support each other and understand we will sometimes may not get our point of view across or our own way.

This is now the largest local government outside of the metropolitan area.

To give some context to this, please consider the following extracts from our latest budget:

Works – Operational \$15mil and Works – Capital \$9.4 Mil  
Parks – Operating \$5mil and Parks – Capital \$12mil  
Depreciation – we will write down \$14mil this coming year.

We are a very much service related industry – we will expend around \$24mil on wages and salaries this year.

We will collect around \$55mil in rates and charges this year.  
Councils are very much providers of all sorts of community services and these services are very much labour intensive.

Right from the start I want all of our Councillors to remember one of our primary responsibilities to our electors is one of providing short and long term strategic direction for the development of our wonderful city. You will learn of your many other roles and responsibilities in coming weeks.

Our city has a very competent CEO and Directors. If you need the help of these people please do not hesitate to ask them.

In closing I would like to thank my fellow Commissioners for the excellent role they played in keeping the City on track during the interim period from the 1st of July until today.

I also acknowledge the work and guidance provided by the CEO, Directors and staff in the period leading up to the amalgamation and the subsequent interim period. The key to our success was very good planning and preparation. The amalgamation placed many under a great deal of pressure and stress. I'm pleased to tell you all responded magnificently.

Lastly thank you to all partners past and present.

I especially acknowledge my wife Cathy for agreeing to let me do one more term.

Thank you and good luck to all.

## **10 CLOSURE**

There being no further business the Chair closed the meeting at 6.18pm.