



SPECIAL MEETING OF COUNCIL
MINUTES

21 OCTOBER 2019

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CITY OF GREATER GERALDTON
SPECIAL MEETING OF COUNCIL
HELD ON MONDAY, 21 OCTOBER 2019 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

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 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamaji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamaji people.

2 OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION

The Mayor introduced the 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 of all new elected members.

3 MAKING OF DECLARATION BY NEW COUNCILLORS

Order of Swearing in by Mr P Cooper JP:

Newly elected Mayor:

Shane Van Styn declared into office as Mayor for 4 Year term (expiring 21 October 2023)

Newly elected council members as listed in alphabetical order:

Peter Fiorenza declared into office as a Councillor 4 Year term (expiring 21 October 2023)

Robert Hall declared into office as a Councillor 4 Year term (expiring 21 October 2023)

Simon Keemink declared into office as a Councillor 4 Year term (expiring 21 October 2023)

Kim Parker declared into office as a Councillor 4 Year term (expiring 21 October 2023)

Tarleah Thomas declared into office as a Councillor 4 Year term (expiring 21 October 2023)

4 BALLOT FOR SEATING

A ballot for councillors' seating in Chambers was conducted by the Chief Executive Officer.

Mayor asked the Councillors to take their seats *after* the ballot concluded.

5 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.15pm.

6 ATTENDANCE

Present:

Mayor S Van Styn
Cr D J Caudwell
Cr J Clune
Cr N Colliver
Cr J Critch
Cr S Douglas
Cr S Elphick
Cr P Fiorenza
Cr R D Hall
Cr S Keemink
Cr K Parker
Cr V Tanti
Cr T Thomas

Officers:

R McKim, Chief Executive Officer
P Melling, Director of Development & Community Services
P Radalj, Director of Corporate and Commercial Services
C Lee, Director of Infrastructure Services
R Doughty, Chief Financial Officer
S Moulds, PA to the Chief Executive Officer
L Pegler, Executive Support Secretary
P Kindgon, Coordinator Communications

E Enright, PA to the Director of Infrastructure Services
S McCaughey, Coordinator Customer Experience Centre

Dignitaries

Hon Shane Love MLA, Member for Moore
Mr P Cooper JP, Honorary Freeman of the City of Greater Geraldton and
former Mayor of the City of Geraldton
Mr Clem Keeffe, Honorary Freeman of the City of Greater Geraldton

Others:

Members of Public: 7
Members of Press: 0

Apologies:

Hon Melissa Price MP, Federal Member for Durack
Hon Laurie Graham MLC, Member for the Agricultural Region
Hon Darren West MLC, Member for the Agricultural Region
Hon Colin de Grussa MLC, Member for the Agricultural Region
Hon Jim Chown MLC, Member for the Agricultural Region
Hon Rick Mazza MLC, Member for the Agricultural Region
Mr Ian Blayney MLA, Member for Geraldton
Mr Doug Brenkley, Honorary Freeman of the City of Greater Geraldton
Mr Nino Messina, Honorary Freeman of the City of Greater Geraldton
Mr J D Grant, Honorary Freeman of the City of Greater Geraldton

Leave of Absence:

**Cr Clune was noted as on approved leave, but attended this meeting.*

Acknowledgement to Outgoing Councillors

Mayor Shane Van Styn acknowledged outgoing Deputy Mayor Mr Neil Mcllwaine who served on council with absolute distinction for the City and was regarded as a mentor to Council Members during his term. The Mayor thanked Neil Mcllwaine and the past Mayor Mr Ian Carpenter for mentoring him when he first joined Council, of which he is truly grateful for that experience.

Neil Mcllwaine was elected to Council in 2007 to 2011 for the *then* City of Geraldton-Greenough and 2011 to 2019 for the City of Greater Geraldton. He was first elected Deputy Mayor in 2009 for the *then* City of Geraldton-Greenough, and re-elected in 2011, serving four terms for the City of Greater Geraldton. The Mayor thanked Mr Mcllwaine for this extended period of time working for the community.

The Mayor also thanked outgoing Councillor Michael Reymond for his term on Council. Michael Reymond was elected to Council in 2015 to 2019 and was a member of a number of committees.

The Mayor thanked all the candidates, successful and otherwise, that nominated to be on Council, for being part of a vibrant democracy to become council members here in the City of Greater Geraldton.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
*Cr J Clune	16 October 2019	21 October 2019	15/10/2019
Cr N Colliver	13 November 2019	18 November 2019	15/10/2019
Cr J Critch	24 December 2019	13 January 2020	24/09/2019

**Cr Clune was noted as on approved leave, but attended this meeting*

8 ELECTION OF DEPUTY MAYOR

The Mayor conducted the Deputy Mayoral election.

The Mayor called for any further nominations.

Nominations received in writing were as follows:

- Cr Victor Tanti nominated Cr Natasha Colliver.
- Cr Kim Parker nominated Cr Tarleah Thomas.
- Cr Steve Douglas nominated himself.

As there was more than one candidate the Mayor called for an election.

Clause 8 (2) of Schedule 2.3 of the Local Government Act 1995 states that the election is to be conducted in accordance with the procedure prescribed by the Mayor. Mayor prescribes that the CEO conduct the election as the Returning Officer.

Prior to the ballot being conducted The Mayor asked the nominees to present on their nomination. Presentation was limited to a maximum of 5 minutes.

A secret ballot was conducted.

9 MAKING OF DECLARATION OF DEPUTY MAYOR

The Mayor announced that following a secret ballot **Cr Tarleah Thomas** was elected as Deputy Mayor for the ensuing two-year period.

Mr P Cooper JP conducted the declaration of Deputy Mayor

Cr Tarleah Thomas declared into office as Deputy Mayor 2 Year term (expiring 16 October 2021)

10 CORPORATE & COMMERCIAL SERVICES

CCS449 THE ELECTION OF THE DEPUTY MAYOR AND THE SWEARING IN OF THE NEW MAYOR AND COUNCILLORS
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AGENDA REFERENCE:	D-19-080751
AUTHOR:	M Adam, Coordinator Governance
EXECUTIVE:	P Radalj, Director Corporate and Commercial Services
DATE OF REPORT:	21 October 2019
FILE REFERENCE:	GO/7/0013
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

When the term of office of an elector mayor or councillor is going to end, an election to fill the office is to be held. Such an election is called an ordinary election. A local government is to hold an ordinary election every two years.

The ordinary election for the City of Greater Geraldton was held on 19 October 2019 and newly elected councillors are required to take the oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office to which they have been elected.

The deputy mayor is required to be elected for a term of two years, in accordance with the provisions of section 2.28 of the *Local Government Act 1995*, and is also required to make a declaration in the prescribed form before acting in the office of deputy mayor.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, in relation to the Ordinary election, as carried out under Local Government Act 1995 Schedule 2.3 (*When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council*) and Schedule 4.1 (*How to count votes and ascertain the result of an election*) RESOLVES to:

1. AFFIRM that the requirement set under Section 2.29 (Oath or affirmation of allegiance and declaration) of the elected Mayor Shane Van Styn has been done:
2. AFFIRM that the requirement set under s.2.29 (*Declaration*) of all new council members has been done:
 - a. City of Greater Geraldton District - **Mayor Shane Van Styn**
For 4 year term (expiring 21 October 2023);
 - b. City of Greater Geraldton District - **Cr Peter Fiorenza**
for 4 year term (Expiring 21 October 2023);
 - c. City of Greater Geraldton District - **Cr Robert Hall**
for 4 year term (expiring 21 October 2023);
 - d. City of Greater Geraldton District - **Cr Simon Keemink**
for 4 year term (Expiring 21 October 2023);
 - e. City of Greater Geraldton District - **Cr Kim Parker**

- for 4 year term (Expiring 21 October 2023);
- f. City of Greater Geraldton District - **Cr Tarleah Thomas**
for 4 year term (Expiring 21 October 2023);
3. AFFIRM the election of the deputy mayor has been carried out in terms of *Local Government Act 1995* Schedule 2.3 (*When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council*) and Schedule 4.1 (*How to count votes and ascertain the result of an election*):
- a. The Deputy Mayor **Cr Tarleah Thomas** for a period of two (2) years terminating on or before the 16 October 2021;
4. AFFIRM that the requirement set under s.2.29 (*Declaration*) of the new office bearer deputy mayor has been done:
- a. The Deputy Mayor **Cr Tarleah Thomas**; and
5. APPROVE the destruction of any and all ballot papers associated with the election by the council of the deputy mayor, in four (4) years from date of election.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

This report outlines the statutory processes required for the swearing in of the mayor and councillors and election of the deputy mayor. The Chief Executive Officer (CEO) will also conduct a ballot to allocate seating arrangements in the Chamber.

Election of Deputy Mayor:

The council is to elect a councillor other than the mayor to fill the office of deputy mayor. The election is to be conducted in accordance with the procedure prescribed by the mayor, or if he or she is not present, by the CEO (cl.8 schedule 2.3 of the *Local Government Act 1995*).

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.*

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- (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.*

The CEO is to provide the ballot papers in accordance with the provisions of the *Local Government (Constitution) Regulations 1998*.

11A. Election of mayor, president, deputy mayor or deputy president by council (Sch. 2.3)

- (1) *The CEO is to cause sufficient numbers of ballot papers to be printed for the purposes of the election.*
- (2) *The CEO is to cause the ballot papers to be printed so that the names of the candidates appear on the ballot paper —*
 - (a) *in alphabetical order; or*
 - (b) *in such order as is determined using a method selected by the CEO which is fair to all of the candidates.*
- (3) *The ballot papers are to be in the form of Form 10 of the Local Government (Elections) Regulations 1997, modified as is necessary for the purposes of the election.*
- (4) *A council member is to cast his or her vote by marking the ballot paper by placing a tick in the box opposite the name of the candidate whom the council member wishes to be elected.*

11B. Ballot papers to be authentic (Sch. 2.3 cl. 4 and 8)

Before giving a person a ballot paper under this Part the CEO is to initial the back of it or make sure that it is authenticated in some other way.

11D. Marking and dealing with the ballot paper (Sch. 2.3 cl. 4 and 8)

- (2) *The council members are to return the marked ballot paper to the CEO.*

As soon as practicable after the result of the election is known the person conducting the election is to declare the result of the election to the council members at the meeting at which the election was held in accordance with regulation 11F - *Local Government (Constitution) Regulations 1998*. The person conducting the election is also to give local public notice of the result of the election.

11F. Declaration and notice of result of election — (Sch. 2.3 cl. 4 and 8)

- (1) *The person conducting the election is to declare the result of the election to the council members at the meeting at which the election was held.*
- (2) *The declaration is to include —*
 - (a) *the names of the candidates; and*
 - (b) *the name and term of office of the candidate declared elected.*
- (3) *The declaration may include the number of votes received by each candidate.*
- (4) *The person conducting the election is also to give local public notice of the result of the election in the form of Form 19 of the Local Government (Elections) Regulations 1997, modified as is necessary for the purposes of this regulation.*

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**Community:**

Electors exercise their democratic right to vote in ordinary elections of council, conducted in accordance with the *Local Government Act 1995* (The Act), to appoint a mayor and councillors for the terms of office as prescribed by section 2.28 of the Act. Local governments are required to hold ordinary elections every two years, with polls for ordinary elections to elect an elector mayor held every four years.

Environment:

There are no adverse environmental impacts.

Economy:

There are no adverse economic impacts.

Governance:

The provisions of the *Local Government Act 1995* s.2.29 require that a person elected as a mayor, councillor or deputy mayor must make a declaration in the prescribed form before acting in the office. Schedule 2.3 clause 7(1) of the Act requires that the election of deputy mayor must be conducted at the first meeting of the council after an ordinary election day.

Disclosure of Interest:

No officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:**COMMUNITY/COUNCILLOR CONSULTATION:**

The council vacancies for the ordinary election 2019 have been filled through the electoral process run by the Western Australian Electoral Commission on the 19 October 2019.

LEGISLATIVE/POLICY IMPLICATIONS:Local Government Act 1995 –*Section 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.*

Schedule 2.3 - When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council.

Schedule 4.1- How to count votes and ascertain the result of an election.

Local Government (Constitution) Regulations -1998

Regulation 11A – Election of mayor, president, deputy mayor or deputy president by council

Regulation 11B – Ballot papers to be authentic

Regulation 11D – Marking and dealing with ballot paper

Regulation 11EA – Counting of votes in accordance with Schedule 4.1

Local Government (Election) Regulations -1997

Schedule 1 – Form 10 Ballot Paper

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	4.5 Good Governance & Leadership
Strategy 4.5.1	Strengthening the governance role of councillors by informing, resourcing, skilling and supporting their role.

REGIONAL OUTCOMES:

The mayor and councillors are required to work for the good of the region.
The Local Government Act 1995 s.1.3 (3) provides:

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

RISK MANAGEMENT:

It is a statutory requirement under section 2.29 Local Government Act 1995 for councillors to take the oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office. Election of the Deputy Mayor is prescribed under Schedule 2.3 of the Act and Section 11A – 11AE of the *Local Government (Constitution) Regulations 1998*.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS:

Ordinary elections must be conducted in accordance with the provisions of the *Local Government Act 1995*. There were no alternative options considered.

COUNCIL DECISION**MOVED CR HALL, SECONDED CR COLLIVER****EXECUTIVE RECOMMENDATION:**

That Council by Simple Majority, in relation to the Ordinary election, as carried out under Local Government Act 1995 Schedule 2.3 (*When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council*) and Schedule 4.1 (*How to count votes and ascertain the result of an election*) **RESOLVES** to:

1. **AFFIRM** that the requirement set under Section 2.29 (Oath or affirmation of allegiance and declaration) of the elected Mayor Shane Van Styn has been done:
2. **AFFIRM** that the requirement set under s.2.29 (*Declaration*) of all new council members has been done:
 - a. **City of Greater Geraldton District - Mayor Shane Van Styn**
For 4 year term (expiring 21 October 2023);
 - b. **City of Greater Geraldton District - Cr Peter Fiorenza**
for 4 year term (Expiring expiring 21 October 2023);
 - c. **City of Greater Geraldton District - Cr Robert Hall**
for 4 year term (expiring expiring 21 October 2023);
 - d. **City of Greater Geraldton District - Cr Simon Keemink**
for 4 year term (Expiring expiring 21 October 2023);
 - e. **City of Greater Geraldton District - Cr Kim Parker**
for 4 year term (Expiring expiring 21 October 2023);
 - f. **City of Greater Geraldton District - Cr Tarleah Thomas**
for 4 year term (Expiring expiring 21 October 2023);

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3. **AFFIRM** the election of the deputy mayor has been carried out in terms of *Local Government Act 1995 Schedule 2.3 (When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council)* and *Schedule 4.1 (How to count votes and ascertain the result of an election)*:
- a. The Deputy Mayor Cr Tarleah Thomas for a period of two (2) years terminating on or before the 16 October 2021;
4. **AFFIRM** that the requirement set under s.2.29 (*Declaration*) of the new office bearer deputy mayor has been done:
- a. The Deputy Mayor Cr Tarleah Thomas; and
5. **APPROVE** the destruction of any and all ballot papers associated with the election by the council of the deputy mayor, in four (4) years from date of election.

CARRIED 13/0

Time: 5:38 PM

Not Voted: 0

No Votes: 0

Yes Votes: 13

Name	Vote
Cr. Douglas	YES
Cr. Parker	YES
Cr. Caudwell	YES
Cr. Colliver	YES
Cr. Clune	YES
Cr. Critch	YES
Cr. Fiorenza	YES
Cr. Elphick	YES
Cr. Hall	YES
Cr. Keemink	YES
Cr. Tanti	YES
Cr. Thomas	YES
Mayor Van Styn	YES

11 CLOSURE

There being no further business the Presiding Member closed the Council meeting at 5.38pm.