



SPECIAL MEETING OF COUNCIL

AGENDA

21 OCTOBER 2025

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CITY OF GREATER GERALDTON
SPECIAL MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 21 OCTOBER 2025 AT 4PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

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.

This meeting is convened to swear in the newly elected Councillors and for the Council to elect the Deputy Mayor for a two-year term ending October 2027, in accordance with the Local Government Act 1995.

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamatji 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 Yamatji people.

2 OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION

Mayor Jerry Clune to introduce City of Greater Geraldton Mr Darren Simmons JP, to undertake the Oath or Affirmation of Allegiance and Declarations pursuant to section 2.29 of the Local Government Act 1995 of all new Council Members.

3 MAKING OF DECLARATION BY NEW COUNCILLORS

Four Council Members will be declared into Office for four (4) year terms.

Order of Swearing in:

Newly elected Council Members will be sworn in and declared into office in alphabetical order.

_____ declared into office as a Councillor for a four (4) Year term expiring 20 October 2029.

_____ declared into office as a Councillor for a four (4) Year term expiring 20 October 2029.

_____ declared into office as a Councillor for a four (4) Year term expiring 20 October 2029.

_____ declared into office as a Councillor for a four (4) Year term expiring 20 October 2029.

The newly elected Councillors will return to the public gallery seating in Chambers once declared into office.

4 BALLOT FOR SEATING

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in Chambers.

The Mayor will ask Councillors to take their allocated seats *after* the ballot.

5 DECLARATION OF OPENING

6 ATTENDANCE

Present:

Officers:

Distinguished Visitors:

Others:

Members of Public:

Members of Press:

Apologies:

Leave of Absence:

7 PUBLIC QUESTION TIME

Questions provided in writing prior to the meeting or at the meeting will receive a formal response. Please note that you cannot make statements in Public Question Time and such statements will not be recorded in the Minutes.

Our Local Laws and the Local Government Act require questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.

8 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)	Date Approved
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**Note: If Council Members' application for leave of absence is for the meeting that the request is submitted, they will be noted as an apology until Council consider the request. The granting of the leave, or refusal to grant the leave and reasons for that refusal, will be recorded in the minutes of the meeting*

If a Council Member on Approved Leave subsequently attends a meeting, this will be noted in the Minutes.

9 ELECTION OF DEPUTY MAYOR

In accordance with the provisions of the Local Government Act 1995 Schedule 2.3 and schedule 4.1 and the Local Government (Constitution) Regulations 1998 11A - 11F, Council will elect a Deputy Mayor for a period of two (2) years and hold a ballot if more than one Candidate.

Nominations are to be provided in writing *before* the meeting or during the meeting, before the close of nominations.

The Mayor will call for nominations.

The Mayor declares nominations closed once all received in writing.

The Mayor to call for a ballot, if more than one candidate, as per Local Government (Constitution) Regulations 1998 regulation 11A.

Prior to a ballot, the Mayor to call nominees in alphabetical order to present on their nomination. Presentations are limited to a maximum of 5 minutes.

10 MAKING OF DECLARATION OF DEPUTY MAYOR

The Mayor announces that following a secret ballot Cr _____ was elected as Deputy Mayor for the ensuing two-year period.

Mr Darren Simmons JP to conduct the declaration of Deputy Mayor.

Cr _____ declared into office as Deputy Mayor for a two (2) year term expiring 16 October 2027.

11 REPORTS OF CORPORATE SERVICES

CS250	THE ELECTION OF THE DEPUTY MAYOR AND THE SWEARING IN OF THE DEPUTY MAYOR AND COUNCILLORS
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AGENDA REFERENCE:	D-25-119760
AUTHOR:	M Jones, Coordinator Governance and Risk
EXECUTIVE:	P Radalj, Director Corporate Services
DATE OF REPORT:	3 October 2025
FILE REFERENCE:	GO/8/0007-004
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

The purpose of this report is to seek Council confirmation that the declarations of office for the councillors elected at the ordinary election held on 18 October 2025, and the Deputy Mayor elected on 21 October 2025, have been made in accordance with the provisions of the *Local Government Act 1995* (the Act). Confirmation is also sought that the election of Deputy Mayor has been completed in accordance with the provisions of the Act and the *Local Government (Constitution) Regulations 1998*.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to the *Local Government Act 1995* section 2.28, 2.29, Schedule 2.3 Division 2 and Schedule 4.1 RESOLVES to:

1. AFFIRM that a declaration under the provisions of section 2.29 of the *Local Government Act 1995 (Declaration)* by a councillor, before acting in the office, has been made:
 - a. City of Greater Geraldton District – Cr _____ for a four (4) year term (expiring 20 October 2029);
 - b. City of Greater Geraldton District – Cr _____ for a four (4) year term (expiring 20 October 2029);
 - c. City of Greater Geraldton District – Cr _____ for a four (4) year term (expiring 20 October 2029);
 - d. City of Greater Geraldton District – Cr _____ for a four (4) year term (expiring 20 October 2029);
2. AFFIRM the election of the Deputy Mayor has been carried out in accordance with the provisions of the *Local Government Act 1995* Schedule 2.3 and Schedule 4.1, and the *Local Government (Constitution) Regulations 1998* 11A – 11F;
 - a. Deputy Mayor Cr _____ for a period of two (2) years ending at the start of the first meeting of the Council after the local government's next ordinary election on 16 October 2027; and
3. AFFIRM that a declaration under the provisions of section 2.29 of the *Local Government Act 1995 (Declaration)* by Deputy Mayor _____ before acting in the office, has been made.

PROPONENT:

The proponent is the City of Greater Geraldton (the City).

BACKGROUND:

A local government is required by the provisions of the *Local Government Act 1995* (the Act), section 4.5, to hold an ordinary election every two years.

The term of office of a mayor or councillor begins on the day after the election (section 2.28) and a person elected as a mayor or councillor must make a declaration of office before acting in the office (section 2.29). The term of office of a person elected by the council as a deputy mayor begins when the person is elected (section 2.28, Item 12). A deputy mayor must make a declaration of office before acting in the office (section 2.29).

Schedule 2.3 Division 2 clause 8 of the Act makes provision for how a deputy mayor is elected, and regulations 11A to 11F in the *Local Government (Constitution) Regulations 1998* describe the mandatory process for the election of a deputy mayor. Schedule 4.1 of the Act provides how to count the votes and ascertain the result of the election.

Local Government Act 1995**4.5 Frequency of ordinary elections**

A local government is to hold ordinary elections every 2 years.

2.28 Days on which terms begin and end

- (1) *The days on which the term of a person holding an office on a council begins and ends depend on the nature of the office and the circumstances in which the person is elected to hold the office.*
- (2) *The days are to be determined in accordance with the Table to this section.*

Table to section 2.28 Terms of office

Item	Kind of office	How elected	Term begins	Term ends
4.	<i>Elector mayor or president OR councillor</i>	<i>Elected at an ordinary election not dealt with in item 4A</i>	<i>On the day after the ordinary elections day</i>	<i>On the third Saturday in October in the fourth year after the year in which the term began (but note sections 2.14 and 2.30)</i>
12.	<i>Deputy mayor...</i>	<i>Elected at any election</i>	<i>When the person is elected</i>	<i>At the start of the first meeting of the council after the local government's next ordinary elections</i>

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 for this subsection: imprisonment for 12 months and a fine of \$12 000.

Schedule 2.3 Division 2**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 by the CEO in accordance with the procedure described.*
- (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.*
- (4) *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 to be dealt with.*
- (5) *If a councillor is nominated by another council member, the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that they are willing to be nominated for the office.*
- (6) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (7) *Subject to clause 9(1) the votes cast under subclause (6) 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.*
- (8) *As soon as 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.*

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) *Section 4.69(2) to (4) apply in relation to the casting of votes, modified as is necessary for the purposes of the election.*

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)

- (1) *Subject to regulation 11E, a council member who receives a ballot paper under this Part is to mark the ballot paper in such a manner that it cannot be seen by anyone else.*
- (2) *The council members are to return the marked ballot paper to the CEO.*

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

- (1) *The CEO 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.*
- ...
- (4) *The CEO must also give local public notice of the result of the election.*

**CONNECTED, LIVEABLE, THRIVING, LEADING –
ISSUES AND OPPORTUNITIES:****Connected:**

The role of a councillor is to represent the interests of the elector's, ratepayers, and residents of the district, and facilitate communication between the community and the council. The role of deputy mayor is to perform the functions of the mayor or president when authorised to do so. The councillors and the deputy mayor must make a declaration of office before acting in the office.

Liveable:

There are no adverse impacts.

Thriving:

There are no adverse impacts.

Leading:

The role of council is to lead and represent their communities. Councillors do so by engaging with their community, making decisions and setting the local government's strategic direction.

Disclosure of Interest:

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

RELEVANT PRECEDENTS:

Item No. CS068 - The Election of the Deputy Mayor and the Swearing In of the New Mayor and Councillors (23 October 2023); and
Item No. CCS639 - The Election of the Deputy Mayor and the Swearing In of the Deputy Mayor and Councillors (16 October 2021).

COMMUNITY/COUNCIL MEMBER CONSULTATION:

There has been no community/Council Member consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Local Government Act 1995 section 2.28, 2.29, schedule 2.3, schedule 4.1.

Local Government (Constitution) Regulations 1998 regulations 11A – 11F

Local Government (Election) Regulations 1997 Schedule 1, Form 10 Ballot Paper, Form 19 Result of Election

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Strategic Theme: Leading	A progressive City where informed decisions, strong advocacy and an enabling culture drives sustainable regional growth.
Goal 6	Ensure high quality governance activities enabling transparency and accountability.

REGIONAL OUTCOMES:

The ordinary election of council to fill the vacant offices of councillor and deputy mayor, and the making of declarations of office will ensure that the Council is adequately resourced to achieve positive regional outcomes, in its role as the governing body of the local government.

RISK MANAGEMENT:

It is a statutory requirement under section 2.29 of the Act for councillors and a deputy mayor to make a declaration of office before acting in the office. A person who acts in an office contrary to section 2.29 commits an offence under the provisions of the *Local Government Act 1995*.

The provisions for an election of the deputy mayor are incorporated in Schedule 2.3 and 4.1 of the Act and regulations 11A – 11F of the *Local Government (Constitution) Regulations 1998*.

Compliance with these legislative provisions reduces the City's risk of regulatory non-compliance and reputational damage.

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.

12 CLOSURE