



**Shire of Derby /  
West Kimberley**

# **CONFIRMED MINUTES**

**Special Council Meeting**

**Monday, 20 October 2025**

**Date: Monday, 20 October 2025**

**Time: 5:30 PM**

**Location: Council Chambers, Clarendon Street  
Derby**



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY  
ON MONDAY, 20 OCTOBER 2025 AT 5:30 PM**

*Meeting attendees were welcomed with a traditional smoking ceremony, conducted by Richard Rose.*

**1 ACKNOWLEDGEMENT OF COUNTRY**

In the spirit of Reconciliation, the Shire of Derby/West Kimberley acknowledges the traditional custodians of country throughout the Shire and the continued connection to the land, waters and community.

The Shire would like to pay our respects to the people, the cultures and the Elders past and present and the continuation of cultural, spiritual and educational practices of Aboriginal people.

**2 DISCLAIMER**

This meeting was video recorded and live-streamed on the Shire's Youtube channel, with the exception of confidential items and periods of adjournment as determined by the Presiding Member. By being present at this meeting, members of the public consent to the possibility that their voice and/or image may be live-streamed to the public. Recordings are made available on the Shire's Youtube channel and official website following the meeting. The official record of the meeting will be the written minutes kept in accordance with the *Local Government Act 1995* and any relevant regulations.

**3 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS**

*The Presiding Member, Commissioner Jeff Gooding opened the meeting at 5:35pm.*

<b>PRESENT (In Person):</b>	<i>Jeff Gooding PSM JP (Commissioner), Peter McCumstie, Geoff Davis, Trish Gault, Eliot Money, Val Ross, Laurie Shaw.</i>
<b>PRESENT (Remote):</b>	<i>Adam Cornish, Kerrissa O'Meara.</i>
<b>IN ATTENDANCE (In Person):</b>	<i>Tamara Clarkson (Chief Executive Officer), Wayne Neate (Director Infrastructure), Jill Brazil (Director Corporate Services), Luke Lawrence (Director Community Planning), Richard Rose (Aboriginal Engagement Manager), Santana Rose (Manager Community Development), Kylie Tame (Manager Development Services), Stuart McLeod (Coordinator Rangers, Emergency Management and Community Safety), Telia Reilly (Coordinator Governance and Risk), Mikayla May (Library Officer), Maria O'Connell (Coordinator Communications and Media), Ryan Boldison (Executive Assistant).</i>
<b>IN ATTENDANCE (Remote):</b>	<i>Nil.</i>
<b>VISITORS:</b>	<i>Nil.</i>
<b>GALLERY:</b>	<i>9.</i>
<b>APOLOGIES:</b>	<i>Leah Umbagai.</i>
<b>APPROVED LEAVE OF ABSENCE:</b>	<i>Nil.</i>
<b>ABSENT:</b>	<i>Nil.</i>

*Richard Rose left the meeting at 5:37pm and did not return.*

#### **4 ATTENDANCE VIA ELECTRONIC MEANS**

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Council Member are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

#### **5 APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil.*

#### **6 PUBLIC TIME**

In accordance with regulation 7(4)(b) of the *Local Government (Administration) Regulations 1996*, questions asked at a Special Council Meeting must relate to the purpose (Agenda) of that meeting.

##### **6.1 Public Question Time**

*Nil.*

##### **6.2 Public Statements**

*Nil.*

#### **7 DISCLOSURE OF INTERESTS**

##### **7.1 Declaration of Financial Interests**

*Nil.*

##### **7.2 Declaration of Proximity Interests**

*Nil.*

##### **7.3 Declaration of Impartiality Interests**

*The Commissioner declared that he is a Director of Gumala Investment Pty Ltd and a Director of Wunan Foundation.*

#### **8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

*Dear President and Councillors,*

*My hearty congratulations on your election to your positions. You are the new leaders of this community.*

*Whether you are a returning Councillor or a new Councillor, I don't need to stress the importance to your community of the role you have taken on. It's a weighty responsibility.*

*I also do not need to highlight the unique circumstances under which you are taking up your roles, and the role that I will be vacating upon your appointment, of my work as Commissioner, which I hope will be of some value, to the incoming Council.*

*The issues that precipitated the situation of the previous Council are personal to that Council, so I make no comment upon them, however it is true that the Shire has for some time operated under structural budget constraints. With that in mind, early tasks for me included stabilising immediate cashflow; setting a Shire budget that reflects the delivery of core Shire functions and services and establishing a Long Term Financial Plan.*

*These elements are all currently in place, and have been accomplished without the need to dramatically increase rate revenue from the limited ratepayer base or to take on new debt. Importantly, monitoring budget performance whilst using the Council's best endeavours to maximise new revenue, particularly from external grant sources, will in my view, need to be front of mind for the new Council. I recently made a budget amendment to better clarify the starting budget position and in an attempt to provide the incoming Council, with the clearest view possible, of the Shire's financial position.*

*The Long Term Financial Plan that is now in place, can be modified by Council. However in its current form, the plan clarifies several key matters for Council to consider:*

- a) The Shire remains in a tight financial position. With sensible decisions, I believe it is manageable (many rural Shires are in this position). Close financial monitoring at a strategic level and early warning will be key. I recommend that Council draws on the two processes we have created via the independently chaired Audit Risk and Improvement Committee and its internal audit process.*
- b) The Shire has low levels of reserves that make investment decisions challenging, particularly when attracting grants that require matching money. It's worth noting that the Shire's operating surplus ratio is poor and that building reserves will need to be a Council priority for the next four to five years. I recommend that Council progressively take decisions that purposefully build reserves. I also recommend that Council discuss this point in more granular detail with the Shire's external financial advisers at the briefings that are planned over the coming weeks.*
- c) The Shire has relatively low external grant contributions. I recommend that Council support the Administration to build internal Shire capability to attract grants and focus on being a strong and reliable partner for potential grant funders.*
- d) There are big unavoidable investments coming for core infrastructure. I recommend that Council develop a strong and comprehensive planning basis that allows Council to plan for major investments well ahead and deliberately create opportunities for external grant funders and partners to come on board.*
- e) Shire capacity to service debt is limited. Council will need to be prudent in its debt financing and reduce borrowings over the longer term.*
- f) Shire revenue raising capacity is constrained. Rates provide 40% of revenue. I recommend that the Council, informed by its Administration and external financial advisors, consider a reasonable but longer term rating strategy.*

- g) Capacity to fund asset management and renewals poses a very significant long term pressure. The new Council will need to better understand whole of life asset planning. I recommend that Council finalise and socialise a Strategic Asset Management Framework. Incoming Councillors will note that this work is well advanced.*
- h) The Shire is faced with a changing operating environment with escalating costs for example, insurances. I recommend, that as Council considers long term pressures, that it monitor external cost trends and prudently plan for them.*
- i) Development opportunity and innovation provide options for upside benefits for the Shire. I recommend that Council consider opportunities optimistically, be informed by the evidence and experts, and plan conservatively. The Economic Development Strategy that is underway, is one such opportunity for Council to guide the future.*
- j) Involve your community in helping to manage and shape its future. Many members of Council campaigned on community engagement. The Shire has started processes to develop a Community Plan. This is a mandatory requirement but it's also one where the plan will only be better with strong community involvement.*

*Continuing Councillors will already know, and new Councillors will quickly learn from their training, that the role of the Council is well prescribed within the Local Government Act. I suggest that becoming familiar with the legislative requirements of the role is a vital early step for a Councillor. Put practically, Council's role includes, through good governance, to guide the strategic decision making of the organisation. That essentially means to work together to develop a clear longer term understanding of where you want your Community to be, the long term goals and broad direction of your Shire. This is separate from short term specific actions which can be characterised as 'tactical' or 'operational'. These functions are largely the responsibility of your Administration.*

*Importantly, I recommend that Council, wherever possible, does its mandatory training together both to build a Council team and cooperative approach but also to build a shared understanding of the roles.*

*Councillors will receive a more detailed induction later this week, where there will be opportunities to discuss the current situation in respect of projects. I encourage all Councillors to look at that induction through the strategic lens you are all required to use. Try not to be distracted by smaller scale, short term matters but rather focus on the bigger picture, longer term view of your Shire.*

*This is necessarily general in nature, however there are a few overarching points I would like to make.*

- 1. Councillors should keep an eye on legislative compliance. I believe that we have made very significant steps over the course of the last 6 months to progress our level of compliance, but we are not yet fully there.*
- 2. Council is well served by capable and committed administrative staff that are well lead. I have during my term as Commissioner, confirmed the permanency of the Chief Executive Officer (CEO) and established a process that Council will need to finalise around determining relevant performance criteria. The CEO will also advise*

*Council on progress in the establishment of a Workforce Development Plan. I encourage the new Council to embrace their Administration, as it's that Administration that will deliver Council objectives.*

- 3. The Strategic Planning and Policy basis for the Council is developing well, however it will need ongoing oversight from Council.*
- 4. The Shire of Derby/West Kimberley will best achieve its longer term goals through partnerships with a very wide range of partners locally and further afield. I would encourage Council to position itself as a reliable partner of choice in all of its external dealings and arrangements. This will be the start point for external funders to better view opportunities in the Shire.*

*Finally, I have committed to the Minister for Local Government to do a final statement of my role as Commissioner. This letter contains much of what I will report, but I want to publicly thank them for their confidence to appoint me to the role.*

*I thank the staff of the Shire of Derby/West Kimberley for the privilege it has been to work with you and to the people of the Shire, for the welcoming and inclusive way you have dealt with me.*

*I wish the new Council well in the challenge they face and express my confidence in your collective abilities and leadership.*

*Jeff Gooding PSM JP, Commissioner.*

**REPORTS****9 EXECUTIVE SERVICES****SWEARING IN OF PRESIDENT 2025****File Number: 4285****Author: Tamara Clarkson, Chief Executive Officer****Responsible Officer: Tamara Clarkson, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

The office of President is elected at large as part of the biennial election for the Shire, however the successful candidate must be sworn in before they can act in the role, which has a four-year term of office. This needs to occur prior to the official commencement of the Special Council Meeting.

The President of the Council will take an oath and be sworn in before Justice of the Peace, Jeff Gooding PSM.

**BACKGROUND**

The term of office of President begins when the member is elected (noting however that a Council Member cannot act in that capacity until being sworn in) and ends when the President resigns from office, does not make the required declaration of office within two months after being declared elected to that office, or when the position of President is next elected at or after the next ordinary elections.

Justice of the Peace, Jeff Gooding PSM will officiate, following which the President will officially take up the position of President, and presiding member for this and future Council meetings.

**STATUTORY ENVIRONMENT**

***Local Government Act S. 2.29 (Declaration)*** requires that a person elected as president or as a Council Member has to make a declaration in the prescribed form before acting in the office.

**ATTACHMENTS****Nil**

**Peter McCumstie, having read aloud and signed the Declaration required under the *Local Government Act 1995*, was formally sworn in as President before Justice of the Peace, Jeff Gooding PSM.**

- *The Commissioner passed the role of Presiding Member to Mr. Peter McCumstie (President) at 5:56pm.*

## 9.2 DECLARATION BY COUNCIL MEMBERS 2025

**File Number:** 4252

**Author:** Tamara Clarkson, Chief Executive Officer

**Responsible Officer:** Tamara Clarkson, Chief Executive Officer

**Authority/Discretion:** Executive

### SUMMARY

All newly elected Council Members are required to undertake a declaration to office, and this will occur before Justice of the Peace, Jeff Gooding PSM. This needs to occur prior to the official commencement of the Special Council Meeting.

### BACKGROUND

Each successful candidate of the election is required to make a declaration before they can act in the capacity of a Council Member; or as the council elected Deputy President.

The declaration of office is a document that states the Council Member will faithfully perform their duties and will adhere to the principles and rules established by the Shire's Code of Conduct.

All newly elected Council Members are required to undertake a declaration to office in accordance with the requirements of Section 2.29 of the *Local Government Act 1995*, regulation 13 of the *Local Government (Constitution) Regulations 1998* and the *Oaths, Affidavits and Statutory Declarations Act 2005*. This needs to occur prior to the official commencement of the Special Council Meeting in order to have successful candidates sworn in as Council Members, and then able to establish a quorum to sit as a Council.

In accordance with previous precedents the swearing in will be witnessed by Justice of the Peace, Jeff Gooding PSM.

Newly elected Council Members will undertake their declaration in alphabetical order.

### STATUTORY ENVIRONMENT

***Local Government Act 1995 S. 2.29 (Declaration)*** requires that a person elected as president or as a Council Member has to make a declaration in the prescribed form before acting in the office.

### ATTACHMENTS

Nil

The following elected Council Members read aloud and signed the Declaration required under *the Local Government Act 1995*, and were formally sworn in, witnessed by Justice of the Peace, Jeff Gooding:

1. Cr Geoff Davis
2. Cr Trish Gault
3. Cr Eliot Money
4. Cr Val Ross
5. Cr Laurie Shaw

Due to their unavailability **to attend the Special Council Meeting on Monday 20 October 2025**, the following elected Council Members read aloud and signed the declaration required under the Local Government Act 1995, and were formally sworn in, witnessed by a Justice of the Peace, **earlier on Monday, 20 October 2025**.

1. Cr Adam Cornish
2. Cr Kerrissa O'Meara

Due to her unavailability **to attend the Special Council Meeting on Monday 20 October 2025**, the following elected Council Member will be scheduled to be formally sworn in at a **to be confirmed**.

1. Leah Umbagai

*From the time of publishing the meeting Agenda to holding the meeting, Elected Member circumstances and their ability to attend the meeting were made aware and have resulted in the amendments to prior arrangements.*

**9.3 ELECTION AND SWEARING IN OF DEPUTY PRESIDENT 2025****File Number:** 4285**Author:** Tamara Clarkson, Chief Executive Officer**Responsible Officer:** Tamara Clarkson, Chief Executive Officer**Authority/Discretion:** Executive**SUMMARY**

The Deputy President of the Council is elected for a two-year term of office and will take an oath and be sworn in before Justice of the Peace, Jeff Gooding PSM.

**BACKGROUND**

The election is to be conducted in accordance with the procedure prescribed by the President as the first matter dealt with following the swearing in of the President.

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

Council Members are to vote on the matter by secret ballot. The votes cast are to be counted, and the successful candidate determined using the “optional preferential” counting system.

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

If, when the votes cast are counted, there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than seven days later, a special meeting of the council is to be held.

Should this occur, it is intended to adjourn the meeting for a short period of time (10 to 20 minutes as declared by the President at the meeting) to enable the President to consider when a Special Council Meeting ought to be scheduled, and then resume the meeting. At this Special Council Meeting, any nomination for the office may be withdrawn, and further nominations may be made, before Council Members again vote.

**ATTACHMENTS****Nil**

The Returning Officer/CEO called for nominations in writing for the position of Deputy President. The following nominations were received:

1. Cr **Trish Gault** nominated **themselves** in writing.
2. Cr **Kerrissa O'Meara** nominated **themselves** in writing.

Ballot papers were drawn. The meeting was adjourned at **6:07pm** to prepare the ballot papers and resumed at **6:09pm**.

The vote was conducted by secret ballot using the "optional preferential" counting system, with the Chief Executive Officer as the Returning Officer.

The Returning Officer/CEO declared **Cr Kerrissa O'Meara** elected as Deputy President for a period of two years.

**As Cr Kerrissa O'Meara was unable to attend the meeting in person, she will be formally sworn in as Deputy President before a Justice of the Peace at a later date.**

**Note:** Notice of the result will be provided in accordance with regulation 11F of the *Local Government (Constitution) Regulations 1998*.

**Cr Kerrissa O'Meara received 6 votes, Cr Trish Gault received 2 votes.**

*From the time of publishing the meeting Agenda to holding the meeting, Elected Member circumstances and their ability to attend the meeting were made aware and have resulted in the amendments to prior arrangements.*

**9.4 BALLOT FOR SEATING ORDER FOR COUNCIL MEMBERS 2025****File Number: 4252****Author: Tamara Clarkson, Chief Executive Officer****Responsible Officer: Tamara Clarkson, Chief Executive Officer****Authority/Discretion: Administrative****SUMMARY**

Consistent with the Shire's Standing Orders Local Law, and as has historically occurred following past elections, a ballot will be conducted by the Chief Executive Officer for the order of seating of Council Members in the Chambers.

This report is to endorse the seating position for the President, Chief Executive Officer, Deputy President and the balloted seat positions for individual Council Members.

**DISCLOSURE OF ANY INTEREST**

Nil.

**BACKGROUND**

The President, Deputy President (by historic convention), Chief Executive Officer, Shire Staff and Minute Taker all have pre-assigned seats. Seating for remaining Council Members are numbered as Elected Member 3 to 9. As has historically occurred following past elections, a ballot has been conducted by the Chief Executive Officer for the order of seating of these Council Members in the Chamber.

The President will invite Council Members to take their seats after the ballot.

Please see attached plan of Council Chamber seating arrangements.

**STATUTORY ENVIRONMENT**

**Shire of Derby/West Kimberley Standing Orders clause 8.2 (Members to Occupy Own Seats)** outlines that at the first meeting after each ordinary election, the CEO is to allot by random draw, a position at the Council table to each Council Member. Council Members are to occupy that seat at Council Meetings until Council resolves otherwise.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Legal &amp; Compliance:</b> Non-compliance with the Shire's Standing Orders can result in a breach of the Code of Conduct.	Rare	Moderate	Low	Council Members to comply with ballot draw
<b>Reputation:</b> Non-compliance with the Shire's Standing Orders could result in negative media.	Rare	Moderate	Low	Council Members to comply with ballot draw

**CONSULTATION**

Nil.

**COMMENT**

Nil.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Council Chambers Seating Plan [↓](#) 

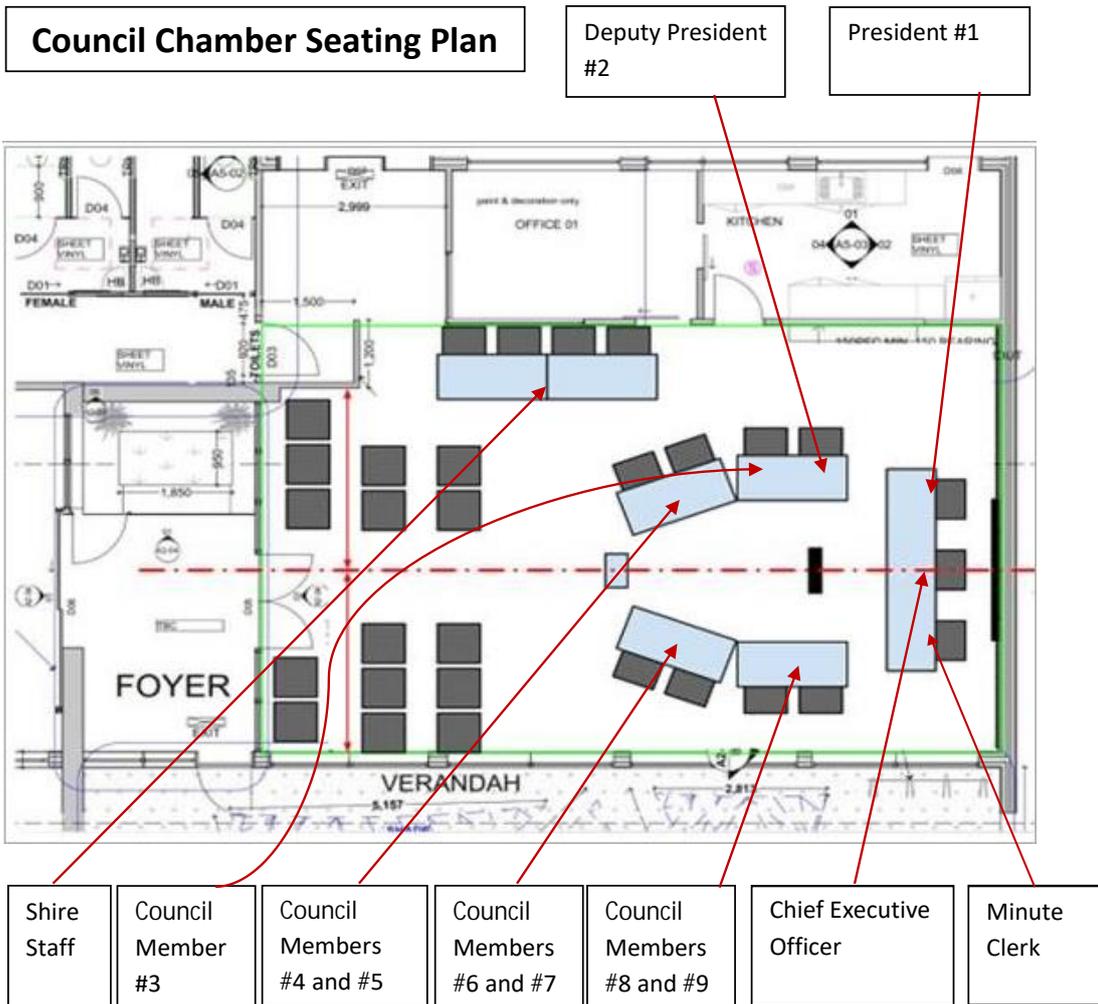
**RESOLUTION 20/25****Moved:** Cr Eliot Money**Seconded:** Cr Laurie Shaw**That Council:**

1. Endorse the council chamber seating positioning for the President; Deputy President and Chief Executive Officer;
2. Notes the order of Seating Ballots drawn by individual Council Members; and
3. Endorses the seating positions as follows:
  - (a) EM3 Seat: Cr Trish Gault;
  - (b) EM4 Seat: Cr Adam Cornish;
  - (c) EM5 Seat: Cr Geoff Davis;
  - (d) EM6 Seat: Cr Eliot Money;
  - (e) EM7 Seat: Cr Laurie Shaw;
  - (f) EM8 Seat: Cr Leah Umbagai and;
  - (g) EM9 Seat: Cr Val Ross.

**In Favour:** Mr Peter McCumstie and Crs Geoff Davis, Kerrissa O'Meara, Adam Cornish, Trish Gault, Eliot Money, Laurie Shaw and Val Ross

**Against:** Nil

**CARRIED 8/0**



**10 URGENT BUSINESS**

*Nil.*

**11 CLOSURE****11.1 Date of Next Meeting**

The next ordinary meeting of Council will be held Thursday, 30 October 2025 at 5:30pm in the Council Chambers, Clarendon Street, Derby.

**11.2 Closure of Meeting**

*Prior to closing the meeting, Mr Peter McCumstie (President) extended thanks on behalf of Council and the community to Commissioner Jeff Gooding for his service and leadership during his term. He acknowledged the Commissioner's extensive experience in the region and his understanding of local issues, which contributed significantly to the Shire's ability to move forward during a challenging period.*

*The Commissioner's efforts in maintaining operational continuity, progressing key initiatives, and improving communication with both the community and State Ministers were commended. His transparency and regular updates were noted as exemplary and will serve as a model for future Council communications.*

*The President expressed confidence in the newly elected Council's ability to continue implementing the Commissioner's recommendations and highlighted the importance of exploring new revenue avenues to support the Shire's financial sustainability.*

*Appreciation was also extended to the CEO and staff for their dedication and support in working alongside the Commissioner to ensure stability and progress.*

*Mr Peter McCumstie (President) closed the meeting at 6:20pm.*

<p><b>These minutes were confirmed at a meeting on</b></p> <p>30 October 2025</p> <p>.....</p> <p>Signed: </p> <p><b>Presiding Person at the meeting at which these minutes were confirmed.</b></p> <p>Date: <i>30.10.2025</i></p> <p>.....</p>
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