



**Shire of Derby /  
West Kimberley**

# **AGENDA**

## **Special Council Meeting Monday, 20 October 2025**

**I hereby give notice that a Special Meeting of Council will be held on:**

**Date: Monday, 20 October 2025**

**Time: 5:30 PM**

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

**Tamara Clarkson Chief Executive Officer**



## Our Guiding Values

We are **PROUD** of who we are and where we live.

We will create a **POSITIVE LEGACY** for our children and children's children.

We will go about our business with **INTEGRITY, TRANSPARENCY and AUTHENTICITY**.

We value and **RESPECT** what our community has to say and will strive to make things happen.

We are **PROUD** of and value the **KNOWLEDGE** of our diverse and strong people and cultures.

We value our **RELATIONSHIPS** and will work with others to achieve common goals and gain maximum impact.

We are **PROUD** of and **COMMITTED** to the responsible preservation of our unique natural environment and making sure our built environment reflects our current and future needs.

We are open for and encourage business, industry and all aspects of **COMMUNITY DEVELOPMENT**, particularly our thriving arts and cultural scene.

## Disclaimer

No responsibility whatsoever is implied or accepted by Shire of Derby/West Kimberley (the Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Council Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

## Notes for Members of the Public

### PUBLIC QUESTION TIME

Shire of Derby/West Kimberley extends a warm welcome to you attending a Shire meeting. The Shire is committed to involving the public in its decision-making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put forward questions to Council. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question, direct it to an officer to answer or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

### MEETING FORMALITIES

Local Government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt proceedings or enter into conversation. Members of the public shall ensure that any electronic devices or audible pager are switched off and not used during any Shire meeting.

Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without permission of the Presiding Member.

### COPYRIGHT

Any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

## Notes for Council Members

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Administrative:	When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
Review:	When Council reviews a decision made by Officers.
Information:	Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

### ALTERNATIVE MOTIONS

Council Members wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Chief Executive Officer prior to the Council meeting.

### DECLARATIONS OF INTERESTS

Council Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (Part 5 Division 6 of the *Local Government Act 1995*). Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

### APPLICATION FOR LEAVE OF ABSENCE

In accordance with Section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for a Council Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where a Council Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to a Council Member being disqualified should they be absent without leave for three consecutive meetings.

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## **1 ACKNOWLEDGMENT 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 will be 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 will also be 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, ANNOUNCEMENT OF VISITORS**

## **4 ATTENDANCE VIA ELECTRONIC MEANS**

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

## **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**

### **6.2 PUBLIC STATEMENTS**

## **7 DISCLOSURE OF INTERESTS**

DIVISION 6: SUB-DIVISION 1 OF THE *LOCAL GOVERNMENT ACT 1995*. CARE SHOULD BE TAKEN BY COUNCIL MEMBERS TO ENSURE THAT A FINANCIAL/IMPARTIALITY/PROXIMITY INTERESTS ARE DECLARED AND THAT THEY REFRAIN FROM VOTING ON ANY MATTER, WHICH IS CONSIDERED TO COME WITHIN THE AMBIT OF THE ACT.

### **7.1 DECLARATION OF FINANCIAL INTERESTS**

### **7.2 DECLARATION OF PROXIMITY INTERESTS**

### **7.3 DECLARATION OF IMPARTIALITY INTERESTS**

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

## REPORTS

### 9 EXECUTIVE SERVICES

#### 9.1 SWEARING IN OF PRESIDENT

**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 JP.

#### 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 McCumsties, 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.**



**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. This is generally called a “swearing in” ceremony and takes place at a Special Council Meeting following closely after the election.

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**
- 6. Cr Leah Umbagai**

**Due to their unavailability 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, on Sunday 19 October 2025.**

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

**9.3 ELECTION AND SWEARING IN OF DEPUTY PRESIDENT****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 JP.

**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*.

**Swearing in of Deputy President** - The same procedure as for Item ‘swearing in of President’ applies. Justice of the Peace, Jeff Gooding PSM JP will officiate.

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 \_\_\_\_\_ Nominated in writing by Cr \_\_\_\_\_
2. Cr \_\_\_\_\_ Nominated in writing by Cr \_\_\_\_\_
3. Cr \_\_\_\_\_ Nominated in writing by Cr \_\_\_\_\_

Ballot papers were drawn. The meeting was adjourned at (time) to prepare the ballot papers and resumed at (time).

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 \_\_\_\_\_ elected as Deputy President for a period of two years.

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

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

**9.4 BALLOT FOR SEATING ORDER FOR COUNCIL MEMBERS****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 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**

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

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<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

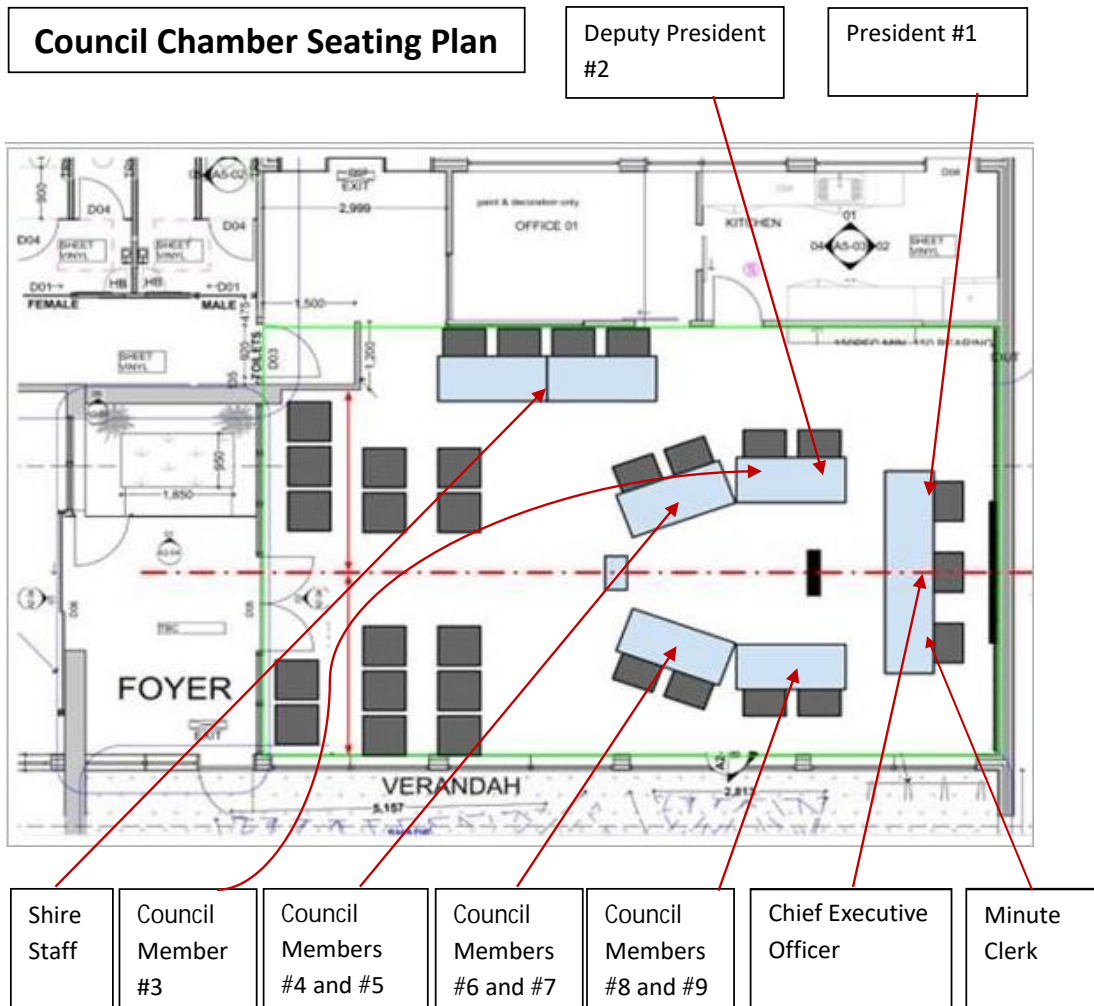
**ATTACHMENTS**

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

**RECOMMENDATION**

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\_\_\_\_\_;
  - (b) EM4 Seat: Cr\_\_\_\_\_;
  - (c) EM5 Seat: Cr\_\_\_\_\_;
  - (d) EM6 Seat: Cr\_\_\_\_\_;
  - (e) EM7 Seat: Cr\_\_\_\_\_;
  - (f) EM8 Seat: Cr\_\_\_\_\_; and
  - (g) EM9 Seat: Cr\_\_\_\_\_.





**10 URGENT BUSINESS**

**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**