



**Shire of Derby /
West Kimberley**

MINUTES

Special Council Meeting Monday, 18 October 2021

Date: Monday, 18 October 2021

Time: 5:30pm

**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, 18 OCTOBER 2021 AT 5:30PM**

- PRESENT:** Cr Geoff Haerewa, Cr Paul White, Cr Geoff Davis, Cr Andrew Twaddle, Cr Rowena Mouda, Cr Pat Riley, Cr Keith Bedford, Cr Peter McCumstie, Cr Linda Evans
- IN ATTENDANCE:** Amanda Dexter (Chief Executive Officer), Neil Hartley (Director of Strategic Business), Wayne Neate (Director Technical and Development Services), Christie Mildenhall (Acting Director of Corporate and Community Services), Sarah Smith (Executive Services Coordinator), Tania Fromont (Executive Services Administration Support)
- VISITORS:** Nil
- GALLERY:** Trent Haerewa, Sandy Haerewa, Dave Serafini, Peta Smallshaw.
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Nil
- ABSENT:** Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 5:43pm by Amanda Dexter, Chief Executive Officer.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

3.1 Declaration of Financial Interests

Nil.

3.2 Declaration of Proximity Interests

Nil.

3.3 Declaration of Impartiality Interests

Nil.

4 PUBLIC TIME

4.1 Public Question Time

Nil.

4.2 Public Statements

Nil.

5 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

AMANDA DEXTER:

Message from Dr Anne Poelina:

Would you pass on my best regards for today's swearing-in of our new Shire Council.

I look forward to working with you all and making time to connect in the near future.

Respect and Goodwill,

Anne

REPORTS**6 EXECUTIVE SERVICES****6.1 SWEARING IN/DECLARATION BY ELECTED MEMBERS - BY PETA SMALLSHAW JP****File Number: 4252****Author: Neil Hartley, Director - Strategic Business****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

All newly elected Councillors are required to undertake a declaration to office and this will occur before Justice of the Peace, Peta Smallshaw.

BACKGROUND

Each successful candidate of the election is required to make a declaration before they can act in the capacity of a councillor; or a council elected president or deputy president. This is generally called a "swearing in" ceremony and takes place at a special council meeting following the election.

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

All newly elected Councillors are required to undertake a declaration to office in accordance with the requirements of Section 2.29 of the Local Government Act 1995, section 13 of the Local Government (Constitution) Regulations 1998 and the Oaths, Affidavits and Statutory Declarations Act 2005.

In accordance with previous precedents the swearing in will be witnessed by Justice of the Peace, Peta Smallshaw.

The prescribed form will be provided to Councillors by the Chief Executive Officer at the Council meeting.

Newly elected members will be listed in alphabetical order.

ATTACHMENTS**1. Declaration by Elected Members**  

THE FOLLOWING ELECTED COUNCILLORS READ ALOUD AND SIGNED THE DECLARATION REQUIRED UNDER THE LOCAL GOVERNMENT ACT 1995, AND WERE FORMALLY SWORN IN, WITNESSED BY JUSTICE OF THE PEACE, PETA SMALLSHAW:

- 1. Cr Andrew Twaddle**
- 2. Cr Geoff Haerewa**
- 3. Cr Geoff Davis**
- 4. Cr Linda Evans**
- 5. Cr Peter McCumstie**



Form 7.

Declaration by elected member of Council [r. 13(1)(c)]

Local Government Act 1995
 Local Government (Constitution) Regulations 1998

I,.....of¹.....
 Having been elected to the office of councillor of the³ Shire of Derby\West Kimberley, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the ³ Local Government (Model Code of Conduct) Regulations 2021 under section 5.104 of the *Local Government Act 1995*.

Declared at: Derby WA	On 18/10/2021
By:	Signature
Before me:	Signature

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6.2 ELECTION AND SWEARING IN OF PRESIDENT

File Number: 4285

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

The Chief Executive Officer will preside at the meeting until the office of President is filled.

The 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, Peta Smallshaw.

BACKGROUND

The CEO will presides at the meeting until the process for the election of the president by the councillors is completed, and a declaration is made of the result, and the president has made their declaration of office.

The election of the councillor elected president must be the first matter dealt with at the first meeting of the council after the election.

The election is to be conducted in accordance with the procedure detailed in clauses 1 to 5 of Schedule 2.3 of the Act and reg. 11A to 11G of the Local Government (Constitution) Regulations 1997.

Nominations in writing before or at the meeting - Nominations must be in writing. They can be given to the CEO before the meeting or at the meeting itself after the CEO calls for nominations. The nomination period is to be sufficient to allow any nominations to be made. Councillors can nominate themselves. Confirmation that they accept the nomination (orally or in writing) must be given to the CEO if a councillor nominates another councillor. The CEO cannot accept a nomination unless the nominee has advised the CEO that he or she is willing to accept.

Method of voting - The method of voting is "*first past the post*" and is specified in clause 4(6) of Schedule 2.3. Clause 4(5) of the Schedule states that councillors are to vote by secret ballot as if they were electors voting at an election.

Issuing ballot papers and voting - the CEO is to prepare ballot papers complying with Form 10 of the Local Government (Elections) Regulations 1997.

It is appropriate to use the same method as drawing for positions on the ballot paper for candidates at an election. This involves making for each candidate a slip of paper with their name on it, placing the slips in separate hollow opaque spheres and then into a container. Following the container being shaken and rotated, a draw for ballot positions can then occur.

Council members are to vote by ticking the box opposite the name of the candidate they wish to elect.

The CEO, when issuing the ballot papers, is to initial the back of each ballot paper or ensure that it is authenticated in some other way, and should issue replacement ballot papers for any that are spoilt and write "*spoilt*" on the ballot paper.

Assistance to voters - A council member, because of an impairment or other inability to mark the ballot paper, may request the Returning Officer (Director – Strategic Business) to mark on the ballot paper the member’s vote.

Conducting the count - when ballot papers are completed, they are to be returned to the Returning Officer where they will be placed in a container, which is then shaken and rotated. Ballot papers are then removed and counted at an area away from, but in sight of, the councillors.

Overseeing the count - The counting of votes will be conducted by the Director Strategic Business (as Returning Officer) and the Director – Corporate & Community Services.

Ascertaining vote result - In accordance with the “*first past the post*” method, the councillor receiving the greatest number of votes is declared elected to the position.

Declaration and notice of result - The Chief Executive Officer will declare the result of the election at the meeting. The declaration is to include the names of the candidates and the name and term of office of the successful candidate.

Public notice of the election result in accordance with regulation 11F of the Local Government (Constitution) Regulations 1998 will follow, consistent with Form 19. A Form 20 advice to the Minister will also be completed and forwarded (via elections.dlgc.wa.gov.au).

Second election if vote tied - If two or more councillors have the most and same number of votes, the count is discontinued. The meeting is to be adjourned for not more than seven days. The person conducting the election can adjourn the meeting to later on the same day, or another day. When the meeting is resumed the election process is started afresh. Any councillor can withdraw their nomination and further nominations can be made (in writing) during the adjournment or when the meeting resumes.

Should a tied vote occur, the meeting will adjourn for a short period of time (10 to 20 minutes as declared by the CEO at the meeting) and then the meeting will resume.

Tied vote after second election - if a tied vote occurs at the resumed meeting, in accordance with Schedule 4.1 of the Act, the CEO is to draw lots to decide the matter. The draw will be conducted by the Director Strategic Business (as Returning Officer) and the Director – Corporate & Community Services.

This involves making for each candidate a slip of paper with their name on it, placing the slips in separate hollow opaque spheres and then into a container. The candidates will be shown the names on the slips of paper before they are placed in the spheres, and then into a container.

Following the container being shaken and rotated, a draw for the position of President can then occur.

Upon removing the first sphere from the container and opening it, the name on the slip of paper will be announced and the slip shown to those present. The name on the slip of paper will be verified by the Director – Corporate & Community Services before that person can be declared elected.

The other sphere(s) will then be opened and the name(s) of the unsuccessful candidate(s) displayed.

Term of office of president - the term of a president begins when the member is elected and ends when the president ceases to be a councillor, resigns from office, does not make the required

declaration of office within two months after being declared elected to that office, or when the mayor or president is next elected at or after the next ordinary elections.

Swearing in of President

The same procedure as for Item 'Swearing in/Declaration of Elected Members' applies. Justice of the Peace, Peta Smallshaw to officiate.

The Shire President will now take up the position of presiding member for the meeting.

ATTACHMENTS

1. **Schedule 2.3 Local Government Act - Division 1 - Mayors and Presidents**  
2. **Schedule 4.1 - How to count votes and ascertain the result of an election**  

The Chief Executive Officer called for nominations in writing for the position of Shire President. The following candidates were nominated:

1. **Cr Geoff Haerewa Nominated in writing by himself.**

The Chief Executive officer declared Cr Geoff Haerewa elected as President for a period of two years.

Cr Geoff Haerewa having read aloud and signed the Declaration required under the Local Government Act 1995, was formally sworn in as Shire President before Justice of the Peace, Peta Smallshaw.

Note:

Local public notice of the result of the election (complying with Form 19) will be given.

Notice to the Minister (complying with Form 20) will also be completed.

At 5:57pm Geoff Haerewa took the Chair.

Local Government Act 1995

When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council **Schedule 2.3**
Mayors and presidents **Division 1**
cl. 1

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 —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);*office* means the office of councillor mayor or president.**2. When council elects mayor or president**

- (1) The office 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 first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (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.

Local Government Act 1995**Schedule 2.3** When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council**Division 1** Mayors and presidents**cl. 5**

- (3a) 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 made to be dealt with.
- (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: 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.

Local Government Act 1995**Schedule 4.1** How to count votes and ascertain the result of an election

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

[s. 4.74]

[Heading inserted: No. 15 of 2009 s. 5.]

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
 - (a) the candidate who receives the greatest number of votes; and
 - (b) the candidate who receives the next highest number of votes; and
 - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

[Schedule 4.1 inserted: No. 15 of 2009 s. 5.]

6.3 ELECTION AND SWEARING IN OF DEPUTY PRESIDENT

File Number: 4285
Author: Neil Hartley, Director - Strategic Business
Responsible Officer: Amanda Dexter, 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, Peta Smallshaw.

BACKGROUND

The President is to determine the procedure for electing the Deputy President. However, Schedule 2.3, Division 2 of the Local Government Act 1995 sets out an acceptable procedure to follow, which is essentially the same as that for electing the President. The election is to be conducted as the next matter following the election of the President.

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

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with Schedule 4.1.

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. 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) and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the councillors are to vote again.

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

Public notice of the election result in accordance with regulation 11F of the Local Government (Constitution) Regulations 1998 will follow, consistent with Form 19. A Form 20 advice to the Minister will also be completed and forwarded if required (via elections.dlgc.wa.gov.au).

Swearing in of Deputy Shire President - The same procedure as for Item 'Election and Swearing in of Shire President' applies. Justice of the Peace, Peta Smallshaw will officiate.

ATTACHMENTS

1. **Schedule 2.3, Division 2 of the Local Government Act** [!\[\]\(5d60fe8e38bc12bfb78103fc624e324c_img.jpg\) !\[\]\(ffcc3930f6e82d7cb586237ada9d3332_img.jpg\)](#)
2. **Schedule 4.1 - How to count votes and ascertain the result of an election** [!\[\]\(643201da8ca427135d452a5259d9e20e_img.jpg\) !\[\]\(4c625d6c32d16066b13eb52e34c8435a_img.jpg\)](#)

The Shire President called for nominations in writing for the position of Deputy Shire President. The following nominations were received:

- 1. Cr Rowena Mouda (nominated in writing by herself).**
- 2. Cr Peter McCumstie (nominated in writing by himself).**

5:58: Ballot papers were drawn.

6:01pm: Ballot papers were prepared.

6:02pm: Ballot papers were distributed.

The vote was conducted by secret ballot with the Chief Executive Officer as the Returning Officer.

The Shire President declared Cr Peter McCumstie elected as Deputy Shire President for a period of two years.

Cr Peter McCumstie having read aloud and signed the Declaration required under the Local Government Act 1995, was formally sworn in as Deputy Shire President before Justice of the Peace, Peta Smallshaw.

Note:

Local public notice of the result of the election (complying with Form 19) will be given.

Notice to the Minister (complying with Form 20) will also be completed if required.

Local Government Act 1995

When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council	Schedule 2.3
Deputy mayors and deputy presidents	Division 2
	cl. 6

Division 2 — Deputy mayors and deputy presidents**6. Terms used**

In this Division —

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

office means the office of deputy mayor or deputy president.

7. When council elects 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 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.

Local Government Act 1995**Schedule 2.3** When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council**Division 2** Deputy mayors and deputy presidents**cl. 9**

- (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.
- (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: 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.

Local Government Act 1995

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

Validity of elections **Division 3**
cl. 10

- (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: No. 49 of 2004 s. 69(10).]

Division 3 — Validity of elections

[Heading inserted: No. 49 of 2004 s. 69(11).]

10. Term used: election

In this Division —

election means an election under this Schedule.

[Clause 10 inserted: No. 49 of 2004 s. 69(11).]

11. Complaints about validity of election

- (1) A councillor who is dissatisfied with the result of an election or with the way in which an election was conducted may make an invalidity complaint.
- (2) An **invalidity complaint** is a complaint that an election is invalid, or that another person should be declared elected.

[Clause 11 inserted: No. 49 of 2004 s. 69(11).]

12. Complaints to go to Court of Disputed Returns

- (1) An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.
- (2) Regulations made under section 4.81(2) apply in respect of an invalidity complaint made under this Division in so far as they are capable of being so applied.
- (3) If the court declares the election to have been invalid —
 - (a) the election is null and void; and
 - (b) any office filled at the election is vacant; and

Local Government Act 1995**Schedule 4.1** How to count votes and ascertain the result of an election

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

[s. 4.74]

[Heading inserted: No. 15 of 2009 s. 5.]

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
 - (a) the candidate who receives the greatest number of votes; and
 - (b) the candidate who receives the next highest number of votes; and
 - (c) the candidate who receives the next highest number of votes,and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

[Schedule 4.1 inserted: No. 15 of 2009 s. 5.]

6.4 BALLOT FOR SEATING ORDER FOR COUNCILLORS

File Number: 4252

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Administrative

SUMMARY

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

The Shire President will invite Councillors to take their seats after the ballot.

This report is to endorse the new seat position for the Deputy President and to endorse the balloted seat positions for individual Councillors.

DISCLOSURE OF ANY INTEREST

Nil applicable.

BACKGROUND

As has historically occurred following past elections, a ballot has been conducted by the Chief Executive Officer for the order of seating of Councillors in the Chambers.

After the election of the Shire President and Deputy Shire President, remaining Elected Members are to draw a seat from the ballot. The Shire President will invite Councillors to take their seats after the ballot.

Please see attached plan of Council Chambers seating arrangements. A suggested change for this and future years, and to coincide with the installation of the new audio/visual equipment, is to have the Deputy President seated at the same table as the President.

The Shire President, Deputy Shire President, Chief Executive Officer, Shire Staff and Minute Taker all having pre-assigned seats. Seating for Councillors are numbered as Elected Member 3 – 9.

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 elections, the CEO is to allot by random draw, a position at the Council table to each Councillor. Councillors are to occupy that seat at Council Meetings until Council resolves otherwise.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

Nil applicable.

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
Legal & Compliance: Non-compliance with the Shire's Standing Orders can result in a breach of the Code of Conduct.	Rare	Moderate	Low	Councillors to comply with ballot draw
Reputation: Non-compliance with the Shire's Standing Orders could result in negative media.	Rare	Moderate	Low	Councillors to comply with ballot draw

CONSULTATION

The process is consistent with the Shire's Standing Orders. There is no community consultation necessary on this occasion.

COMMENT

The provision of the new audio/visual equipment provides an opportunity to consider a change for this and future years' seating plans. It is suggested to have the Deputy President seated at the same table as the President (noting that historically the Deputy President has sat one seat away on the table closest to the "head table"). There are some minor advantages with these two positions being close together for the viewers of the Council Meeting, but more importantly, it better promotes those two Councillor positions as the leaders of the Council.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **Proposed Council Chamber Seating Plan**  

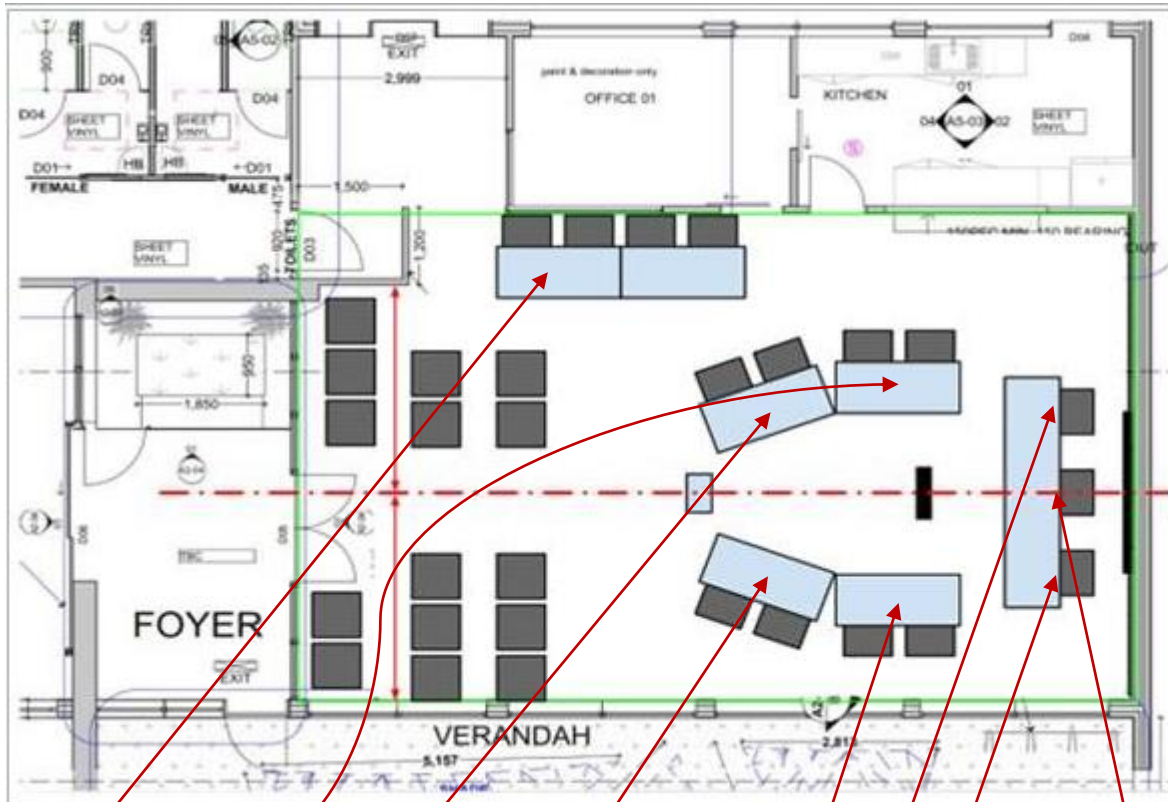
RECOMMENDATION

That Council:

1. **Endorsed the Council Chamber seating positioning for the President; Deputy President and Chief Executive Officer;**

- 2. Notes the order of Seating Ballots drawn by individual Councillors; and**
- 3. Endorses the seating positions as follows:**
 - (a) EM3 Seat: Cr Rowena Mouda;**
 - (b) EM4 Seat: Cr Andrew Twaddle;**
 - (c) EM5 Seat: Cr Paul White;**
 - (d) EM6 Seat: Cr Linda Evans;**
 - (e) EM7 Seat: Cr Pat Riley;**
 - (f) EM8 Seat: Cr Keith Bedford; and**
 - (g) EM9 Seat: Cr Geoff Davis.**

Council Chamber Seating Plan



- Shire Staff
- Elected Member s 3 and 4
- Elected Member 5 (and Guest/
- Elected Member s 6 and 7
- Elected Member s 8 and 9
- President
- Deputy President
- Chief Executive Officer (plus separate Minute Clerk seat/table to be added)

7 NEW BUSINESS OF AN URGENT NATURE

8 CLOSURE

8.1 Date of Next Meeting


The next ordinary meeting of Council will be held Thursday, 28 October 2021 in the Council Chambers, Clarendon Street, Derby.

8.2 Closure of Meeting

The Presiding Member closed the meeting at 6:14pm.

These minutes were confirmed at a meeting on

28 October 2021
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Signed: 

Presiding Person at the meeting at which these minutes were confirmed.

28 October 2021
Date: