

## Special Council Meeting

18 October 2021

# Minutes

To: The President and Councillors

Here within the Minutes of the Special Council Meeting of the Shire of Toodyay held on the abovementioned date in the Council Chambers at the Shire of Toodyay, 15 Fiennes Street, Toodyay.

The Special Meeting was convened in accordance with section 5.4(a)(i) of the *Local Government Act 1995* for the purpose of:

- Swearing in of new Elected Members;
- Election of Presiding Member and Deputy Presiding Members; and
- Table Seating arrangements

and matters related thereto.

Suzie Haslehurst  
CHIEF EXECUTIVE OFFICER





## **Our Vision, Purpose and Values**

The Shire of Toodyay works together with the community to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

**Vision:** We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.

**Purpose:** Local Government and community working together to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

**Community Values:** We value highly:

- Our sense of community support and spirit;
- Our natural environment and healthy ecosystems;
- Our rural lifestyle;
- Our historic town; and
- Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.

**Shire Values:** To progress the community's aspirations, the Shire is guided by:

***Integrity:*** We behave honestly to the highest ethical standard.

***Accountability:*** We are transparent in our actions and accountable to the community.

***Inclusiveness:*** We are responsive to the community and we encourage involvement by all people.

***Commitment:*** We translate our plans into actions and demonstrate the persistence that produces results.

## **Disclaimer**


Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken as notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

## **Availability of Meeting Agenda and its Attachments**

Information about Council Meetings is located on the website <http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at <http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Public copies are available by contacting the Shire on (08) 9574 9300.





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**ATTACHMENTS** *follow Item 7*

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## Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Special Council Meeting, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

## Unconfirmed Minutes

These minutes were approved for distribution on 22 October 2021.

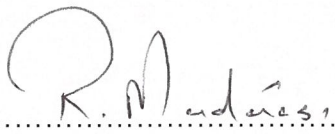


Suzie Haslehurst

**CHIEF EXECUTIVE OFFICER**

## Confirmed Minutes

These minutes were confirmed at a meeting held on 23 November 2021.

Signed: 

*Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.*



## **1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The CEO declared the meeting open at 1.03pm and read aloud an Acknowledgement of Country:

*"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."*

In accordance with 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* the Chief Executive Officer invited Mr Max Heath, JP to perform the Swearing In Ceremony and witness the Declaration of Office for the following Councillors elect:

- Charmeine Duri
- Steve McCormick
- Mick McKeown
- Danielle Wrench

## **2. RECORDS OF ATTENDANCE**

### Members

Cr R Madacsi

Cr B Ruthven

Cr C Duri

Cr P Hart

Cr S McCormick

Cr M McKeown

Cr S Pearce

Cr D Wrench

### Staff

Ms S Haslehurst

Chief Executive Officer

Mr J Augustin

Manager Assets and Services

Ms T Bateman

Manager Corporate & Community Services

Mr M Werder

Project Officer

Mr H de Vos

Acting Manager Planning & Development

Mrs M Rebane

Executive Assistant

Visitors

J Hart

C Sheehan

R Lee

M Sinclair Jones

P Ruthven

M Heath

P Robinson

H Duri

**2.1 APOLOGIES**

Nil.

**3. DISCLOSURE OF INTERESTS**

Nil.

**4. PUBLIC QUESTIONS (relating to the purpose of the meeting)**

Nil.

**5. PUBLIC SUBMISSIONS (relating to the purpose of the meeting)**

Nil.

**6. PURPOSE OF THE MEETING AND SHIRE OFFICER REPORTS**

**6.1 Election of Shire President / Deputy President and Allocation of Seats in Chambers.**

Date of Report:	15 October 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

## **PURPOSE OF THE REPORT**

To make a declaration in relation to the following:

- The election of a Shire President and Deputy President and
- The seating arrangement in Council Chambers.

## **BACKGROUND**

The Shire President and Deputy Shire President are elected by Council at the first meeting following the election. The elected Shire President will then preside over meetings, carry out civic duties and speak on behalf of the Shire and liaise with the CEO. The Deputy Shire President will carry out the functions of the President in his/her absence.

Seating arrangements are chosen at the Special Meeting that takes place after an Ordinary Election through secret ballot.

## **COMMENTS AND DETAILS**

The CEO will preside over the meeting until Elected Members have been sworn in, and the Shire President has been elected and sworn in.

Nominations will be called for the Shire President and Deputy Shire President positions and the Shire President will then preside over the remainder of the meeting.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Nil

### **Strategic:**

A key strategic outcome of the Shire of Toodyay's Strategic Community Plan 2028 is to ensure the way the Shire leads and operates and is a Council that engages with the community and provides good governance on behalf of the community.

### **Policy related:**

Nil

### **Financial:**

Nil

### **Legal and Statutory:**

The legislative reference that refers to how a Shire President is elected by the Council is part of the *Local Government Act 1995*.

**Schedule 2.3** – When and How mayors, presidents, deputy mayors and deputy presidents are elected by Council (Sections 2.11(1)(b) and 2.15).

## **2. When council elects mayor or president**

- (1) The office is to be filled as the first matter dealt with —



**Schedule 2.3 – When and How mayors, presidents, deputy mayors and deputy presidents are elected by Council (Sections 2.11(1)(b) and 2.15).**

- (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.
- (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.

**Risk related:**

The Council would be non-compliant with legislative requirements if it were to not elect a Presiding Member and Deputy Presiding Member.

**Workforce related:**

Nil



## VOTING REQUIREMENTS

Simple Majority

### DECLARATION 1

That Council Elects Cr ..... as Shire President.

### DECLARATION 2

That Council Elects Cr ..... as Deputy Shire President.

### DECLARATION 3

The seating arrangements in the Council Chambers will be as follows:

Top Table: ..... – Shire President;

Top Table: ..... – Deputy Shire President;

Seat 1 – .....

Seat 2 – .....

Seat 3 – .....

Seat 4 – .....

Seat 5 – .....

Seat 6 – .....

Seat 7 – .....

The term of the arrangement shall be until the next ordinary local government elections.

The Presiding Member called for nominations for the position of Shire President of the Council for the ensuing two (2) years.

The following nomination was received:

Cr Rosemary Madacsi nominated herself and accepted her nomination.

There being no further nominations, Cr Rosemary Madacsi was declared the Shire President of the Shire of Toodyay.

Mr Max Heath, JP, performed the Swearing in Ceremony and witnessed the Declaration of Office for Cr Madacsi as Shire President.

### DECLARATION 1

That Council Elects Cr Madacsi as Shire President.

The Shire President assumed the Chair at 1.15pm.

Nominations were called for Deputy Shire President.

Cr Ruthven nominated herself as Deputy Shire President and accepted her nomination.

There being no further nominations, Cr Beth Ruthven was declared the Deputy Shire President of the Shire of Toodyay.

Mr Max Heath, JP, performed the Swearing in Ceremony and witnessed the Declaration of Office for Cr Ruthven as Deputy Shire President.

#### **DECLARATION 2**

That Council Elects Cr Ruthven as Deputy Shire President.

The Shire President thanked Mr Max Heath, JP for officiating the Swearing in Ceremony.

Clause 7.1 of the *Shire of Toodyay Standing Orders Local Law 2008* states:

- (1) At the first meeting held after each ordinary election day:
  - (a) the CEO is to allot a position at the Council table to each Member; and
  - (b) the allotment is to be determined by the CEO by random draw.
- (2) The allotted positions remain unless and until the Council determines otherwise.
- (3) Each Member is to occupy his or her allotted position at each Council meeting.

As such, Councillors drew their positions and then took their position around the Council table.

#### **DECLARATION 3**

The seating arrangements in the Council Chambers will be as follows:

Top Table: Cr Madacsi – Shire President;  
Top Table: Cr Ruthven – Deputy Shire President;  
Seat 1 – Cr Bell;  
Seat 2 – Cr McKeown  
Seat 3 – Cr Wrench  
Seat 4 – Cr Duri  
Seat 5 – Cr McCormick  
Seat 6 – Cr Pearce  
Seat 7 – Cr Hart

The term of the arrangement shall be until the next ordinary local government elections.



## **7. CLOSURE OF MEETING**

The Shire President indicated she wished to say a few words as follows:

*“First I would like to thank the Council for their confidence to reinstate myself as Shire President and Cr Ruthven as Deputy Shire President. I hope we live up to that confidence and provide very good service to the Council and to the community. I would also like to thank the new Councillors and Cr McKeown for again stepping up. For taking the first step forward because the service to the community is, in my opinion, one of the singularly most important things we can do in our part in society. You will now find you become a person of influence and many people will approach you in your time on Council and many people will have their issues that they wish you to hear. My advice to you is remember your obligations and your oath and be open to everybody. Listen to everyone’s opinion. Do your research well and in the final analysis make sure you vote truly how you feel is best as determined from the information you receive, the advice received from administration and within the Act. In that way, we best serve the community. Keep that foremost in your mind. We are here to serve the community. Welcome on board!*

The Shire President declared the meeting closed at 1.24pm.

# DECLARATION



Administration Centre

15 Fiennes Street

PO Box 96

TOODYAY WA 6566

T (08) 9574 2258

F (08) 9574 2158

E [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

W [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)

## Form 7

[r. 13(1)(c)]

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

### Declaration by Elected Member of Council

I, <sup>1</sup> Elizabeth Ruthven,  
of <sup>2</sup> 895 Coondle West Rd, West Toodyay,

having been elected to the office of Shire President / Deputy President / Councillor, of  
the Shire of Toodyay, 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 Shire of Toodyay under section 5.104 of the *Local Government  
Act 1995*.

Declared at Shire of Toodyay, Council Chambers, on 18-10-2021

by

Elizabeth Ruthven

Before me:

Maxwell John Heath

Justice of the Peace 4629

M J Heath JP

<sup>1</sup> Insert your name.

<sup>2</sup> Insert your residential address.



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## Form 7

[r. 13(1)(c)]

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

### Declaration by Elected Member of Council

I, <sup>1</sup> ROSEMARY JUNE MADÁCSI,

of <sup>2</sup> 105 NORTH ST, WEST TOODYAY.

having been elected to the office of Shire President / Deputy President / Councillor, of the Shire of Toodyay, 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 Shire of Toodyay under section 5.104 of the *Local Government Act 1995*.

Declared at Shire of Toodyay, Council Chambers, on 18 OCTOBER 2021

by

R. Madácsi

*Maxwell John Heath*

Justice of the Peace 4629

Before me:

M. J. Heath JP

<sup>1</sup> Insert your name.

<sup>2</sup> Insert your residential address.

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## Form 7

[r. 13(1)(c)]

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

### Declaration by Elected Member of Council

I, <sup>1</sup> Danielle km Hrench,  
of <sup>2</sup> 12 Short Place Manangup,

having been elected to the office of Shire President / Deputy President / Councillor, of  
the Shire of Toodyay, 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 Shire of Toodyay under section 5.104 of the *Local Government  
Act 1995*.

Declared at Shire of Toodyay, Council Chambers, on 18/10/21

by

*Maxwell John Heath*

Justice of the Peace 4629

Before me:

<sup>1</sup> Insert your name.

<sup>2</sup> Insert your residential address.



# DECLARATION



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## Form 7

[r. 13(1)(c)]

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

### Declaration by Elected Member of Council

I, <sup>1</sup> MICHAEL MCKEOWN

of <sup>2</sup> 2027 NORTHAM - TOODYAY RD, TOODYAY

having been elected to the office of Shire President / Deputy President (Councillor) of the Shire of Toodyay, 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 Shire of Toodyay under section 5.104 of the *Local Government Act 1995*.

Declared at Shire of Toodyay, Council Chambers, on 18 / 10 / 2021

by 

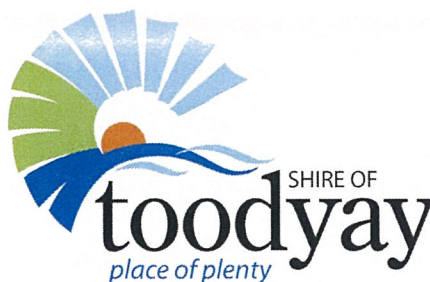
Before me: Maxwell John Heath  
Justice of the Peace 4629



<sup>1</sup> Insert your name.

<sup>2</sup> Insert your residential address.

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## Form 7

[r. 13(1)(c)]

Local Government Act 1995

Local Government (Constitution) Regulations 1998

### Declaration by Elected Member of Council

I, <sup>1</sup> Charmaine Dari .....

of <sup>2</sup> 22/188 Racecourse Road, Toodyay, .....

having been elected to the office of Shire President / Deputy President (Councillor) of the Shire of Toodyay, 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 Shire of Toodyay under section 5.104 of the *Local Government Act 1995*.

Declared at Shire of Toodyay, Council Chambers, on 18-10-2021 .....

by

.....

Before me:

.....  
Maxwell John Heath  
Justice of the Peace 4629

<sup>1</sup> Insert your name.

<sup>2</sup> Insert your residential address.

# DECLARATION



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## Form 7

[r. 13(1)(c)]

*Local Government Act 1995*

*Local Government (Constitution) Regulations 1998*

### Declaration by Elected Member of Council

I, <sup>1</sup> Steven JOHN McCormick

of <sup>2</sup> 117 Twilight Bae.

having been elected to the office of Shire President / Deputy President / Councillor, of the Shire of Toodyay, 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 Shire of Toodyay under section 5.104 of the *Local Government Act 1995*.

Declared at Shire of Toodyay, Council Chambers, on 18-10-2021

by

Maxwell John Heath

Before me:

Justice of the Peace 4629

<sup>1</sup> Insert your name.

<sup>2</sup> Insert your residential address.



