



Special Council Meeting

23 October 2023

Commencing at 1.00pm

Agenda

Notice of Meeting.

To: The President and Councillors.

A Special Council Meeting of the Shire of Toodyay will be held at the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566 on the above-mentioned date and time.

The Special Meeting of Council has been called by the Shire President.

The Special Meeting of Council is for the purpose of:

1. Swearing in new Councillors
2. Election of Shire President and Deputy Shire President
3. Allocation of seats in chamber

Suzie Haslehurst

CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **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; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

Disclaimer

Any discussion regarding a planning matter 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 a 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 can be found in the Attachments Paper on the Council website alongside this agenda.



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member is to run through the Preliminaries, and to declare the Ordinary Meeting of Council open.

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.”*

2 RECORDS OF ATTENDANCE**2.1 APOLOGIES****2.2 APPROVED LEAVE OF ABSENCE**

Nil

3 DISCLOSURE OF INTERESTS**4 PUBLIC QUESTIONS****4.1 PUBLIC QUESTION TIME****5 PUBLIC SUBMISSIONS**

6 OFFICER REPORTS**6.1 EXECUTIVE SERVICES****6.1.1 Election of Shire President and Deputy Shire President, and allocation of seats in the Council Chamber.**

Date of Report:	12 October 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG8
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Sample Declaration Form. ↓

PURPOSE OF THE REPORT

To make declarations in relation to the following:

- The election of a Shire President and Deputy President; and
- Seating arrangements in Council Chambers.

BACKGROUND

On 11 May 2023, as part of the on-going local government reform process, changes were passed by parliament relating to electoral reform to be implemented for the October 2023 elections. These included:

- Optional preferential voting.
- A popular public vote for Mayors and Presidents of larger Band 1 and 2 Local Governments.
- Abolition of wards for smaller Local Governments.
- Aligning the size of councils with the size of population of each local government area.

Optional preferential voting was implemented for all local governments in Western Australia for the elections held on 21 October 2023.

In November 2022, following a ward and representation review, Council determined to maintain the 'no wards' system and to reduce the number of councillors from nine to seven, consistent with the changes subsequently passed by parliament.

As a Band 3 local government, Toodyay was not affected by the changes to the election of mayor or president. The Shire President and Deputy Shire President are elected by Council at the first meeting following the local government ordinary elections in accordance with the

requirements of Divisions 1 and 2 of Schedule 2.3 of the *Local Government Act 1995* (the Act). The role of the elected Shire President is prescribed by s2.8 of the Act. The Deputy Shire President will carry out the functions of the President in his/her absence.

Seating arrangements are allocated at the first meeting that takes place after an Ordinary Election through secret ballot in accordance with cl 7.1 of the *Shire of Toodyay Standing Orders Local Law 2008*.

COMMENTS AND DETAILS

The CEO will preside over the meeting for the swearing in of Elected Members. The CEO will then call for nominations for the office of Shire President. Once elected and sworn in, the Shire President will call for nominations for the office of Deputy Shire President and will preside over the remainder of the meeting.

Justice of the Peace Mr Max Heath will conduct the swearing in ceremonies.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance

O9.1 Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

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).

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.*
- (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 not to elect a Presiding Member and Deputy Presiding Member.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

DECLARATION 1

That Council elects Cras Shire President

DECLARATION 2

That Council Elects Cras Deputy Shire President.

DECLARATION 3

The seating arrangements in the Council Chambers will be as follows until the next local government ordinary elections:

Top Table: Cr..... – Shire President

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

Seat 1 – Cr.....

Seat 2 – Cr.....

Seat 3 – Cr.....

Seat 4 – Cr.....

Seat 5 – Cr.....



Declaration by Elected Member of Council

Form 7 [reg.13(1)(c)] - Local Government Act 1995
Local Government (Constitution) Regulations 1998

I ¹: _____
(Insert your name)

of ²: _____
(Insert your residential address)

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:

By:

Before me:

25/10/2022

Declaration by Elected Member of Council (Form 7)

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7 CLOSURE OF MEETING

