



## Special Council Meeting

23 October 2023

# Minutes

To: The President and Councillors.

Here within are the Minutes of the Special Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

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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Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following a Special Meeting of Council, 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 25 October 2023.



Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 25 October 2023.

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 Chief Executive Officer declared the meeting open at 1.06pm 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."*

The Shire President read through other preliminaries.

## 2 RECORDS OF ATTENDANCE

### Members

Cr S Dival	Councillor
Cr C Duri	Councillor
Cr R Madacsi	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Councillor
Cr J Prater	Councillor
Cr D Wrench	Councillor

### Staff

Ms S Haslehurst	Chief Executive Officer
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Ms T Bateman	Executive Manager Corporate and Community Services
Mr H de Vos	Executive Manager Development and Regulation
Mrs M Rebane	Executive Assistant

### Visitors

T Copley	B Copley	J Prater
M Heath	B Keens	R Mills
T Chitty	M Sinclair-Jones	

### 2.1 APOLOGIES

Nil

### 2.2 APPROVED LEAVE OF ABSENCE

Nil

### 3 DISCLOSURE OF INTEREST

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

### 4 PUBLIC QUESTIONS

#### 4.1 PUBLIC QUESTION TIME

Nil.

### 5 PUBLIC SUBMISSIONS

Nil.

### 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. <a href="#">⇒</a>

### 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***

*09.1 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



The CEO advised that Cr Madacsi had provided a written nomination prior to the meeting. The CEO called for further nominations.

Cr Dival nominated Cr McKeown.

Cr McKeown accepted the nomination.

Ballot papers were circulated.

**DECLARATION 1**

That Council elects Cr McKeown as Shire President

Cr McKeown was sworn in as Shire President and assumed the chair at 1.14pm.

Cr McKeown called for nominations for the Deputy Shire President position.

Cr Prater nominated Cr Dival.

Cr McCormick nominated Cr Madacsi.

Cr Madacsi did not accept the nomination.

There being no further nominations, a declaration was made.

**DECLARATION 2**

That Council Elects Cr Dival as Deputy Shire President.

Cr Dival was sworn in and assumed her position at the top table.

**DECLARATION 3**

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

Top Table 1: Cr McKeown– Shire President

Top Table 2: Cr Dival– Deputy Shire President

Seat 3 – Cr Wrench

Seat 4 – Cr Duri

Seat 5 – Cr Madacsi

Seat 6 – Cr Prater

Seat 7 – Cr McCormick

**7 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 1.20pm.