



## **SHIRE OF RAVENSTHORPE**

### **MINUTES**

**Special Meeting of Council held in the Council Chambers,  
Ravensthorpe, on Monday,  
14<sup>th</sup> March 2016 Commencing at 10.47am**

**SPECIAL MEETING OF COUNCIL**

TO BE HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE,  
MONDAY 14<sup>th</sup> MARCH 2016 AT 10.47AM

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**EXTRACT FROM LOCAL GOVERNMENT ACT 1995**

**5.5. CONVENING COUNCIL MEETINGS**

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
  
- (2) **The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.**

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

10.47am – the presiding person, Cr Dunlop, declared the meeting open.

**2. RECORD OF ATTENDANCE**

MEMBERS: Cr Keith Dunlop Shire President  
Cr Kerry Dickinson  
Cr Sharyn Gairen  
Cr Ken Norman  
Cr Peter Smith

STAFF: Ian Fitzgerald (Chief Executive Officer)  
Jenny Goodbourn (A/Manager Corporate & Community Services)  
Portia Ridout (Executive Assistant)

APOLOGIES:

NIL

ON LEAVE OF ABSENCE:

Cr Ian Goldfinch

ABSENT:

NIL

VISITORS:

Don Lansdown

Jamie Patterson – Police Sergeant – out at 11.20am

**3. PUBLIC QUESTION TIME**

NIL

**4. DISCLOSURE OF INTEREST**

NIL

## 5. ELECTION OF DEPUTY PRESIDENT

### EXTRACT FROM LOCAL GOVERNMENT ACT 1995

#### ***When the council elects the 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.*

#### **How the deputy mayor or deputy president is elected**

- The council is to elect a councillor (other than the mayor or president) to fill the office.
- 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.
- 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.
- 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.
- 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.
- The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- 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.

- 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.

#### **Votes may be cast a second time**

- 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.
- Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- 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.
- 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.

***Cr Kerry Dickinson, Cr Ken Norman and Cr Peter Smith nominated for the position of Deputy Shire President.***

***An election was conducted by the CEO, Cr Smith was declared elected and was sworn in by Mr Ian Fitzgerald JP.***

#### **10.52am – Sergeant Jamie Patterson**

The Sargent gave a brief update on what had been happening over the past month with the Police in Hopetoun and Ravensthorpe.

#### **11.20am – Sergeant Jamie Patterson withdrew from the meeting**

<b>6 ELECTION OF REPLACEMENT DELEGATES</b>
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**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 6 March 2016**Author:** Ian Fitzgerald – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** None**Summary:**

Council appoints delegates to local groups and organisations every two years (election year) and this was completed at the October 2015 Special Council meeting.

This report recommends that Council elect replacement delegates to roles held by the previous Deputy President, Councillor Kelton.

**Background:**

Council elected delegates for the 2015 – 2017 period in October 2015.

**Comment:**

With the recent resignation of Deputy President Councillor Kelton, Council needs to appoint new delegates to the following roles:

<b>Community Group</b>	<b>Delegate</b>
Community Liaison Committee	Shire President & Deputy President Proxy
Fitzgerald River National Park	Cr Dickinson & Cr Gairen (Proxy)
Ravensthorpe Community Child Care	Cr Dickinson
Development Assessment Panel	Cr Gairen & Cr Dickinson Cr Smith (Proxy) second proxy to be decided after extraordinary election
DIAP (Disability Access Inclusion Plan)	Cr Gairen & Cr Norman
Ravensthorpe Heavy Haulage Route Ref Group	Shire President Cr Smith & Cr Gairen

**Note:** Councillors are required to determine delegates and adopt same with one resolution.

**Consultation:**

Not applicable.

**Statutory Obligations:**

Nil

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Nil

**Strategic Implications:**

Nil

**Sustainability Implications:**

- **Environmental:**  
There are no known significant environmental considerations.
- **Economic:**  
There are no known significant economic considerations.
- **Social:**  
There are no known significant social considerations.

**Voting Requirements:**

Simple majority

COUNCIL DECISION	ITEM 6.1.1
Moved: Cr Dickinson	Seconded: Cr Smith
That delegates to Committee Groups and Organisations, as listed in this report be adopted.	
Carried: 5/0	Res: 19/16



**7 EXTRAORDINARY ELECTION****File Ref:****Applicant:****Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 13 July, 2015**Author:** Ian Fitzgerald – Chief Executive Officer**Authorising Officer:** Not applicable**Attachments:** Yes – proposed election timetable

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**Summary:**

Councillor Kelton submitted her resignation from Council effective Friday 26<sup>th</sup> February and there is a need to hold an extraordinary election to fill the vacancy.

Council has in the past held elections as a postal vote election conducted by the WA Electoral Commission. An estimated cost of \$8500 including GST has been provided by the WA Electoral Commission.

**Background:**

Councillor Kelton's term of Office was due to expire in October 2017 and timing of her resignation does not allow for the vacancy to be held over to the 2017 elections.

**Comment:**

As more than 100 days has expired since the last election it is a requirement to call for enrolments to go onto the official electoral roll – this has the effect of delaying the date the election can be held.

Council can either conduct the election as a postal election with the WA Electoral Commission or run it as an in-person election themselves. As stated above the estimate for the WA Electoral Commission to run the election is \$8,500 – an in person election would cost in the order of an estimated \$3,000. The Chief Executive Officer can be appointed as Returning Officer for an in-person election but will not be appointed by the WA Electoral Commission to this role for a postal election.

The WA Electrol Commission has agreed to be responsible for the conduct of the extraordinary election provided it is held as a postal election.

With Council meeting on 14<sup>th</sup> March 2016 to discuss the conduct of the election it is proposed that the Election Day be set as Friday 3 June 2016 – setting it as a Friday reduces staff costs should an election be necessary. If there is only one nomination for the vacancy the result can be declared on Wednesday 27<sup>th</sup> April 2016.

If the Shire of Ravensthorpe wishes to have the election conducted as a postal election, council will now need to pass the following two motions by absolute majority:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electrol Commissioner to be responsible for the conduct of the extraordinary election; and
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

**Consultation:**

WA Electrol Commission

**Statutory Obligations:**

Local Government Act 1995 – section 4.61

**Policy Implications:**

N/A

**Budget / Financial Implications:**

The current budget made a provision of \$15,000 for the conduct of the 2015 elections. \$9,560 of this was spent leaving a balance of \$5,440 – short fall of the estimated cost of \$8,500. The bulk of the shortfall can be met with the savings on members sitting fees and allowance whilst the position is vacant.

**Strategic Implications:**

Nil

**Sustainability Implications:**

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

**Voting Requirements:**

Simple majority

COUNCIL DECISION	ITEM 7
Moved: Cr Norman	Seconded: Cr Smith
<ol style="list-style-type: none"> <li>1. Declare, in accordance with section 4.20(4) of the <i>Local Government Act 1995</i>, the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and</li> <li>2. Decide, in accordance with section 4.61(2) of the <i>Local Government Act 1995</i> that the method of conducting the extraordinary election will be as a postal election.</li> <li>3. Set the date for the holding of the extraordinary election on Friday 3<sup>rd</sup> June 2016.</li> </ol>	
Motion was lost 2/3	

COUNCIL DECISION	ITEM 7
Moved: Cr Dickinson	Seconded: Cr Gairen
<ol style="list-style-type: none"> <li>1. That the Shire of Ravensthorpe will conduct the extraordinary election; and the method will be an in person election</li> <li>2. Set the date for the holding of the extraordinary election on Friday 3<sup>rd</sup> June 2016.</li> </ol>	
Carried: 4/1	Res: 20/19

**8. MATTERS BEHIND CLOSED DOORS**

NIL

**9. CLOSURE OF MEETING – 11.32AM**

These minutes were confirmed at the meeting of the \_\_\_\_\_

Signed: \_\_\_\_\_  
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: \_\_\_\_\_