

SPECIAL COUNCIL MEETING

AGENDA



For a Special Meeting of Council to be held on

24 OCTOBER 2023

Dear Council Member,

A Special Meeting of the Shire of Cranbrook Council will be held on Tuesday, 24 October 2023 at the Shire of Cranbrook Council Chambers commencing at 6pm.

Business will be:

- Election of Shire President
- Election of Deputy Shire President
- Appointment of Committees and Council Representatives



Linda Gray
CHIEF EXECUTIVE OFFICER

CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2.	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	4
3.	PUBLIC QUESTION TIME.....	4
4.	ELECTION OF SHIRE PRESIDENT.....	4
5.	ELECTION OF DEPUTY SHIRE PRESIDENT.....	7
6.	APPOINTMENT TO COMMITTEES.....	8
6.1	AUDIT COMMITTEE – to comply with section 7.1A of the Local Government Act 1995.....	8
6.2	BUSH FIRE ADVISORY COMMITTEE – Established under the Bush Fires Act.....	8
6.3	DELEGATES AND REPRESENTATIVES.....	9
7.	SEATS TO BE OCCUPIED AT COUNCIL MEETINGS Error! Bookmark not defined.	
8.	CLOSURE OF MEETING.....	10

DISCLAIMER

This agenda has yet to be dealt with by the Council. The recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Cranbrook for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Cranbrook disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Cranbrook during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Cranbrook.

The Shire of Cranbrook advises that anyone who has any application lodged with the Shire of Cranbrook must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Cranbrook in respect of the application.

The Shire of Cranbrook advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.



AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chief Executive Officer, Ms Linda Gray, by virtue of the provisions of the Local Government Act 1995, presides at this Meeting and will declare the meeting open at ____pm. The Chief Executive Officer will alert the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

ATTENDANCE

Councillors

Cr RW (Robert) Johnson
Cr PW (Peter) Slater
Cr P (Perin) Mulcahy
Cr G (George) Pollard
Cr LM (Lee) Casson
Cr DM (Daisy) Egerton-Warburton
Cr P (Peter) Denton

Chief Executive Officer
Manager of Finance
Executive Officer

Ms LA (Linda) Gray
Mrs D (Diana) Marsh
Miss JL (Jo) Scott

Members of the Public

2.1 LEAVE OF ABSENCE

2.2 APOLOGIES

3. PUBLIC QUESTION TIME

Please note that in accordance with the provisions of the Local Government Act 1995, and Regulations, that the only questions which may be asked and answered, at a Special Council Meeting are those which relate to the purpose and business of the Special Council meeting.

4. ELECTION OF SHIRE PRESIDENT

Background

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

The term of the positions is for 2 years (until the next ordinary election).

Comment

The process of election is effectively the same, as the process for election of a Council Member, except that there are different ways of dealing with a tied vote for the offices.

The CEO is to preside at the meeting until the Office of President is filled. Once a Council Member has been elected as President and completed the Declaration, the President is to assume the Chair.

The Process of electing the Shire President.

The CEO, in presiding at the Special Council meeting will:

- invite nominations from Council Members for the position of Shire President - nominations may be provided, in writing to the CEO, in advance of the meeting, and at any time up to when the CEO advises that nominations close (Sch 2.3 LGA)
- if a Council Member nominates another Council Member to be President, the latter must accept the nomination, orally, or in writing to the CEO (Sch 2.3 LGA)
- at the close of nominations, the CEO is to announce the nominations for the office of Shire President - if only one candidate, then the CEO is to announce that candidate is elected unopposed, if more than nomination the CEO is to announce that an election will be held (Sch 4.1 LGA):
 - the CEO is then to write the name of each candidate on a piece of paper – it may be in alphabetical order or some other order, which is fair to all candidates (Reg 11 Const Regs)
 - the CEO must initial the back of each ballot paper (Sch 11b Const Regs)
 - the CEO will advise that the election will be conducted as though it were an election for Council Members, in that each Council Member may vote 1, or more preferences on the ballot paper, or mark against the name of the candidate for whom they wish to vote (Reg 11 Const Regs) and that although it is to be conducted as a secret ballot, the results of the election will be announced
 - if a Council Member makes an error, they may request a replacement ballot paper and the CEO shall provide it, and endorse “spoilt” on the original ballot paper (Reg 11C Const Regs)
 - the CEO will advise that each Council Member has only 1 vote, but may express their preferences by voting 1,2 etc and the result will be determined on a “Optional Preferential Voting” basis, with the candidate who receives an Absolute Majority, or if because it is not possible when preferences are distributed because of exhausted votes, then whichever candidate has the most votes, being declared the successful candidate (Sch 4.1 LGA)
 - Having counted the ballot papers cast, the CEO shall announce the results and if the CEO ascertains that a candidate achieved an absolute majority, or after distribution of preferences, has done so, or if not possible but has polled more votes than any other candidate, that person shall be declared elected Shire President
- If having counted the ballot papers cast, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and that the count is to be discontinued and the Special Council meeting will be adjourned for up to 7 days (Sch 2.3 LGA) - note - the CEO could determine that reconvened Special Council meeting is to be held 30 mins after the closure of the current Special Council meeting.
- If at the subsequent Special Council meeting, having followed all the procedures for a fresh election, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and shall proceed to draw lots between the tied candidates, to determine the result of the election.

- The Council Member elected Shire President shall make the required declaration (Form 7).
- The CEO will give Local Public Notice of the results of the election using Form 19.
- The CEO will advise the Minister of the results of the election using Form 20.

Statutory Implications:

Various provisions exist in the Local Government Act 1995, the Local Government (Constitution) Regulations 1999 and the Local Government (Elections) Regulations 1997 dealing with how the offices of President and Deputy President are filled, and they are summarised above.

Officer Recommendation:

That Council congratulate Councillor _____, on being elected Shire President (for the next two years)

5. ELECTION OF DEPUTY SHIRE PRESIDENT
The Process of electing the Deputy Shire President.

Having made the declaration, as President, the Shire President will take the Presiding Member chair for the election of the Deputy Shire President (or if the Shire President is unable, or unwilling to do so, then the CEO shall do so – Sch 2.3 LGA).

The Shire President, as Presiding Member, will:

- invite nominations from Council Members for the position of Deputy Shire President - nominations may be provided, in writing, in advance of the meeting, and at any time up to when the Shire President advises that nominations close (Sch 2.3 LGA)
- if a Council Member nominates another Council Member to be Deputy Shire President, then latter must accept the nomination, orally, or in writing to the CEO (Sch 2.3 LGA)
- at the close of nominations, the Shire President is to announce the nominations for the office of Deputy Shire President - if only one candidate, then the Shire President is to announce that candidate is elected unopposed, if more than nomination the Shire President is to announce that an election will be held (Sch 4.1 LGA)
- the Shire President may direct the CEO to conduct the election (Sch 2.3 LGA) and if so:
 - the CEO is then to write the name of each candidate on a piece of paper – it may be in alphabetical order or some other order, which is fair to all candidates (Reg 11 Const Regs)
 - the CEO must initial the back of each ballot paper (Sch 11b Const Regs)
 - the CEO will advise that the election will be conducted as though it were an election for Council Members, in that each Council Member may vote 1, or more preferences on the ballot paper, or mark against the name of the candidate for whom they wish to vote (Reg 11 Const Regs) and that although it is to be conducted as a secret ballot, the results of the election will be announced
 - if a Council Member makes an error, they may request a replacement ballot paper and the CEO shall provide it, and endorse “spoilt” on the original ballot paper (Reg 11C Const Regs)
 - the CEO will advise that each Council Member has only 1 vote, but may express their preferences by voting 1,2 etc and the result will be determined on a “Optional Preferential Voting” basis, with the candidate who receives an Absolute Majority, or if because it is not possible when preferences are distributed because of exhausted votes, then whichever candidate has the most votes, being declared the successful candidate (Sch 4.1 LGA)
 - Having counted the ballot papers cast, the CEO shall announce the results and if the CEO ascertains that a candidate achieved an absolute majority, or after distribution of preferences, has done so, or if not possible but has polled more votes than any other candidate, that person shall be declared elected Deputy Shire President
- If having counted the ballot papers cast, the CEO ascertains that there is an equality of votes between 2, or more candidates, the CEO will announce the result is a tie and that the count is to be discontinued and that a fresh Special Council meeting must be held within 7 days (Sch 2.3 LGA) - note - the CEO could determine that the fresh Special Council meeting is to be called 30 mins after the closure of the current Special Council meeting.
- If at the fresh Special Council meeting, having followed all the procedures for a fresh election, the CEO ascertains that there is an equality of votes between 2, or more

candidates, the CEO will announce the result is a tie and shall proceed to draw lots between the tied candidates, to determine the result of the election.

- The Council Member elected Shire Deputy President shall make the required declaration (Form 7).
- The CEO will give Local Public Notice of the results of the election using Form 19.
- The CEO will advise the Minister of the results of the election using Form 20.

Statutory Implications:

Various provisions exist in the Local Government Act 1995, the Local Government (Constitution) Regulations 1999 and the Local Government (Elections) Regulations 1997 dealing with how the offices of President and Deputy President are filled, and they are summarised above.

That Council congratulate Councillor _____, on being elected Deputy Shire President (for the next two years)

6. APPOINTMENT TO COMMITTEES

Council Committees must now be reviewed and Committee members appointed in accordance with Sections 5.8, 5.9, 5.10 and 5.11 of the *Local Government Act 1995*.

Councillors are advised of their entitlement to be a member of at least one Committee (Section 5.10(2)). In the event that there are more nominations than positions on committees an election to the committee will be undertaken by the Chief Executive Officer.

The Council has two committees being the Audit Committee and Bush Fire Advisory Committee. The Council also has representation on various external committees and groups.

6.1 AUDIT COMMITTEE – to comply with section 7.1A of the Local Government Act 1995

The Audit committee is a committee that the Council is required by legislation to have in place. In previous years all Councillors have been appointed to the Audit Committee. The Council have the option to appoint all Council members or reduce the numbers.

Officer Recommendation

That the following Councillors be appointed to the Shire of Cranbrook Audit Committee:

6.2 BUSH FIRE ADVISORY COMMITTEE – Established under the Bush Fires Act

Current Membership – Cr Beech, proxy Cr Johnson, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer/s, Captain of each Bush Fire Brigade x 12, Secretary of each Bush Fire Brigade x 12.

Officer Recommendation

That:

1. Cr _____ be appointed as delegate to the Shire of Cranbrook Bush Fire Advisory Committee; and
2. Cr _____ be appointed as proxy delegate to the Shire of Cranbrook Bush Fire Advisory Committee.

6.3 DELEGATES AND REPRESENTATIVES

The following table lists the current Council delegates and representatives that are on external Committees and groups set up other than by Council.

WALGA ANNUAL GENERAL MEETING VOTING DELEGATES:	Shire President, Deputy Shire President
WALGA ANNUAL CONFERENCE: (Council Policy can authorise other Councillors attendance)	Shire President, Deputy Shire President
GREAT SOUTHERN ZONE OF WALGA: <i>Meets quarterly</i>	Shire President, Deputy Shire President
SOUTHERN LINK VROC: <i>Meets quarterly</i>	Shire President, Deputy Shire President
LOCAL EMERGENCY MANAGEMENT COMMITTEE: <i>Meets three times a year</i>	Shire President
GREAT SOUTHERN TREASURES: <i>Meets every second month</i>	Cr Slater, proxy Cr Mulcahy
LOWER GREAT SOUTHERN PLANTATION FIRE ADVISORY COMMITTEE: <i>Meets annually prior to bush fire season</i>	Chief Bushfire Control Officer Cr Beech, proxy Cr Quick
GILLAMII CENTRE: <i>Meets quarterly</i>	Cr Horrocks, proxy Cr Pollard
GREAT SOUTHERN REGIONAL ROAD GROUP: <i>Meets quarterly</i>	Cr Pollard, proxy Cr Horrocks
ECONOMIC DEVELOPMENT WORKING GROUP: <i>No formal meeting arrangements</i>	Full Council
GREAT SOUTHERN RECREATION ADVISORY GROUP: <i>Meets three times a year</i>	Cr Casson, proxy Cr Egerton-Warburton
SOUTHERN AG-CARE: <i>Meets on an ad hoc basis</i>	Cr Slater
GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL: <i>Meets on an ad hoc basis</i>	Cr Johnson, Cr Beech proxies Cr Casson Cr Slater
TUNNEY LCDC: <i>Meets annually</i>	Cr Johnson
NEIGHBOURHOOD WATCH: <i>No formal meeting arrangements</i>	Cr Slater
ROADWISE: <i>No formal meeting arrangements</i>	Cr Slater
LAKE POORRARECUP WORKING GROUP: <i>No formal meeting arrangements</i>	Cr Beech, proxy Cr Egerton-Warburton
CRANBROOK DISTRICT MOTORCYCLE CLUB STEERING COMMITTEE:	Cr Horrocks, Proxy Cr Egerton-Warburton
SENIORS ADVISORY GROUP: <i>Meets quarterly</i>	Cr Slater, proxy Cr Quick
DARWINIA COTTAGES CRANBROOK COMMITTEE:	Cr Slater, proxy Cr Horrocks
CEO PERFORMACE REVIEW PANEL	Shire President Cr Slater, Cr Mulcahy

Officer Recommendation

That the appointment of delegates to outside organisations and community groups be as follows:

WALGA ANNUAL GENERAL MEETING VOTING DELEGATES	Shire President, Deputy Shire President
WALGA ANNUAL CONFERENCE (Council Policy can authorise other Councillors)	Shire President, Deputy Shire President
GREAT SOUTHERN ZONE OF WALGA	Shire President, Deputy Shire President
SOUTHERN LINK VROC	Shire President, Deputy Shire President
LOCAL EMERGENCY MANAGEMENT COMMITTEE	Shire President
GREAT SOUTHERN TREASURES	Cr _____, proxy Cr _____
LOWER GREAT SOUTHERN PLANTATION FIRE ADVISORY COMMITTEE	Chief Bushfire Control Officer Cr _____, proxy Cr _____
GILLAMII CENTRE	Cr _____, proxy Cr _____
GREAT SOUTHERN REGIONAL ROAD GROUP	Cr _____, proxy Cr _____
ECONOMIC DEVELOPMENT WORKING GROUP	Full Council
GREAT SOUTHERN RECREATION ADVISORY GROUP	Cr _____, proxy Cr _____
SOUTHERN AG-CARE	Cr _____
GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL	Cr _____, Cr _____ proxies Cr _____, Cr _____
TUNNEY LCDC	Cr _____
NEIGHBOURHOOD WATCH	Cr _____
ROADWISE	Cr _____
LAKE POORRARECUP WORKING GROUP	Cr _____, proxy Cr _____
CRANBROOK DISTRICT MOTORCYCLE CLUB STEERING COMMITTEE	Cr _____, proxy Cr _____
SENIORS ADVISORY GROUP	Cr _____, proxy Cr _____
DARWINIA COTTAGES CRANBROOK COMMITTEE	Cr _____, proxy Cr _____
FRANKLAND RIVER COMMUNITY FACILITY COMMITTEE	Cr _____, proxy Cr _____
CEO PERFORMANCE REVIEW PANEL	Cr _____, Cr _____

7. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr _____ will declare the meeting closed at ____pm.