



EAST PILBARA SHIRE COUNCIL

AGENDA

SPECIAL COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
SPECIAL Meeting of the Council will be held,
in Council Chambers, Newman,
12.30pm, FRIDAY, 22 OCTOBER 2021.

Steven Harding
CHIEF EXECUTIVE OFFICER



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara 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 or 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 any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara 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 East Pilbara in respect of the application.

Signed: _____
Steven Harding
Chief Executive Officer



Shire of EAST
Pilbara
THE HEART OF THE PILBARA

11 October 2021

Mr Steven Harding
Chief Executive Officer
Shire of East Pilbara
PMB 22
NEWMAN WA 6753

Dear Mr Harding

NOTICE PURSUANT TO SECTION 5.4(a)(i) – SPECIAL MEETING OF COUNCIL

Pursuant to section 5.4(a)(i) of the *Local Government Act 1995*, I give notice of a Special Meeting of the Council to be convened on Friday, 22 October 2021 to commence at 12.30 pm.

The purpose of the Special Meeting is to consider the following matters:

- Declaration (swearing in) of new Councillors;
- Election of Shire President;
- Election of Deputy Shire President; and
- Confirmation of Councillor Seating Arrangements.

Yours sincerely

Anthony Middleton
Shire President

Disclosure of Financial, Proximity and Impartiality Interests

Sections 5.65, 5.70 and 5.71 of the Local Government Act 1995

<i>This form must be used by councillors, committee members and officers to disclose an interest in a matter in accordance with ss5.65, 5.71 and 5.71 of the Local Government Act 1995</i>	
Name	
Position	
Date of Meeting	
Type of Meeting	Council / Committee / Corporation Information / Workshop
Interest Disclosed	
Item Number and Title	
Nature of Interest	
Type of Interest	Financial / Proximity / Impartiality
How I will manage the conflict of interest	<input type="checkbox"/> Leave the room and take no part in the discussion <input type="checkbox"/> Make Impartiality Interest statement that I will consider the item on its merits and vote accordingly
Interest Disclosed	
Item Number and Title	
Nature of Interest	
Type of Interest	Financial / Proximity / Impartiality
How I will manage the conflict of interest	<input type="checkbox"/> Leave the room and take no part in the discussion <input type="checkbox"/> Make Impartiality Interest statement that I will consider the item on its merits and vote accordingly

Signed: _____ Date: ____/____/____

When disclosing an **Impartiality Interest**, you must make the following declaration prior to consideration and discussion of the item:

"In relation to Agenda Item ____ (read item number and title), I disclose that I have an impartiality interest because _____ (state the nature of the interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCE

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE

3 SWEARING IN OF COUNCILLORS

Section 2.29 of the *Local Government Act 1995* and regulation 13 of the *Local Government (Constitution) Regulations 1998* requires a person elected to the office of Councillor to make a declaration in the prescribed form before acting in that office. The declaration must be made before an Authorised Person under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

The declaration will be made on the prescribed form, which will be provided to newly elected Councillors prior to the making of the declaration.

4 ELECTION OF SHIRE PRESIDENT

Schedule 2.3, Division 1 of the *Local Government Act 1995* requires that an election be conducted for the position of Shire President as the first item of business at the first meeting of Council following an ordinary local government election.

The Chief Executive Officer is to preside at the meeting until the office of Shire President is filled and is to act as Returning Officer for the electoral process.

The election must be conducted by the Chief Executive Officer in accordance with the prescribed procedure.

The election will be conducted as follows:

1. Nomination forms have been previously provided to all Councillors to assist with the election process and, where possible, should be lodged with the Chief Executive Officer prior to the commencement of the meeting. The Chief Executive Officer will, however, announce the closing time for the submission of nominations at the commencement of the meeting and will continue to receive nomination forms up until that time.
2. If a Councillor is nominated by another Councillor, then the Chief Executive Officer is not to accept the nomination unless the nominee has confirmed to the Chief Executive Officer, either verbally or in writing, that he or she is willing to be nominated for the office.

3. If more than one nomination is received, then Councillors will be required to vote on the matter by secret ballot, as if they were electors voting at an election. Positions on the ballot paper will be drawn at the meeting and ballot papers will be compiled and distributed at that time.

Councillors will be asked to indicate their vote by placing a tick against the name of their preferred candidate as shown on the ballot paper and to place their completed ballot paper in the ballot box provided.

4. Once all votes have been cast, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast at an election.
5. As soon as is practicable after the result of the election is known, the Chief Executive Officer will declare and give notice of the result.
6. If there is an equality of votes between two or more candidates who are the only candidates in, or remaining in the count, the count is to be discontinued and the meeting adjourned for not more than seven (7) days. At the resumption of the meeting, the voting process will recommence.
7. At this point, any nomination previously submitted may be withdrawn and new nominations will be received by the Chief Executive Officer up to a specified time.
8. If there is still more than one nomination for the position then Councillors will be required to vote again by secret ballot. New ballot papers will be prepared and distributed at that time and Councillors will be asked to indicate their vote by placing a tick against the name of their preferred candidate as shown on the ballot paper and to place their completed ballot paper in the ballot box provided.
9. Once all votes have been cast for a second time, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast in an election.
10. If there is still an equality of votes following the second count, then in accordance with Schedule 4.1 of the *Local Government Act 1995* and Regulation 77A of the *Local Government (Election) Regulations 1997*, the Chief Executive Officer will draw lots to determine which candidate is elected.

The result will be declared by the Chief Executive Officer. The successful candidate will be called upon to make their declaration of office in accordance with s2.29 of the *Local Government Act 1995* and regulation 13 of the *Local Government (Constitution) Regulations 1998*, and will then assume the Chair as Presiding Member for the remainder of the meeting.

5 ELECTION OF DEPUTY SHIRE PRESIDENT

Schedule 2.3, Division 2 of the *Local Government Act 1995* requires that an election be conducted for the position of Deputy Shire President as the next item of business after the election of the Shire President at the first meeting of Council following an ordinary local government election.

The Chief Executive Officer is to preside at the meeting until the office of Shire President is filled and is to act as Returning Officer for the electoral process.

The election must be conducted by the President, (the Chief Executive Officer conducts the election in the absence of the President) in accordance with the prescribed procedure.

The election will be conducted as follows:

1. Nomination forms have been previously provided to all Councillors to assist with the election process and, where possible, should be lodged with the Chief Executive Officer prior to the commencement of the meeting. The Chief Executive Officer will, however, announce the closing time for the submission of nominations at the commencement of the meeting and will continue to receive nomination forms up until that time.
2. If a Councillor is nominated by another Councillor, then the Chief Executive Officer is not to accept the nomination unless the nominee has confirmed to the Chief Executive Officer, either verbally or in writing, that he or she is willing to be nominated for the office.
3. If more than one nomination is received, then Councillors will be required to vote on the matter by secret ballot, as if they were electors voting at an election. Positions on the ballot paper will be drawn at the meeting and ballot papers will be compiled and distributed at that time. Councillors will be asked to indicate their vote by placing a tick against the name of their preferred candidate as shown on the ballot paper and to place their completed ballot paper in the ballot box provided.
4. Once all votes have been cast, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast at an election.
5. As soon as is practicable after the result of the election is known, the person conducting the election will declare and give notice of the result.
6. If there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count is to be discontinued and, not more than 7 days later, a special meeting of the Council is to be held.
7. Any nomination previously submitted may be withdrawn and new nominations made before the special meeting is held.

If there is still more than one nomination for the position then Councillors will be required to vote again by secret ballot. New ballot papers will be prepared and distributed at that time and Councillors will be asked to indicate their vote by placing a tick against the name of their preferred candidate as shown on the ballot paper and to place their completed ballot paper in the ballot box provided.

8. Once all votes have been cast for a second time, the ballot box will be opened, all votes counted and the successful candidate determined as if those votes were votes cast in an election.
9. If there is still an equality of votes following the second count, then in accordance with Schedule 4.1 of the Local Government Act 1995 and Regulation 77A of the Local Government (Election) Regulations 1997, the person conducting the election will draw lots to determine which candidate is elected.
10. The result will be declared by the person conducting the election.

6 ALLOCATION OF COUNCILLOR SEATING

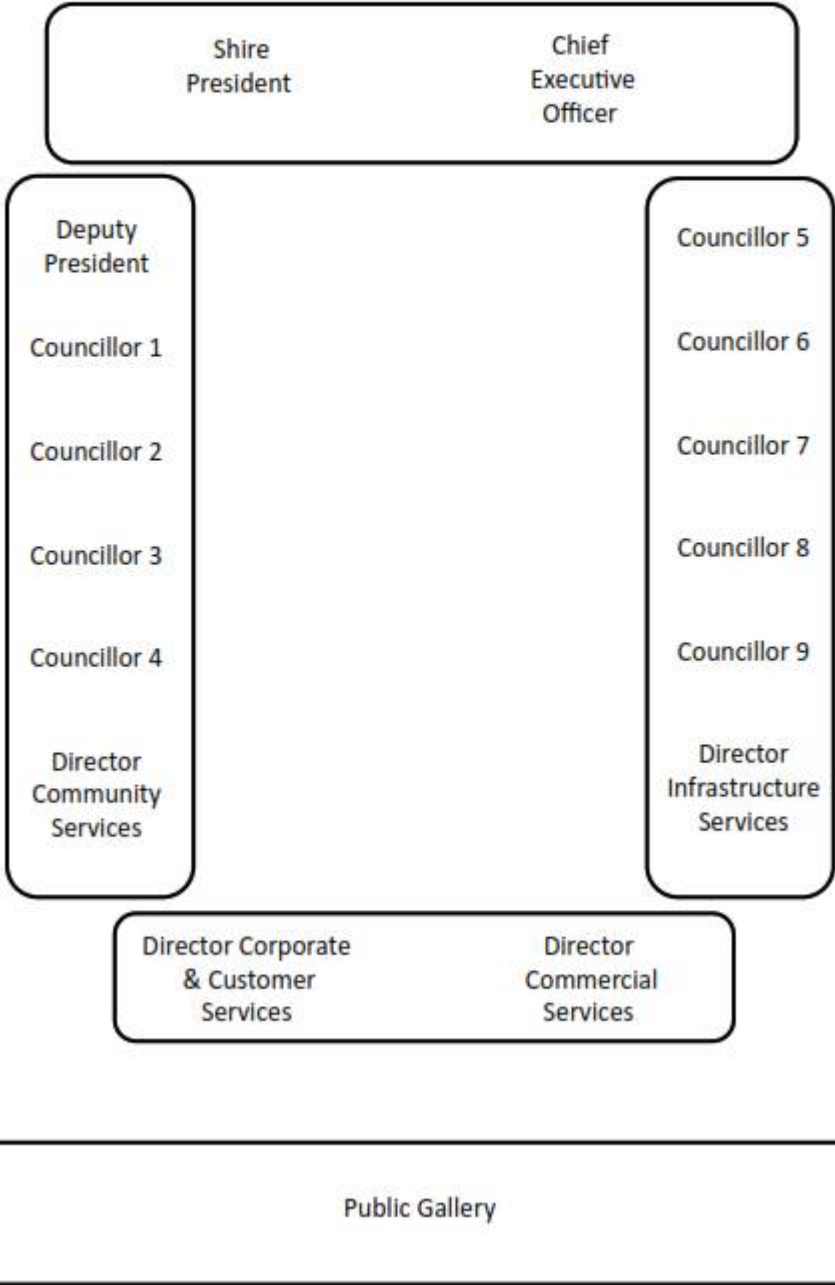
A seating plan of the Council Chambers is included in the Agenda. The seats of President, Deputy President, Chief Executive Officer, Directors and Governance staff are identified in the seating plan. Councillors are requested to indicate their preference for seating positions.

In the event that a consensus is unable to be reached, a draw of lots will be undertaken by the Chief Executive Officer to allocate seating in the Council Chambers.

Seating positions determined at this meeting will be in place until such time as Council determines otherwise by resolution, or until the next ordinary local government election.

COUNCIL CHAMBERS SEATING PLAN

Minute
Taker



7 CLOSURE