

# Shire of Denmark

## Special Council Meeting MINUTES

22 October 2019



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK  
ON TUESDAY, 22 OCTOBER 2019.

For the Purposes of;

- Election of the Shire President & Deputy Shire President; and
- Table Seating Draw; and
- Determining meeting schedule (day, frequency, time and location)



### Contact Us

953 South Coast Highway, Denmark WA 6333

*Correspondence to:*

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300 ◦ Facsimile: (08) 9848 1985

Email: [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au) | Website: [www.denmark.wa.gov.au](http://www.denmark.wa.gov.au)

Facebook: shireofdenmark

## Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....	3
2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE .....	3
3. ELECTION OF SHIRE PRESIDENT & DEPUTY SHIRE PRESIDENT .....	4
3.1 ELECTION OF SHIRE PRESIDENT.....	4
3.2 ELECTION OF DEPUTY SHIRE PRESIDENT .....	4
4. TABLE SEATING DRAW.....	5
5. ANNOUNCEMENT BY THE PERSON PRESIDING .....	5
6. PUBLIC QUESTION TIME.....	5
7. REPORTS .....	5
7.1 COUNCIL TO DETERMINE MEETING SCHEDULE .....	5
8. CLOSURE OF MEETING .....	6

## DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

No responsibility whatsoever is implied or accepted by the Shire of Denmark for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Denmark 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/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement 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 license, any statement or limitation or approval made by a member or officer of the Shire of Denmark during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Denmark. The Shire of Denmark warns that anyone who has an application lodged with the Shire of Denmark 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 Denmark in respect of the application.

## SWEARING IN CEREMONY OF NEW COUNCILLORS

Newly elected Councillors were sworn in by Mr Peter Moyes JP prior to the commencement of the meeting as follows;

	<b>Name</b>	<b>Ward</b>	<b>Term Expiring</b>
Elected:	Cr Geoff Bowley	(Town Ward)	October 2023
	Cr Steve Jones	(Scotsdale/Shadforth Ward)	October 2023
	Cr Ceinwen Gearon	(Town Ward)	October 2023
	Cr Kingsley Gibson	(Scotsdale/Shadforth Ward)	October 2023
	Cr Janine Phillips	(Kent/Nornalup Ward)	October 2023
	Cr Jan Lewis	(Scotsdale/Shadforth Ward)	October 2021

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

*4.10pm - The Acting Chief Executive Officer declared the meeting open and announced that he would preside over the meeting until such time as a Shire President was elected.*

### 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

#### MEMBERS:

Cr Mark Allen  
 Cr Ian Osborne  
 Cr Roger Seeney  
 Cr Geoff Bowley  
 Cr Steve Jones  
 Cr Ceinwen Gearon  
 Cr Kingsley Gibson  
 Cr Janine Phillips  
 Cr Jan Lewis

#### STAFF:

Mr David Schober (Acting Chief Executive Officer)  
 Mr Cary Green (Director Corporate & Community Services)  
 Mr David King (Director Assets & Sustainable Development)  
 Ms Claire Thompson (Executive Assistant & Governance Coordinator)

#### APOLOGIES:

Nil

#### ON LEAVE OF ABSENCE:

Nil

#### ABSENT:

Nil

#### VISITORS:

Mr Peter Moyle JP

#### DECLARATIONS OF INTEREST:

Nil

### 3. ELECTION OF SHIRE PRESIDENT & DEPUTY SHIRE PRESIDENT

#### 3.1 ELECTION OF SHIRE PRESIDENT

A Nomination for the office of Shire President must be made in writing, on a Nomination of Shire President Form (Attachment 3.1), and provided to the Acting CEO at any time prior to the meeting or during the meeting up until the election. The Councillor nominated must advise the Acting CEO, either orally or in writing that he or she is willing to be nominated for the office.

The process for determining the result of any election for the position (in the event of there being more than one accepted nomination) will be in accordance with Schedule 2.3 of the Local Government Act 1995. Voting for the position will be by secret ballot and all Councillors in attendance must vote.

The Councillor elected as the Shire President is to assume the role of Chair (Presiding Person) upon being declared elected and having completed the Declaration of Office.

The Shire President, if so elected, is to commence Presiding over the meeting.

#### **Declaration of President**

*Cr Allen nominated Cr Gearon, in writing, who accepted the nomination.*

*There being no further nominations for the position, the Acting Chief Executive Officer declared Cr Gearon elected as President of the Shire of Denmark until October 2021.*

*Cr Gearon was duly sworn into the Office of President, in the presence of Mr Peter Moyes JP, and assumed the chair as the Presiding Person.*

#### 3.2 ELECTION OF DEPUTY SHIRE PRESIDENT

A Nomination for the office of Deputy Shire President must be made in writing, on a Nomination of Deputy Shire President Form (Attachment 3.2), and provided to the Acting CEO at any time prior to the meeting and during the meeting up until the election. The Councillor nominated must advise the Acting CEO, either orally or in writing that he or she is willing to be nominated for the office.

The process for determining the result of any election for the position (in the event of there being more than one accepted nomination) will be in accordance with Schedule 2.3 of the Local Government Act 1995. Voting for the position will be by secret ballot and all Councillors in attendance must vote.

The Councillor elected as the Deputy Shire President is to assume the role upon being declared elected and having completed the Declaration of Office.

#### **Declaration of Deputy President**

*Cr Seeney nominated Cr Allen, in writing, who accepted the nomination.*

*There being no further nominations for the position, the Acting Chief Executive Officer declared Cr Allen elected as Deputy President of the Shire of Denmark until October 2021.*

*Cr Allen was duly sworn into the Office of President, in the presence of Mr Peter Moyes JP.*

#### 4. TABLE SEATING DRAW

Pursuant to Clause 8.2 of the Shire of Denmark Standing Orders Local Law 2000, the names of Councillors, with the exception of the Shire President (who will sit at the top of the table), were drawn randomly by the Acting Chief Executive Officer for the purpose of seating arrangements.

*Cr Seeney requested if he could remain in his current seat due to his hearing impairment. The Shire President and Councillors concurred that Cr Seeney should be permitted to remain in his current seat.*

*Starting from the north eastern side of the table, the names were drawn in the following order;*

*Cr Allen  
Cr Bowley  
Cr Gibson  
[Cr Seeney- retained his position]  
Cr Osborne  
Cr Phillips  
Cr Lewis  
Cr Jones*

#### 5. ANNOUNCEMENT BY THE PERSON PRESIDING

*The Shire President, Cr Gearon, welcomed new Councillors and acknowledged former Councillors Whooley, who had not re-nominated and Caron who had stood down to take an employment position outside of Australia.*

#### 6. PUBLIC QUESTION TIME

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council.

For a Special Meeting of Council, such as this, they must however relate to the item(s) on the Agenda.

Questions from the public are invited and welcomed at this point of the Agenda.

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

##### Questions from the Public

##### 6.1 Dr Cyril Edwards

Dr Edwards congratulated the new Council.

#### 7. REPORTS

##### 7.1 COUNCIL TO DETERMINE MEETING SCHEDULE

Pursuant to Clause 2.1 of the Shire of Denmark Standing Orders Local Law 2000, the Council shall determine, at the first meeting after each ordinary election;

- a) The day or days in each month when an ordinary meeting is to be held; and
- b) The hours during which an ordinary meeting is to be held; and
- c) The place at which each ordinary meeting is to be held.

The Council may change this determination at a time thereafter, by resolution and the meeting schedule for 2020 is proposed for inclusion and deliberation at the November 2019 Ordinary Council meeting.

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	ITEM 7.1
MOVED: CR LEWIS	SECONDED: CR SEENEY
That pursuant to Clause 2.1 of the Shire of Denmark Standing Orders Local Law 2000, the Council determines that the Council will ordinarily meet as follows;	
a) Every third Tuesday of every month commencing 19 November 2019; and	
b) Commencing at 4.00pm; and	
c) At the Council Chambers, 953 South Coast Highway, Denmark; and	
d) Determine, by resolution, the meeting schedule for 2020 at its meeting scheduled for 19 November 2019.	
CARRIED UNANIMOUSLY: 9/0	Res: 241019

## 8. CLOSURE OF MEETING

4.40pm – *There being no further business to discuss the Shire President, Cr Gearon, declared the meeting closed.*

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: \_\_\_\_\_  
*David Schober – Acting Chief Executive Officer*

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

These minutes were confirmed at a meeting on the \_\_\_\_\_.

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