

City of Bunbury Council

Minutes of Special Meeting 31 October 2023

The purpose of the Special Council Meeting is for the Council to appoint a Deputy Mayor.



CITY OF BUNBURY
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Acknowledgement of Country

We acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY	<ul style="list-style-type: none">We are one teamWe keep each other safeWe display empathy and respectWe have fun and celebrate our successesWe work together to achieve great outcomes
WE ARE OPEN	<ul style="list-style-type: none">We are open to opportunitiesWe actively listen and think things throughWe are inclusive and treat everyone equallyWe are honest and open in our communicationsWe are open to feedback to improve our performance
WE ARE BRAVE	<ul style="list-style-type: none">We lead the change, we own itWe trust and empower each otherWe have the difficult conversations earlyWe hold ourselves to the highest standardWe have the courage to improve and simplify

1. Declaration of Opening / Announcements of Visitors

The Mayor declared the meeting open at 5.30pm and in doing so acknowledged the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. He paid his respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

The Mayor acknowledged the attendance of Sonya Dye who was representing the Hon. Don Punch MLA, Member for Bunbury and Minister for Regional Development; Disability Services; Fisheries; Seniors and Ageing; Volunteering.

The Mayor acknowledged the newly elected councillors Brown and Ramesh, re-elected Councillors Turner and Kozisek and retiring Councillors Giles, McCleary and Yip.

The Mayor noted that the ballot for seating position as required by Standing Order 8.1 will take place immediately following the election and swearing in of Deputy Mayor, as the seat for the Deputy Mayor is pre-allocated. Up until the ballot draw for seating, Councillors may be seated randomly around the Council table.

2. Disclaimer

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

3. Record of Attendance, Apologies and Leave of Absence

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Councillor T Smith
	Councillor B Andrew
	Councillor C Kozisek
	Councillor K Turner
	Councillor G Ghasseb
	Councillor P Ramesh
	Councillor M Quain
	Councillor K Steele
	Councillor M Steck
	Councillor T Brown
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
Director Infrastructure	Mr G Harris
Director Strategy and Organisational Performance	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Senior Corporate Communications Officer	Ms K Fielding
Senior Planning Officer	Ms A Baldock
Planning Officer	Mr G Webber
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	5

3.1 Apologies

Nil

3.2 Approved Leave of Absence

Nil

4. Declaration of Interest

Nil

5. Public Question Time

Nil

6. Purpose of the Meeting

The purpose of the meeting is for Council to appoint a Deputy Mayor for the period 2023 to October 2025.

6.1 Election of the Deputy Mayor

Applicant/Proponent:	Internal Report
Responsible Officer:	Greg Golinski, Manager Governance
Responsible Manager:	Greg Golinski, Manager Governance
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Nil

Pursuant to Clause 7 of Division 2 of Schedule 2.3 of the *Local Government Act 1995*, the Council is required to appoint a Deputy Mayor at the first meeting of the Council following an Ordinary Election Day.

Accordingly, the Mayor will call for Councillors to nominate as candidates at the meeting, or alternatively nominations may be made in writing to the CEO prior to the meeting. All Councillors, including newly elected Councillors are eligible to nominate.

The roles and responsibilities of the Deputy Mayor are outlined in the *Local Government Act 1995*:

2.9 Role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

Section 5.34 states:

5.34 When deputy mayors and deputy presidents can act

If –

- (a) the office of mayor or president is vacant; or*
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

2.8 Role of mayor or president

(1) The mayor or president –

- (a) presides at meetings in accordance with this Act;*
- (b) provides leadership and guidance to the community in the district;*
- (c) carries out civic and ceremonial duties on behalf of the local government;*
- (d) speaks on behalf of the local government;*

- (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*

The Deputy Mayor is also entitled to an amount equal to one quarter of the Mayoral allowance in addition to Council sitting fees.

In the event that there is more than one nomination for the position of Deputy Mayor, the Chief Executive Officer will act in the position of Returning Officer to conduct the ballot as required under the *Local Government Act 1995*. The ballot for the position of Deputy Mayor will be conducted pursuant to the provisions of Clauses 8 and 9 of Division 2 of Schedule 2.3 of the *Local Government Act 1995* as outlined below:

8. *How deputy mayor or deputy president is elected*

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *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.*
- (3) *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.*
- (3a) *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.*
- (4) *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.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *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.*
- (7) *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.*

9. *Votes may be cast a second time*

- (1) *If, when the votes are 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.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*

How to count votes and ascertain the result of an election is covered through the provisions of Division 2 of Schedule 4.1 of the *Local Government Act 1995* as outlined below:

2. One office election: 2 candidates

- (1) *If there are only 2 candidates in a one office election —*
 - (a) *the first-preference votes for each candidate must be counted; and*
 - (b) *the candidate who has the greater number of first-preference votes is elected.*
- (2) *If the candidates have the same number of first-preference votes, the returning officer must draw lots in accordance with regulations to determine which candidate is elected.*

3. One office election: 3 or more candidates

Clauses 4 and 5 apply if there are 3 or more candidates in a one office election.

4. Count of first-preference votes

- (1) *The first-preference votes for each candidate must be counted.*
- (2) *A candidate is elected if the number of first-preference votes for the candidate exceeds 50% of the total number of all the first-preference votes for candidates.*

5. Process if no candidate elected under clause 4

- (1) *The process in subclause (2) —*
 - (a) *must be followed if no candidate is elected under clause 4; and*
 - (b) *as necessary, must be repeated until a candidate is elected under subclause (3).*
- (2) *The process is as follows —*
 - (a) *exclude the candidate (the excluded candidate) with —*
 - (i) *if this process is being followed for the first time — the fewest first-preference votes; or*
 - (ii) *if this process is being repeated — the fewest votes on the last count under paragraph (d);*
 - (b) *set aside as exhausted any ballot paper of the excluded candidate that contains —*
 - (i) *no preference votes at all; or*
 - (ii) *no preference votes for any continuing candidates;*
 - (c) *transfer any remaining ballot papers of the excluded candidate that indicate the next available preference for a particular continuing candidate to that continuing candidate;*
 - (d) *count the number of votes for each of the continuing candidates by totalling the following —*
 - (i) *the number of first-preference votes for the continuing candidate;*
 - (ii) *if this process is being followed for the first time — the total number of ballot papers transferred to the continuing candidate under paragraph (c);*

- (iii) *if this process is being repeated — the total number of ballot papers transferred to the continuing candidate under paragraph (c) on this or a previous occasion.*
- (3) *A continuing candidate is elected if, on a count under subclause (2)(d), the number of votes for the continuing candidate exceeds 50% of the total number of all the votes for continuing candidates.*
- (4) *Subclause (6) applies if subclause (2)(a) cannot otherwise be applied because, as the case requires —*
 - (a) *2 or more candidates have the same number of first-preference votes (no other candidates having fewer first-preference votes); or*
 - (b) *2 or more candidates have the same number of votes on the last count under subclause (2)(d) (no other candidates having fewer votes).*
- (5) *Subclause (6) also applies if subclause (3) cannot otherwise be applied because —*
 - (a) *there are only 2 continuing candidates in a count under subclause (2)(d); and*
 - (b) *on the count, the continuing candidates have the same number of votes.*
- (6) *The returning officer must draw lots in accordance with regulations to determine, as the case requires —*
 - (a) *the candidate to be excluded; or*
 - (b) *the continuing candidate to be elected.*
- (7) *For the purposes of the process in subclause (2), a ballot paper is a ballot paper of the excluded candidate if either of the following applies —*
 - (a) *the ballot paper contains a first-preference vote for the excluded candidate;*
 - (b) *the process is being repeated and the ballot paper was transferred to the excluded candidate under subclause (2)(c) on a previous occasion.*
- (8) *For the purposes of the process in subclause (2), a continuing candidate is a candidate to whom neither of the following applies —*
 - (a) *the candidate is the excluded candidate;*
 - (b) *the process is being repeated and the candidate was excluded under subclause (2)(a) on a previous occasion.*

The successful nominee will be declared elected to the position of Deputy Mayor for a two-year term and will be required to read and sign a form titled "*Declaration for the Office of Deputy Mayor*".

Following the election of Deputy Mayor and their swearing in, the ballot for seating position as required by Standing Order 8.1 will take place.

Outcome of Meeting 31 October 2023

The Mayor called for nominations for the position of Deputy Mayor, advising that they must be provided to the Chief Executive Officer in writing.

At the close of nominations, the CEO advised he had received nominations for the position of Deputy Mayor as follows (listed in order received):

1. Cr Tresslyn Smith
2. Cr Ben Andrew
3. Cr Karen Steele
4. Cr Michelle Steck

The Mayor appointed the CEO to be returning officer for the election of the Deputy Mayor.

Voting was undertaken via secret ballot in accordance with the *Local Government Act*, with the winner being the candidate with most votes following the distribution of any preferences.

The first preference votes received for each candidate are as follows:

1. Cr Ben Andrew with 4 votes
2. Cr Tresslyn Smith with 3 votes
3. Cr Michelle Steck with 2 votes
4. Cr Karen Steele with 2 votes

Following the distribution of preferences, Councillor Smith received the most votes, and was thus elected to the position of Deputy Mayor.

Cr Tresslyn Smith was declared the deputy Mayor for the 2023-2025 term.

The Mayor presided over the swearing in of Cr Smith as Deputy Mayor.

The CEO then conducted a ballot draw to determine the seating arrangements for the 2023-2025 term.

7. Closure

The Mayor declared the meeting closed at 5:57pm, advising that the scheduled agenda briefing would begin at 6:00pm.

Confirmed this day, 7 November 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 31 October 2023.



Jaysen de San Miguel
Mayor