



TOWN OF VINCENT

**SPECIAL COUNCIL MEETING
20 OCTOBER 2009**

NOTICE OF MEETING AND AGENDA

Dear Council Member

Notice is hereby given that a Special Meeting of the Council of the Town of Vincent will be held at the Administration and Civic Centre, 244 Vincent Street (corner Loftus Street), Leederville on **Tuesday 20 October 2009** at 5.30pm for the purpose of swearing in of the newly elected Councillors *and Election of Deputy Mayor*.

**JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER
15 October 2009**

"Enhancing and celebrating our diverse community"

This document is available in alternative formats upon request.

“Enhancing and celebrating our diverse community”

PURPOSE *(Defines the business we are in)*

“To provide and facilitate services for a safe, healthy and sustainable community.”

VISION *(Describes what we are striving to achieve)*

“A sustainable and caring community built with vibrancy and diversity.”

GUIDING VALUES *(Describes what values are important to us)*

- Excellence and Service
- Honesty and Integrity
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Vincent (Town) for any act, omission, statement or intimation occurring during Council meetings. The Town disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the Town during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Town. The Town advises that anyone who has any application lodged with the Town 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 Council in respect of the application.

Copyright

The Town wishes to advise 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.

PROCEDURE FOR PUBLIC SPEAKING TIME

The Town of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the Town, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the Town. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on an Elected Member or Town Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the Town, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the Town's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy 4.2.3 - Recording of Council Meetings and Access to Recorded Information

ORDER OF BUSINESS

1. **Declaration of Opening**
2. **Apologies/Members on Approved Leave of Absence**
3. **Declaration of Interest**
4. **(a) Public Question Time and Receiving of Public Statements**

Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that:

“Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the Agenda be asked.”

5. **Swearing in of Council Members**
 - 5.1 Declaration of Office
 6. **Election of Deputy Mayor by Secret Ballot**
 7. **Closure**
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5. Swearing in of Council Members

Ward:	-	Date:	15 October 2009
Precinct:	-	File Ref:	ADM0030
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

Declaration of Office

Each newly elected person is required to make a declaration before they can act in the capacity of a Councillor or Mayor.

The declaration of office that states the Council Member will faithfully perform their duties and will obey the Council's Code of Conduct and observe the Local Government (Rules of Conduct) Regulations 2007.

The declaration is also made verbally and document signed in front of an Authorised Person as prescribed by the Oaths, Affidavits and Statutory Declarations Act 2005 (e.g. Justice of the Peace) who will witness the signature of the Council Member.

Code of Conduct/Local Government (Rules of Conduct) Regulations 2007

This Code of Conduct sets out the principles of good conduct, obligations and standards of behaviour, which are expected of Council Members and employees. Council Members and employees of the Town of Vincent are expected to behave in a way, which confirms, to the highest standards of integrity, responsibility and fair dealing in the workplace, the Council, and in relations with the community and with one another.

The Code establishes a guide to best practice for Council Members and employees in the performance of their duties and responsibilities and prescribes conduct for Council Members and employees to deliver the high ethical and moral standards in government expected by the Vincent community.

The Local Government (Rules of Conduct) Regulations 2007 came into effect on 21 October 2007 and are applicable to Council Members.

The Local Government (Rules of Conduct) Regulations 2007 cover the following key areas:

- *"Principles of general behaviour;*
- *Local Law as to conduct at meetings;*
- *Use of information;*
- *Securing unauthorised advantages or disadvantages;*
- *Misuse of Council resources;*
- *Prohibition against involvement in administration;*
- *Relations with local government employees;*
- *Disclosure of interest adversely affecting impartiality; and*
- *Restriction on receiving, and disclosure of, certain gifts."*

(Local Government (Official Conduct) Amendment Act 2007 (Explanatory Notes)

6. Election of Deputy Mayor by Secret Ballot

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BACKGROUND:

The Council is required to elect the Deputy Mayor from amongst the Councillors, by secret ballot, as required in Section 2.15 of the Local Government Act 1995 and as detailed in Schedule 2.3 of Division 2 of the Act.

LEGAL:

Filling the office of deputy mayor or deputy president

“Section 2.15 The deputy mayor or deputy president is to be elected by the council from amongst the councillors under Schedule 2.3 of Division 2.”

The relevant sections of the Act are:

How the deputy mayor or deputy president is elected

“Schedule 2.3, Section 8

- (1) The council is to elect a councillors (other than the mayor or president) to fill the office.*
- (2) The mayor or president is to conduct the election.*
- (3) Nominations for the office are to be given to the mayor or president in writing.*
- (4) If a councillor is nominated by another councillor, the mayor or president is not to accept the nomination unless the nominee has advised the mayor or president, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) The councillors are to vote on the matter by secret ballot, as if they were electors voting in 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 cast at an election.”*

Votes may be cast a second time.

“Section 9

- (1) If, when the votes cast under subclause (2) 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 discounted and not more than 7 days later, a special meeting of the Council is to be held.*

7. CLOSURE
