

The logo for the Shire of Dardanup features a stylized, flowing line that transitions from light blue on the left to green on the right, resembling a landscape feature like a hill or a wave.

Shire of Dardanup

A G E N D A

SPECIAL MEETING OF ELECTORS

To Be Held

Wednesday, 20 March 2019

Commencing at 7.00pm

At

DARDANUP HALL

Ferguson Road

DARDANUP

This document is available in alternative formats such as:

- ~ Large Print
- ~ Electronic Format [disk or emailed]
Upon request.



Note: The following Notice of Meeting was advertised in the South West Times on 28 February 2019. In addition the notice is displayed on public notice boards at the Shire of Dardanup, the Shire libraries and the Shire website. The notice read:

NOTICE OF SPECIAL MEETING OF ELECTORS

The Shire of Dardanup advises that a Special Meeting of Electors is being held on Wednesday 20 March 2019

The meeting will be held at the Dardanup Community Hall, Ferguson Road, Dardanup commencing at 7.00pm.

The only business to be discussed at the Special Electors Meeting is the following:

"Proposals by Cleanaway to increase the scope of their waste facility site on Banksia Road, Dardanup."



MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

Date: 14 March 2019

Note: The meeting procedure is prescribed by Section 5.31 of the Local Government Act 1995 and Regulation 18 of the Local Government (Administration) Regulations 1996.

The Presiding Member will Chair the meeting in accordance with Section 5.30(1) of the Act.

GUIDELINES FOR THE SPECIAL MEETING OF ELECTORS

Registration and Sign In

In order to be able to ask a question and/or move/second a motion and/or vote all Electors in attendance must be on the Shire of Dardanup Electoral roll. Shire officers will be verifying this on arrival, so in order to commence the meeting on time, members of the public who wish to be part of the voting process are encouraged to arrive half an hour prior to the meeting. Electors will be marked off the Shire's Electoral Roll as they enter the meeting. If a member of the public is not on the current electoral roll he/she must provide identification/proof of enrolment (being on the Federal and/or State Roll) within the Shire of Dardanup. The burden of proof is the responsibility of the Elector in order to prove that they are an elector of the district.

Should members of the public not be found on the roll then they will have the opportunity to sit in on the meeting and speak but will not be entitled to vote.

Minute Taking

In accordance with Section 5.31 of the Local Government Act 1995 and Regulation 18 of the Local Government (Administration) Regulations 1996, Minutes will be taken at the meeting. Minutes will be made available to the public following the meeting, at the Shire of Dardanup, Administration Centre Eaton and Little Street, Dardanup and on the Shires website www.dardanup.wa.gov.au.

Questions from Electors

Only questions related to the business item listed on the agenda for the meeting will be accepted. The Presiding Member will allow four minutes for questions from electors on each item. The Presiding Member will ask for show of hands, let each person ask two questions, move onto the next elector and if there is enough time go back to the first person, should this person have another question to ask. Electors asking questions are requested to state their name and address prior to asking a question.

Voting

Only Electors are entitled to vote at the meeting. The Presiding Member will only accept motions on matters listed on the agenda. Motions from the floor will be accepted only after the administration has presented on the item. Then mover will be able to speak for three minutes, then the seconder will speak for three minutes. The Presiding Member will allow for speakers for and speakers against and the mover will then have the right of reply.

Voting will only take place after a motion that has been moved and seconded has been provided to the administration in full. All decisions are to be made by simple majority (via way of a show of hands) and secret voting is not permitted. The mover and seconder of a motion must state their name and address prior to moving or seconding a motion.

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SHIRE OF DARDANUP

AGENDA FOR THE SHIRE OF DARDANUP – SPECIAL MEETING OF ELECTORS TO BE HELD ON WEDNESDAY – 20 MARCH 2019, COMMENCING AT 7.00PM AT THE DARDANUP HALL, FERGUSON ROAD, DARDANUP.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member to declare the meeting open, welcome those in attendance and refer to the Acknowledgement of Country, Emergency Procedures, and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the muster point located at the side of the building, closest to Little Street, Dardanup.

2 RECORD OF ATTENDANCE/APOLOGIES

2.1 Attendance

Elected Members:

Council Staff:

Electors/Members of the Public [Non electors]:

[Please ensure you record your name on the attendance roll at the entrance to the hall].

2.2 Apologies

3 DECLARATION OF INTEREST

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

4 ITEMS FOR DISCUSSION

4.1 Meeting Procedure

In accordance with the Act and Regulations, the procedure to be followed at a special meeting of electors is to be determined by the person presiding at the meeting. The Local Government Act 1995 states the person presiding at electors' meeting to be:

Local Government Act 1995

5.30. Who presides at electors' meetings

- (1) *The mayor or president is to preside at electors' meetings.*
- (2) *If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.*
- (3) *If the circumstances mentioned in section 5.34(a) or (b) apply and —*
 - (a) *the office of deputy mayor or deputy president is vacant; or*
 - (b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

Division 3 — Acting for the mayor or president

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.

The Local Government (Administration) Regulations 1996 describes the following:

Local Government (Administration) Regulations 1996
Part 3 — Electors' meetings

15. *Matters to be discussed at general meeting (Act s. 5.27(3))*

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

16. *Request for special meeting, form of (Act s. 5.28(2))*

A request for a special meeting of the electors of a district is to be in the form of Form 1.

17. *Voting at meeting (Act s. 5.31)*

- (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.*

18. *Procedure at meeting (Act s. 5.31)*

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

The following order of business / procedures will normally apply to the meeting (unless changed by the Presiding Member):

4.2 *Request for Special Meeting of Electors – Business to be Discussed*

A request for a Special Meeting of Electors was lodged by Ms Lisa Ferris, Secretary of Dardanup District Resident's Association, together with 181 signatures in accordance with regulation 16 of the Local Government (Administration) Regulations 1996, for the purpose of discussing:

Proposals by Cleanaway to increase the scope of their waste facility site on Banksia Road, Dardanup.

4.3 Public Questions

Only questions related to the business item listed on the agenda for the meeting will be accepted.

If you would like to ask a question at the meeting, you are asked to register your questions by either emailing it to records@dardanup.wa.gov.au or hand delivering it to the Shire Office by 4.30pm the previous business day (Tuesday, 19 March 2019). This will assist in preparing an appropriate and adequate response to your question.

During the meeting, members of the public will be called forward to ask their question. Members of the public who have registered their question/s will be called in the order they have registered. Any person who has not registered will have an opportunity to speak, after registered persons.

When the presiding member invites you to ask your question, please state your full name and locality of address and then proceed to ask one question at a time.

All questions are to be directed to the Presiding Member who may invite a response from the Chief Executive Officer or other senior staff members.

Maximum speaking timer per person is four (4) minutes.

4.4 Public Statements and Motions

Refer to the beginning of this agenda document – page headed “Guidelines For the Special Meeting of Electors’ ”

Speakers “for” and “against” alternatively / Consideration of Motions (if any).

4.5 Voting [If required]

SPECIAL MEETING OF ELECTORS RESOLUTION

THAT

5. CLOSE

Consideration by Council

Decisions made at a Special Meeting of Electors are required to be considered in accordance with s5.33 of the Local Government Act, which states:

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,*
whichever happens first.
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Close

There being no further business, Presiding Member to declare the meeting closed.