Special Council Meeting Agenda

Notice of Special Council Meeting

The next Special Council Meeting of the Shire of Capel will be held on 22 October 2025 in the Council Chambers, Forrest Road, Capel commencing at 6:00pm

Meeting Purpose:

1. To formally declare the newly elected members of Council to office in accordance with the provisions of the *Local Government Act 1995*.
2. To elect the Shire President and Deputy Shire President in accordance with Schedule 2.3 of the *Local Government Act 1995*.
3. To determine the seating arrangements for Elected Members within the Council Chambers.

The meeting will also be broadcast through the Shire's YouTube platform.

Gary Clark
Acting Chief Executive Officer
15 October 2025

Acknowledgement of Country

We wish to acknowledge the traditional custodians of the land we are meeting on, the Wadandi people. We wish to acknowledge and respect their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their culture; and to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

Our Vision

A lifestyle of choice; connecting community, culture and country.

Our Values

GENERAL INFORMATION ON COUNCIL MEETINGS

COUNCIL MEETINGS

All Ordinary Council meetings are held in the Council Chambers at 6.00pm on the last Wednesday of the month (except for January and December when it is held on the third Wednesday).

TAKING ACTION ON COUNCIL DISCUSSIONS / DECISIONS

No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of Council being received.

AGENDAS

The agenda for the upcoming Council meeting is available in PDF format on the Council's website www.capel.wa.gov.au from the Friday prior to the Council meeting. A hard copy of the agenda can be obtained from the front counter of the Shire Administration building.

MINUTES

Minutes of the latest Council meeting will be made available on the website within ten days of the meeting being held. Hard copy versions of Council Minutes are also available at the front counter at the Shire Administration building and for perusal online in the Shire's Public Libraries.

MEETING GUIDELINES

All speakers should be clear and to the point, and speak through the Presiding Member at all times. Members of the public are not permitted to enter into debate with elected members or staff. Any correspondence received after the agenda is finalised will not be reflected in the staff report and will not be distributed to elected members by administration.

To minimise disruption during meetings, please ensure your mobile phone is turned off before entering the Chambers. You may enter and leave the Chamber at any point during the meeting.

MOBILE PHONES AND SMART DEVICES

Video recording of a Council meeting is not permitted. All mobile phones must be on silent mode during the meeting.

QUESTIONS, PRESENTATIONS, PETITIONS AND DEPUTATIONS

ASKING A QUESTION AT A COUNCIL MEETING

If you want to ask a question, here is what to do:

1. You may ask up to two (2) questions with a total time limit of two (2) minutes per speaker. Additional questions will be permitted if time allows at the discretion of the Presiding Member.

2. Please state your name, address and the agenda item number you are referring to, and then ask your question.

3. Please submit your question in writing via info@capel.wa.gov.au or in person to the Chief Executive Officer by 12.00noon on the day before the meeting. This allows for an informed response to be given at the meeting.

4. Questions that have not been submitted in writing by 12.00noon on the day before the meeting will be responded to if they are straightforward. Otherwise they will be taken on notice and will be answered in writing after the Council meeting.

5. A question may relate to any subject that is within the Council's jurisdiction but should be a matter of general community interest. Please give staff the opportunity to try to answer your questions before a Council meeting.

6. Where a question raises a significant issue about an agenda item that might not have been addressed in the staff report or prior discussions with elected members and cannot be adequately responded to, Council will need to consider whether the item should be held over or referred back for further consideration, taking into account statutory deadlines and other implications of deferring the item.

7. A person who has asked a question will not be permitted to make a presentation on the same topic at the same meeting – this is unfair to the other members of the public who wish to communicate with Council.

Questions on any matter that is on the Council agenda are required to be asked prior to the matter/s being discussed by the Council in the first 'Public Question Time' session of Council meeting. Questions on Council agenda items that have been dealt with at the same Council meeting will not be permitted during the second 'Public Question Time' session. [LG (Administration) Regulations 1996, regulation 7(2)].

If you wish to ask a question of Council, please complete the attached form (page 4).

PRESENTATIONS

1. Any member of the public may during the Presentations segment of the ordinary meeting, with the consent of the Presiding Member, speak on any matter on the agenda paper provided that –
   (a) the person has requested the right to do so in writing addressed to the CEO by noon on the day of the meeting;
   (b) the person's speaking right is to be exercised before Council debates the particular agenda paper item;
   (c) the person speaking will be limited to a maximum of five (5) minutes; and
   (d) persons addressing Council on an agenda item are not entitled to table documents as part of the meeting proceedings.

2. Any member of the public making a presentation shall not also be afforded a deputation during that meeting or an adjourned meeting on the same matter.

PETITIONS

1. A petition received by a member or the CEO is to be presented to the next Ordinary Council meeting.

2. A petition to the Council is –

   (a) as far as practicable to be prepared in the form prescribed in the Schedule (*of the Shire of Capel Standing Orders Local Law)*;
   (b) to be addressed to the Council and forwarded to a member or the CEO;
   (c) to state the name and address of the person to whom correspondence in respect of the petition may be served; and
   (d) to be respectful and temperate in its language.

3. The presentation of a petition is to be confined to the reading of the petition.

4. The only motions in respect of a petition that are in order are that –

   (a) the petition be received;
   (b) a report on the petition be prepared; or
   (c) that the petition be acknowledged and be dealt with by the Council in conjunction with a similar item on the same agenda paper.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the CEO may at their discretion forward the petition to Council accompanied by an officer report.

DEPUTATIONS

(1) A person or person wishing to be received as a deputation by the Council or a Committee is to apply, in writing, to the CEO, not less than seven (7) working days prior to the meeting at which the deputation wishes to be received, setting out in concise terms the matter to be raised. The CEO is to forward the written request to the President, or the presiding member as the case may be.

(2) The President, if the request is to attend a Council meeting, or the Presiding Member of the Committee, if the request is to attend a meeting of a Committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or Committee as the case may be, or may instruct the CEO to refer the request to the Council or Committee to decide by simple majority whether or not to receive the deputation.

(3) A deputation invited to attend a Council or Committee meeting is not to exceed three persons, only two of which are at liberty to address the Council, for a maximum of five (5) minutes each or a collective maximum of ten (10) minutes, except in reply to questions from Councillors, and the matter shall not be further considered by the Council, until all other business of the meeting has been finalised.

Any matter which is the subject of a deputation to the Council or a Committee is not to be decided by the Council or that Committee until the deputation has completed its presentation.

COUNCIL MEETING PUBLIC QUESTION FORM

This form should be submitted by 12.00noon on the day ***before*** *the Council meeting if a detailed answer is expected.* Please either:

- Email it to info@capel.wa.gov.au or
- Hand deliver it to the Chief Executive Officer at the Shire Administration building, Forrest Road, Capel

Questions received after that time may be taken on notice and answered in writing after the meeting.

Name:		**Phone:**	
Address:			

Question 1:

Question 2:

Signature:		**Date:**	

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1. Declaration of Opening/Announcement of Visitors

Acknowledgement of Country

'We wish to acknowledge the traditional custodians of the land we are meeting on, the Wadandi people. We wish to acknowledge and respect their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their culture; and to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.'

2. Declaration of Recently Elected Councillors

The *Local Government Act 1995 Section 2.29(1)* indicates that a person elected as an elected Mayor or President or as a Councillor has to make a declaration in the prescribed form before acting in the office.

The four Councillors declared elected on 18 October 2025 are now required to make the declaration before participating in any part of the Special Meeting.

Mr Bill Spurr, JP and Freeman of the Shire of Capel, will officiate the declaration, with photographs taken by the Shire of Capel.

3. Election of President

The *Local Government Act 1995 Schedule 2.3, Division 1, Section 4* indicates in part that:

(1) The Council is to elect a Councillor to fill the office of President.
(2) The election is to be conducted by the Chief Executive Officer in accordance with the procedures prescribed.
(3) Nominations are to be given to the Chief Executive Officer 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 CEO, which is to be a sufficient time after the announcement by the CEO 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 CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that the nominee 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 at an election.
(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) 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 CEO is to declare and give notice of the result in accordance with regulations, if any.

Elected Shire President to assume role of the Presiding Member.

4. Election of Deputy President

The *Local Government Act 1995 Schedule 2.3, Division 2, Section 8* indicates in part that:

(1) The Council is to elect a Councillor (other than the Mayor or President) to fill the office of Deputy President.
(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
(4) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
(5) If a Councillor is nominated by another council member, the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that they are willing to be nominated for the office.
(6) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
(7) Subject to clause 9(1), the votes cast under subclause (6) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
(8) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

5. Allocation of Seating Within the Council Chamber

The *Shire of Capel Standing Orders Local Law 2016 Clause 7.2* indicates that at 'the first meeting held after each ordinary elections day the Chief Executive Officer is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.'

Allocation of Councillor seating will be undertaken for all positions, except for those reserved for the orderly conduct of meetings being, President, Deputy President, CEO and Minute Taker.

6. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

7. Public Question Time

8. Meeting Closure