



AGENDA

Special Meeting of Council

Friday, 30 October 2020
12.30PM

Council Chambers, Civic Centre,
Stuart Highway, Katherine

Notice of Meeting of Council
Notice is hereby given in accordance with Section 59
of the Local Government Act

- ELECTED MEMBERS** :
- Mayor Fay Miller
 - Deputy Mayor Peter Gazey
 - Alderman Elisabeth Clark
 - Alderman Toni Tapp-Coutts
 - Alderman John Zelle
 - Alderman Jon Raynor
 - Alderman Matthew Hurley
- OFFICERS** :
- Mr Ian Bodill – Chief Executive Officer (CEO)
 - Ms Claire Johansson –Chief Operations Officer (COO)
 - Ms Rosemary Jennings – Executive Manager Community Services (XCS)
 - Mr Brendan Pearce – Executive Manager Infrastructure and Environment (XIE)
 - Mr Jherry Matahelumual – Executive Assistant (Minutes Taker)

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ORDER OF BUSINESS

1. ACKNOWLEDGMENT TO COUNTRY

I am honoured to be on the ancestral lands of Katherine's Aboriginal peoples. I acknowledge the First Australians as the traditional custodians of the continent, whose cultures are among the oldest living cultures in human history. I pay respect to the Elders of the community and extend my recognition to their descendants who are present

2. OPENING PRAYER

Grant O God to this Council wisdom, understanding and sincerity of purpose in the Governance of this Municipality. Amen

3. MEETING DECLARES OPEN

4. APOLOGIES AND LEAVE OF ABSENCE

5. CONFLICT OF INTEREST

6. CORRESPONDENCE AND DOCUMENTS TO BE TABLED

7. REPORTS FROM OFFICERS

7.1 Katherine Town Council Filling Casual Vacancies Policy _____ 1-4

8. CLOSURE OF MEETING

KATHERINE TOWN COUNCIL**REPORT**

NO : 7.1

FOLDER : LOCAL GOVERNANCE/SPECIAL COUNCIL MEETING/REPORTS TO COUNCIL/CHIEF EXECUTIVE OFFICER

MEETING : SPECIAL COUNCIL MEETING – (27/10/2020)

REPORT TITLE : KATHERINE TOWN COUNCIL FILLING CASUAL VACANCIES POLICY

AUTHOR : IAN BODILL, CHIEF EXECUTIVE OFFICER

ATTACHMENT/S : 1. KATHERINE TOWN COUNCIL FILLING CASUAL VACANCIES

PURPOSE OF REPORT

At the Ordinary Council Meeting held Tuesday 27th October 2020, council resolved that this report lay on the table so that administration could seek further clarification.

Council is now requested to deliberate and provide a resolution on the "Casual Vacancies Policy".

BACKGROUND

The *Local Government Act 2019* was scheduled for implementation on 1 July 2020. It was agreed earlier this year that due to reasons relating mainly to COVID-19 that the implementation date would change to 1 July 2021.

Local Governments have been provided with a schedule of over 40 draft policies by the Department which have to be endorsed prior to July 2021.

The draft policy in question is appropriate at this stage of proceedings and it will assist council in identifying a way forward when such matters are considered.

OFFICER RECOMMENDATION

That it be recommended to Council to:

1. Receive and accept the policy entitled "Filling Casual Vacancies.
2. Adopt the policy entitled "Filling Casual Vacancies" with immediate effect.


Ian Bodill
CHIEF EXECUTIVE OFFICER



KATHERINE
TOWN COUNCIL

TITLE: FILLING CASUAL VACANCIES

ADOPTED BY: DRAFT

RESPONSIBILITY CHIEF EXECUTIVE OFFICER

NEXT REVIEW DATE 30/10/2022

Version	Reviewed By	Adoption Date	History
1	Policy Review Committee	NIL	DRAFT

1. Application

This policy outlines how casual vacancies for the position of an ordinary member and an elected Mayor may be filled in accordance with sections 54 and 65(3) of the *Local Government Act 2019* (the Act).

2. Casual vacancies – ordinary member

Council will fill casual vacancies in the office of an ordinary member as follows:

Date vacancy occurs	Action	Section of the Act
18 months or more before the next general election.	Council will appoint <u>a person</u> to fill the vacancy until the next general election (in accordance with clause 3 of this policy).	54(2)(a)
Less than 18 months, but not less than 4 months, before the next general election.		
4 months or less before the next general election.	Council will leave the office of the ordinary member vacant.	54(2)(b)(i)

3. Filling the office of an ordinary member

As soon as practicable after the casual vacancy occurs in the office of an ordinary member, the CEO will advertise the vacancy for appointment by publishing in a local newspaper and on the council's website.

The advertisement will:

- (a) invite applications from electors who are:
 - (i) eligible under section 46 of the Act; and
 - (ii) enrolled in the relevant ward; and
- (b) invite applicants to provide a statement of no more than 1 page that outlines why the person wants to be a council member and the qualities they would contribute to the council; and
- (c) advise that the statement of the applicant may be made public by the council.

The closing date for applications will be 14 days from the date the advertisement is published in the local newspaper and on the council's website.

As soon as practicable after the closing date, the CEO will provide copies of all applicant statements to all council members. At the next ordinary council meeting following the closing date, the matter is to be included as an agenda item for Council's consideration.

When appointing a person to be a council member, Council will give due consideration to:

- (a) the person's level of community involvement;
- (b) the person's suitability for the role; and
- (c) any other relevant matters.

Council will decide the appointment by resolution, with official commencement to the office of ordinary member to take place 7 days after the date of the resolution.

The CEO is to ensure the successful applicant is advised of their appointment to Council and that an induction to the position is undertaken as soon as practicable.

4. Casual vacancies – Mayor

As election was the basis for filling the office of the Mayor, Council will fill casual vacancies in the office of the Mayor as follows:

Date vacancy occurs	Action	Section of the Act
18 months or more before the next general election.	Council will hold a by-election to fill the vacancy in the office of the <i>Mayor</i> .	65(3)(a)
Less than 18 months, before the next general election.	Council will appoint <u>an existing council member</u> to be the <i>Mayor</i> , by vote of existing members (in accordance with clause 5 of this policy).	65(3)(b)(i)

5. Appointing a Mayor

The matter of appointing a person to fill a casual vacancy in the office of the *Mayor* is to be on the agenda at the next ordinary council meeting after the vacancy occurs. At the ordinary council meeting, Council will, by vote of existing members, resolve to:

- (a) appoint an existing member to fill the vacancy in the office of the *Mayor* until the next general election; and
- (b) to commence the appointment immediately.
- (c) conduct the voting process by secret ballot

The vacancy in the office of the ordinary member (appointed to Mayor) will be filled in accordance with clause 3 of this policy.

Summary of Casual vacancies actions

Time to next general election	Mayor	Ordinary Member
	Council will always fill a casual vacancy of the office of Mayor by:	Council will only not fill a casual vacancy of an ordinary member when there is 4 months or less before the next general election
18 months or more before the next general election	Council will hold a by-election to fill the vacancy.	Council will appoint <u>a person</u> to fill the vacancy of the ordinary member until the next general election (in accordance with clause 3 of this policy).
Less than 18 months, but not less than 4 months, before the next general election.	Council will appoint <u>an existing council member</u> to be the <i>Mayor</i> , by vote of existing members (in accordance with clause 5 of this policy).	
4 months or less before the next general election.		Council will leave the office of the ordinary member vacant.