



18 October 2023

SWEARING IN CEREMONY

WEDNESDAY 25 OCTOBER 2023

Dear Councillor/Candidate,

A ceremony is scheduled to commence at **6.00pm** on **Wednesday 25 October 2023** in the Council Chamber, Shire of Mundaring 7000 Great Eastern Highway, Mundaring, for the purpose of swearing in the Shire President and newly elected Councillors.

Please find agenda attached.

Yours sincerely,

Jason Whiteaker
CHIEF EXECUTIVE OFFICER



AGENDA
SWEARING IN CEREMONY
25 OCTOBER 2023

ATTENTION/DISCLAIMER

The purpose of this Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by an Elected Member or employee, or on the content of any discussion occurring during the course of the Meeting. No person should rely on the decisions made by Council until formal written advice of the Council decision is received by that person.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by an Elected Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

CONTENTS

1.0	OPENING PROCEDURES	3
1.1	RECORD OF ATTENDANCE.....	3
2.0	DECLARATION BY THE PRESIDENT	3
3.0	SWEARING IN COUNCILLORS	4
4.0	CLOSING PROCEDURES	4
4.1	DATE, TIME AND PLACE OF THE NEXT MEETING.....	4
4.2	CLOSURE OF THE MEETING.....	4

**SWEARING IN CEREMONY
COUNCIL CHAMBER – 6.00pm**

1.0 OPENING PROCEDURES

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

Recording of Meeting

Members of Council and members of the gallery are advised that this meeting will be livestreamed and audio-recorded.

1.1 Record of Attendance

Councillors

Councillors - Elect

Staff

Apologies

Guests

Honorary Freeman Max Williams OAM

2.0 DECLARATION BY THE PRESIDENT

Section 2.29 requires that a person elected as an elector president has to make a declaration in the prescribed form before acting in the office (refer **Attachment 1**).

Regulation 13 of the *Local Government (Constitution) Regulations 1995* provides the prescribed form, Form 7, and the following (in part):

- (1) *For the purposes of sections 2.29 and 2.42 —*
 - [(a), (b) deleted]*
 - (c) *the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7; ...*
- (2) *A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —*
 - (a) *the immediate predecessor of the person in the office of mayor or president; or*
 - (b) *an authorised person. ...*

(5) *In this regulation —*

authorised person means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Note: the Chief Executive Officer is an authorised person under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

3.0 SWEARING IN COUNCILLORS

In accordance with section 2.29 of the *Local Government Act 1995* and regulation 13 of the *Local Government (Constitution) Regulations 1996* a person elected as a councillor must make a declaration of office before acting in the office (refer **Attachment 2**).

Regulation 13 of the *Local Government (Constitution) Regulations 1995* provides the prescribed form, Form 7, and the following (in part):

(3) *A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person. ...*

(5) *In this regulation —*

authorised person means a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Newly elected Councillors shall be invited to make their Declaration of Office, in accordance with section 13(1) and (3) above.

Note: the Chief Executive Officer is an authorised person under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

4.0 CLOSING PROCEDURES

4.1 Date, Time and Place of the Next Meeting

The next meeting of Council will be a Special Meeting to be held on Tuesday, 31 October 2023, commencing at 6.30pm in the Council Chamber.

4.2 Closure of the Meeting

Attachment 1

Item 2.0

1 Page

Form 7

Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by elected member

I,

of

having been elected to the office of President of the Shire of Mundaring, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the Shire of Mundaring under section 5.104 of the *Local Government Act 1995*.

Declared at Mundaring 25 October 2023

by

Before me:

Jason Whiteaker
Chief Executive Officer

Attachment 2

Item 3.0

1 Page

Form 7

Declaration by elected member of council [r. 13(1)(c)]

Local Government Act 1995

Local Government (Constitution) Regulations 1998

Declaration by elected member

I,

of

having been elected to the office of Councillor of the Shire of Mundaring, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the Shire of Mundaring under section 5.104 of the *Local Government Act 1995*.

Declared at Mundaring 25 October 2023

by

Before me:

Jason Whiteaker
Chief Executive Officer