

MINUTES OF SPECIAL COUNCIL MEETING HELD ON MONDAY 18 OCTOBER 2021 COMMENCING AT 6PM



Disclosure of Interest Form

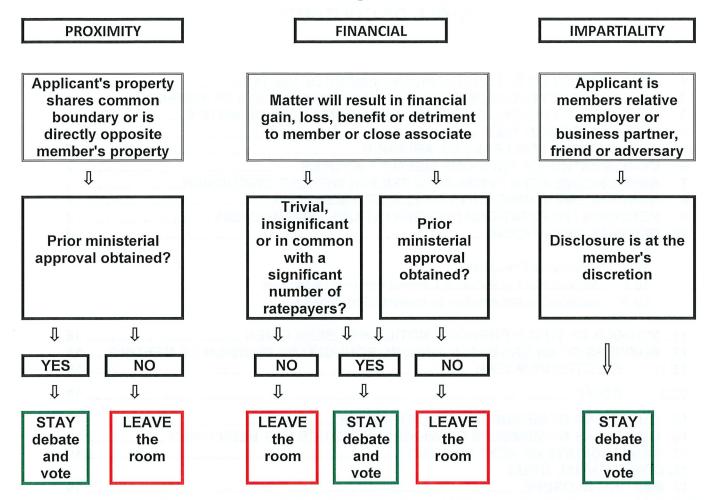
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

Natı	ure of Intere	st			
. , , ,		☐ Proximity	□ Financial	☐ Impartiality	
Type	e of Interest	☐ Elected Member (*see overleaf for furth	☐ Committee	□ Employee	☐ Contractor
-	ort No ort Title ne				
	Committe Other	e Meeting held on			
	Special Co	ouncil Meeting held			
☐ Ordinary Council Meeting held on					

Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:
 - (a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
 - (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3)This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).
 - 5.70 Employees to disclose interests relating to advice or reports.
- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).
- 5.71 Employees to disclose interests relating to delegated functions.
- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
 - (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 - Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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MINUTES

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer declared the meeting open at: 6.01pm

Welcome to Country:-

The Shire of Three Springs acknowledges the traditional owners of this land – the Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

	Attendance	Apologies	Approved Leave of Absences
Councillor Lane	Present		
Councillor Connaughton	Present		
Councillor Heal	Present		
Councillor Mutter	Present		
Councillor Mills		Apology	
Councillor Ennor	Present		
Councillor Eva	Present		
Chief Executive Officer	Present		
Deputy Chief Executive Officer	Present		
Executive Secretary	Present		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr. Heal	October	Cr. Mutter	Cr. Lane	5/0	27/10/21 &
		November				24/11/2021
5.2	Cr. Connaughton	October	Cr. Ennor	Cr. Mutter	5/0	27/10/21 &
	_	November				24/11/2021

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the of proce		uncil meeting are	confirmed as true and a	ccurate record
	Date	Moved	Seconded	Vote
6.1	22/09/2021	Cr. Lane	Cr. Eva	6/0

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION Nil

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Mills	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS Nil

10. REPORTS OF OFFICERS

Executive Services			
10.1. Election of Pres	sident		
Agenda Reference:	CEO		
Location/Address:	Shire of Three Springs		
Name of Applicant:	CEO		
File Reference:	ADM0166		
Disclosure of Interest:	Nil		
Date:	18 October 2021		
Author:	Keith Woodward, Chief Executive Officer		
Attachment (s):			

Council Role:

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi- judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

Council is required to appoint a President at its first meeting following an election day.

Background:

Pursuant to clause 4 of Division 1 of Schedule 2.3 of the Local Government Act 1995, the Council is required to appoint a President at its first meeting following an election day. The Chief Executive Officer is to preside at the meeting until the office is filled and the election is to be conducted by the CEO in accordance with the procedure prescribed in the Act. Accordingly, the CEO will call for Councillors to nominate candidates at the meeting. All Councillors including newly elected Councillors, are eligible to nominate.

Officer's Comment:

Nil

Consultation:

Ni

Statutory Environment:

Local Government Act 1995:

2.8. Role of mayor or president

- (1) The mayor or president
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and
 - (c) carries out civic and ceremonial duties on behalf of the local government; and
 - (d) speaks on behalf of the local government; and
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

2.9. Role of deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

2.10. Role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

[Sections 2.11(1)(b) and 2.15]

Division 1 — Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (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.
- (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 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 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.

[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) 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 discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When council elects deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How deputy mayor or deputy president is elected

(1) The council is to elect a councillor (other than the mayor or president) to fill the office.

- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election 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 person conducting the election, which is to be a sufficient time after the announcement by that person 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 person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at 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 votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.
 - [Clause 8 amended: No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) 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 discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

Schedule 4.1 — How to count votes and ascertain the result of an election [s. 4.74]

[Heading inserted: No. 15 of 2009 s. 5.]

- 1. The number of votes given for each candidate is to be ascertained.
- 2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
- 3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.

- 4. If the election is to fill 2 or more offices of councillor, the candidates elected are
 - (a) the candidate who receives the greatest number of votes; and
 - (b) the candidate who receives the next highest number of votes; and
 - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
- 5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

ELECTION OF SHIRE PRESIDENT

The CEO calls for nominations for the position of Shire President.

IF only one nomination is received the CEO will declare that nominee elected **IF** more than one nomination is received the CEO will conduct a secret ballot then declare the nominee with the highest number of votes elected.

NOMINATION FROM Cr. Lane				
NOMINATION FROM Cr				
NOMINATION FROM Cr				
There being only one nominat declared Cr. Lane elected.	tion for the position	of Shire Pres	sident the C	E0
	OR			
The CEO conducted a secret result of the ballot was:	ballot for the position	on of Shire P	President.	The
Cr	Votes			
Cr	Votes			
Cr	Votes			
Following a secret ballot the position of Shire President	CEO declared Cr		elected to	the

Newly elected Shire President to make declaration of office.

Shire President assumes the chair and calls for nominations for the position of Deputy Shire President

ELECTION OF DEPUTY SHIRE PRESIDENT

The President Cr. Lane to call for nominations for the position of Deputy Shire President.

IF only one nomination is received the Shire President will declare that nominee elected

IF more than one nomination is received the CEO will conduct a secret ballot then declare the nominee with the highest number of votes elected.

NOMINATION FROM Cr. Connaughton

NOMINATION FROM Cr NOMINATION FROM Cr	
There being only one nominati Shire President declared Cr. Co	on for the position of Deputy Shire President the onnaughton elected.
	OR
The CEO conducted a secret k The result of the ballot was: Cr Cr Cr	Votes Votes Votes
Following a secret ballot the elected to the position of Depu	ne Shire President declared Crty Shire President
Newly elected Deputy Shire Pres	sident to make declaration of office.
Policy Implications: Nil	
Financial/Resources Implication	ons:
Strategic Implications: This item is relevant to the Council	cil's Strategic Community Plan 2018-2028.
Strategic Community Plan 2018	
Council Objectives:	
Nil	Nil
This item is relevant to the Coun	cil's Corporate Business Plan 2020-2024.
Corporate Business Plan 2020	
Scope Statement:	Project Outputs:
Nil	Nil
Voting Requirements:	
Officer's Recommendation:	

087/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.1

That Cr Lane is elected to the role of Shire President unopposed.

That Cr. Connaughton is elected to the role of Deputy Shire President unopposed.

10. REPORTS OF OFFICERS

Executive Services		
10.2. Appointment of External Committees and Delegates		
Agenda Reference:	CEO	
Location/Address:	Shire of Three Springs	
Name of Applicant:	CEO	
File Reference:	ADM0211	
Disclosure of Interest:	Nil	
Date:	18 October 2021	
Author:	Keith Woodward, Chief Executive Officer	
Attachment (s):		

Council Role:

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi- judicial	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

That Council:

- 1. Revoke the Council decision 21 October 2020, report 10.2. "External Committees".
- 2. Authorise the appointment of Councillors as representatives to external committees.

Background:

The Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees and elect persons to serve on those committees.

Officer's Comment:

Nil

Consultation:

Nil

Statutory Environment:

All Committees are established under provisions of Subdivision 2 - Committees and their meetings s 5.8 to 5.18 of the Local Government Act 1995.

The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the council. In accordance with s.5.9 (2) of the members a committee is to comprise of:

- 5.9. Committees, types of
- (2) A committee is to comprise —
- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

Policy Implications:

Nil

Financial/Resources Implications:

Nil

Strategic Implications:

This item is relevant to the Council's Strategic Community Plan 2018-2028.

Strategic Community Plan 2018-2028			
Council Objectives:	Outcome:		
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.		
Improved long term planning and strategic management.	4.5.2. Maintain links with bodies such as MWDC.		
Working in partnership with all community, government and corporate stakeholders.	4.5.2 Continued involvement with Government and corporate stakeholders such as the Regional Road Group.		
To be strong advocates representing the community's interest	4.6.1. Continue to lobby government and corporate entities to ensure adequate services and facilities are available for the community.		

This item is relevant to the Council's Corporate Business Plan 2020-2024.

Corporate Business Plan 2020-2024		
Scope Statement:	Project Outputs:	
Aligned to the CSP objectives		
,		

Voting Requirements:

Absolute Majority

Officer's Recommendation:

088/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.2

MOVED: Cr. Connaughton SECONDED: Cr. Heal

That Council:

- 1. Revoke the Council decision 21 October 2020, report 10.2. "external Committees".
- 2. Authorise the appointment of Councillors as representatives to the Shire of Three Springs external committees.

A. WALGA Conference Delegates

- Cr. Lane
- Proxy Cr. Connaughton

B. Northern Country Zone of WALGA

- Cr. Lane
- Proxy Cr. Connaughton

C. Wildflower Country Inc. Committee

- Cr. Mutter
- Proxy Cr. Ennor

D. MRWA Regional Road Group

- Cr Connaughton
- Proxy Cr Mills

E. Three Springs LEMC

- Cr. Heal
- Proxy Cr. Eva

F. Development Assessment Panel

- Cr. Connaughton
- Cr. Ennor

CARRIED: VOTED: 6/0

10. REPORTS OF OFFICERS

Executive Services 10.3. Appoint Representative to Internal Committee's				
Location/Address:	Shire of Three Springs			
Name of Applicant:	CEO			
File Reference:	ADM0211			
Disclosure of Interest:	Nil			
Date:	18 October 2021			
Author:	Chief Executive Officer, Keith Woodward			
Attachment (s):				

Council Role:

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive	The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, local planning schemes and policies.
Review	When Council reviews decisions made by Officers.

Report Purpose:

That Council:

- 1. Revoke the Council decision 21 October 2020, report 10.3. "Appoint Representative to Internal Committees".
- 2. Authorise the appointment of Councillors as representatives to Internal Committees.

Background:

The Local Government Act 1995 Section 5.8, 5.9 and 5.10 empowers Council to establish committees ad elect persons to serve on those committees.

Officer's Comment:

The CEO recommends that all Councillors be appointed to the internal Audit Committee.

Consultation:

Nil

Statutory Environment:

All Committees are established under provisions of Subdivision 2 – Committees and their meetings s 5.8 to 5.18 of the Local Government Act 1995.

The committee is to be appointed by an absolute majority decision of Council and consist of three or more person to assist the council. In accordance with s.5.9(2) of the members a committee is to comprise of:

5.9. Committees, types of

- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

Policy Implications:

Nil

Financial/Resources Implications:

Strategic Implications:

This item is relevant to the Councils approved 'Strategic Community Plan 2018-2028'

'Strategic Community Plan 2018-2028'.		
Council Objectives:	Outcome:	
A long term strategically focused Shire that is efficient, respected and accountable.	4.1.4. Lead by example to get the community involved in the decision making process.	
Improved long term planning and strategic management.	4.5.2. Maintain links with bodies such as MWDC.	
Working in partnership with all community, government and corporate stakeholders.	4.5.2 Continued involvement with Government and corporate stakeholders such as the Regional Road Group.	
To be strong advocates representing the community's interest	4.6.1. Continue to lobby government and corporate entities to ensure adequate services and facilities are available for the community.	

This item is relevant to the Councils approved 'Corporate Business Plan 2020 -2024'.

'Corporate Business Plan 2020 – 2024'.		
Scope Statement:	Project Outputs:	
Aligned to the CSP objectives		

Voting Requirements:

Absolute Majority

Officer's Recommendation:

089/2021 OFFICER'S RECOMMENDATION and COUNCIL RESOLUTION 10.3

MOVED: Cr. Mutter

SECONDED: Cr. Connaughton

That Council:

- 1. Revoke the Council decision 21 October 2020, report 10.3. "Appoint Representative to Internal Committees".
- 2. Appoint councillors to the following Shire of Three Springs internal Audit and Risk Committee.
 - Cr. Lane
 - Cr. Connaughton
 - Cr. Heal
 - Cr. Mutter
 - Cr. Mills
 - Cr. Ennor
 - Cr. Eva
- 3. Appoint Councillors to the following Shire of Three Springs Community **Fund Assessment Committee.**
 - Cr. Eva
 - Cr. Ennor
 - CEO
- 4. Appoint councillors to the Shire of Three Springs Chief Executive Officer - Performance and Salary Review Committee.
 - Cr. Lane
 - Cr. Connaughton
 - Cr. Heal
 - Cr. Mutter
 - Cr. Mills
 - Cr. Ennor
 - Cr. Eva

CARRIED: VOTED: 6/0

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil
- 12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF **MEETING**

- 12.1. **ELECTED MEMBERS – Nil**
- 12.2. STAFF - Nil

13. QUESTIONS BY MEMBERS WITHOUT NOTICE Nil

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday 27 October 2021 @ 5pm.

16. CONFIDENTIAL ITEMS

Nil

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 6.15pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed:

Presiding Officer

Date: 27 October 2021