

Notice of Meeting



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Dear Elected Member

A Special Council meeting of the Shire of Wandering will be held at 3.30pm on Thursday 26 October 2023 in the Council Chambers. This meeting is to:

- Swear in the Councillors Elect;
- Elect a Shire President;
- Elect a Deputy;
- Review the appointment of Elected Members to External Committees.

Schedule

3.30pm Special Council Meeting

Alan Hart
Chief Executive Officer
20 October 2023

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Wandering disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Wandering during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Wandering. The Shire of Wandering warns that anyone who has an application lodged with the Shire of Wandering must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wandering in respect of the application.

AGENDA

Shire of Wandering
Special Council Meeting
26 October 2023

OUR VISION

Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.

We wish to acknowledge the traditional custodians of the land we are meeting on today. We acknowledge and respect their continuing culture and the contribution they make to the Shire of Wandering, and convey our respects to Elders past, present and emerging.

DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Please Note:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

Meeting Procedures:

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of Wandering.

Council Meeting Information:

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Friday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available at the Shire of Wandering Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 2).

Public Inspection of Unconfirmed Minutes (Regulation 13).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Wandering Office and the Shire of Wandering website within ten (10) working days after the Meeting.

Alan Hart
Chief Executive Officer

SHIRE OF WANDERING

Agenda for the Special Meeting of Council to be held in the Council Chambers on Thursday 26 October 2023.

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1. Swearing in of Councillors Elect – Cowan, Jennings, Little and Price

Robert Cowan, Dennis Jennings, Sheryl Little and Alan Price to be sworn in as Councillors and make their declarations in the presence of Lee Muller JP.

2. Declaration of Opening / Announcements of Visitors

The Chairperson to declare the meeting open.

3. Election of Shire President and Deputy President

3.1 Election of Shire President

Background

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day. The term of the positions is for two (2) years (until the next ordinary election).

Comment

The CEO will preside at the meeting until the Office of President is filled. Once a Councillor has been elected and completed the declaration, the President is to assume the Chair.

Statutory Implications

Section 2 of Schedule 2.3 of the *Local Government Act* provides that, in relation to the Office of 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 election day.

Section 3 provides that the CEO is to preside at the meeting until the Office is filled.

Section 4 provides:

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.
 - a. 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.

In relation to the role of the President Section 2.8 provides that:

1. The president —
 - a. presides at meetings in accordance with this Act;
 - b. provides leadership and guidance to the community in the district;
 - c. carries out civic and ceremonial duties on behalf of the local government;
 - d. speaks on behalf of the local government;
 - e. performs such other functions as are given to the 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.

Section 5.34 provides that if —

- a. the office of President is vacant; or
- b. the President is not available or is unable or unwilling to perform the functions of the mayor or president, then the deputy President may perform the functions of president.

Regulation 13 of the Local Government (Constitution) Regulations (Oaths, affirmations and declarations) provides that:

1. For the purposes of sections 2.29 and 2.42 —
 - (c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;
 - (d) the form of declaration for a commissioner is that in Form 8.
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.
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.
4. A declaration required by section 2.42 to be made by a person appointed as a commissioner 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.

Nomination received from: Cr (insert name) for the position of Shire President.

The CEO declared Cr (insert name) elected to the position of Shire President, and relinquished the Chair to the newly elected Shire President.

3.2 Election of Deputy President

Background

Council is required to elect the President and Deputy President as the first item at the first meeting following an ordinary election day.

Comment

The Process of election is the same as the process for election of that of the President.

Statutory Implications

In relation to the Office of Deputy President, Section 7 provides:

(2) If the local government has a councillor president the office of deputy president is to be filled

(a) as the next matter dealt with after the president is elected at the first meeting of the council after an ordinary elections day;

In relation to the role of the Deputy President Section 2.9 provides that the deputy President performs the functions of the President when authorised to do so under section 5.34.

Regulation 13 of the Local Government (Constitution) Regulations provides that:

(1) For the purposes of sections 2.29 and 2.42 —

(c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;

(d) the form of declaration for a commissioner is that in Form 8.

(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.

(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.

(4) A declaration required by section 2.42 to be made by a person appointed as a commissioner 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.

Nomination received from Cr (insert name) for the position of Deputy Shire President. Cr (insert name) was duly elected as Deputy Shire President.

4. Acknowledgement of Country

We wish to acknowledge the traditional custodians of the land we are meeting on today. We acknowledge and respect their continuing culture and the contribution they make to the Shire of Wandering, and convey our respects to Elders past and present.

5. Announcements by the Presiding Member

6. Attendance / Apologies / Approved Leave of Absence

Councillors

Cr Ian Turton

Cr Max Watts

Cr Gillian Hansen

Councillors Elect

Robert Cowan

Dennis Jennings

Sheryl Little

Alan Price

Staff

Alan Hart (Chief Executive Officer)

Karl Mickle (Operations Manager)

Apologies

Members of the Public

7. Response to Previous Public Questions Taken on Notice

Nil

8. Public Question Time

9. Applications for Leave of Absence

10. Disclosures of Interest

11. Chief Executive Officer

11.1 Appointment of Delegates to Council and External Committees

File Reference:	04.041.04112
Location:	N/A
Applicant:	N/A
Author:	Lisa Boddy, Customer Service Coordinator
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	8 September 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Item 4.3 Ordinary Council Meeting 21 October 2021 Item 12.1 Ordinary Council Meeting 15 September 2022 Item 12.3 Ordinary Council Meeting 16 February 2023

Summary:

To review the appointment of Elected Members to Council and external Committees.

Background:

The current list of delegates is as follows:

STANDING COMMITTEES OF COUNCIL

Audit Committee	All Elected Members
------------------------	----------------------------

OTHER COMMITTEES

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
Central Wheatbelt WALGA Zone	Bi-monthly	Cr Turton	Cr Treasure	As required
Regional Road Group	Quarterly	Cr Parsons	Cr Turton	As required
Secondary Freight Routes Group	As required	Cr Turton	Cr Parsons	As required
HWEDA – transitioning into Marradong VROC	Quarterly	Cr Watts	Cr Hansen	As required
Bush Fire Advisory Committee	Twice yearly	Cr Parsons	Cr Hansen	As required
Development Assessment Panel (DAP)	As required	As required		
Peel Harvey Catchment Council	Bi-monthly	Cr Hansen	Cr Watts	
LEMC	Bi Monthly	Cr Treasure	Cr Turton	As required
Worsley Alumina Community Liaison Committee	Quarterly	Cr Watts	Cr Hansen	
Newmont Goldcorp Boddington Community Reference Group	Quarterly	Cr Treasure	Cr Watts	
Wandering Community Centre Upgrade Committee	As Required	Cr Watts	Cr Hansen	Cr Little (Delegate 3)

Comment:

Nothing further.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Policy Implications:

There are no current policy implications.

Financial Implications:

There are no financial implications.

Strategic Implications:**Provide Strong Leadership**

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

Sustainability Implications:

- Environmental: There are no known significant environmental considerations.
- Economic: There are no known significant economic considerations.
- Social: There are no known significant social considerations.

Risk Implications:

Nil.

Voting Requirements:

Simple majority

Officer Recommendation:

That Council endorses the appointments listed below:

STANDING COMMITTEES OF COUNCIL

Audit Committee	All Elected Members
------------------------	----------------------------

OTHER COMMITTEES

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
Central Wheatbelt WALGA Zone	Bi-monthly			
Regional Road Group	Quarterly			
Secondary Freight Routes Group	As required			
HWEDA – transitioning into Marradong VROC	Quarterly			
Bush Fire Advisory Committee	Twice yearly			
Development Assessment Panel (DAP)	As required			
Peel Harvey Catchment Council	Bi-monthly			

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
LEMC	Bi Monthly			
Worsley Alumina Community Liaison Committee	Quarterly			
Newmont Goldcorp Boddington Community Reference Group	Quarterly			
Wandering Community Centre Upgrade Committee	As Required			(Delegate 3)

Moved: _____

Seconded: _____

Carried

For/Against: Cr Turton Cr Price Cr Hansen Cr Little Cr Jennings Cr Watts Cr Cowan

12. New Business or Urgent Business Introduced by Decision of the Meeting

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

12.1 Elected Members

12.2 Officers

13. Matters Behind Closed Doors

14. Closure of Meeting

The Presiding Member to declare the meeting closed.