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MINUTES

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.

These Minutes of the Special Council Meeting held 26 October 2023 are confirmed as a true and correct record of proceedings without amendment. Confirmed on 16 November 2023 by the Presiding Member, Cr I Turton.

.....
Cr Turton Presiding Member

DISCLAIMER

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The purpose of this council 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 basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision.

The Shire of Wandering 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 a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

Alan Hart
Chief Executive Officer

SHIRE OF WANDERING

Minutes of the Special Meeting of Council held in Council Chambers on Thursday 26 October 2023 – commencing at 3.30pm.

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

Councillors Elect Robert Cowan, Dennis Jennings, Sheryl Little and Alan Price were sworn in as Councillors and made their declarations in the presence of Lee Muller JP.

2. Declaration of Opening / Announcements of Visitors

The Chairman declared the meeting open at 3.30pm.

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 Little to elect Cr Turton for the position of Shire President.

The CEO declared Cr Turton elected to the position of Shire President, and relinquished the Chair to the newly elected Shire President at 3.44pm.

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 Watts to elect Cr Little for the position of Deputy Shire President. Cr Little 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

The President expressed that he was pleased with our new Councillors and having a full Council again.

6. Attendance / Apologies / Approved Leave of Absence

Councillors

Cr Ian Turton

Cr Max Watts

Councillors Elect

Robert Cowan

Dennis Jennings

Sheryl Little

Alan Price

Staff

Alan Hart (Chief Executive Officer)

Karl Mickle (Operations Manager)

Lisa Boddy (Executive Assistant)

Apologies

Cr Gillian Hansen

Members of the Public

Bob Little

Sarah Kaye

Lorraine Jennings

Elaine Cowan

Stephen Bullock (from 3.53pm)

Judy Bullock (from 3.53pm)

7. Response to Previous Public Questions Taken on Notice

Nil

8. Public Question Time

Nil.

9. Applications for Leave of Absence

Nil.

10. Disclosures of Interest

Nil.

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
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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)
CEO Performance Review Committee	As Required	Nil	Nil	Nil

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

111023

Moved: Cr Watts

Seconded: Cr Cowan

Council Decision:

That, subject to all members accepting their appointments, Council endorses the appointments listed below:

STANDING COMMITTEES OF COUNCIL

Audit Committee	All Elected Members
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OTHER COMMITTEES

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
Central Wheatbelt WALGA Zone	Bi-monthly	Cr Turton	Cr Little	As required
Regional Road Group	Quarterly	Cr Turton	Cr Price	Cr Little
Secondary Freight Routes Group	As required	Cr Watts	Cr Turton	Cr Price
Voluntary Regional Organisation of Councils (VROC)	Quarterly	Cr Hansen	Cr Cowan	Cr Little

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
Bush Fire Advisory Committee	Twice yearly	Cr Cowan	Cr Hansen	Cr Price
Development Assessment Panel (DAP)	As required			
Peel Harvey Catchment Council	Bi-monthly	Cr Watts	Cr Hansen	Cr Jennings Cr Price
LEMC	Bi Monthly	Cr Turton	Cr Little	Cr Cowan
Worsley Alumina Community Liaison Committee	Quarterly	Cr Hansen	Cr Jennings	Cr Watts
Newmont Goldcorp Boddington Community Reference Group	Quarterly	Cr Watts	Cr Price	Cr Jennings
Wandering Community Centre Upgrade Committee	As Required	Cr Cowan	Cr Little	Cr Watts (Delegate 3)
	Community Members	Lee Muller	Darralyn Ebsary	Brendan Whitely
CEO Performance Review Committee	As Required	Ex Cr Parsons	Ex Cr Treasure	Nil

Carried 6/0

For: Cr Turton, Cr Price, Cr Little, Cr Jennings, Cr Watts, Cr Cowan

Against: Nil

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 at 4.24pm.