



# AGENDA

## SPECIAL COUNCIL MEETING



**25 OCTOBER 2023**

Commencing at 4pm in the  
Shire of Wyalkatchem Council Chambers  
27 Flint Street, Wyalkatchem

**NOTICE OF SPECIAL COUNCIL MEETING**

A Special Meeting of Council will be held on Wednesday 25<sup>th</sup> October 2023 in the Council Chambers, 27 Flint Street Wyalkatchem, commencing at 4pm.

An Agenda for this meeting will be made available from the Shire Administration Office and on our website [www.wyalkatchem.wa.gov.au](http://www.wyalkatchem.wa.gov.au)

**ORDER OF EVENTS**

**3pm – Swearing in of new Councillors**

**Refreshments**

**4pm – Special Council Meeting**

I have reviewed this agenda and am aware of all recommendations made to Council and support each as presented.

**Peter Klein**

**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting.*

## **DISCLOSURE OF INTEREST**

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

### Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

### Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

### Impartiality Interest:

To maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest.

### Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting at which the matter in which you have an interest is to be discussed.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

**1. TABLE OF CONTENTS**

<b>2.</b>	<b>DECLARATION OF OPENING – CHIEF EXECUTIVE OFFICER .....</b>	<b>1</b>
<b>3.</b>	<b>ELECTION OF SHIRE PRESIDENT.....</b>	<b>1</b>
<b>4.</b>	<b>ELECTION OF DEPUTY SHIRE PRESIDENT .....</b>	<b>3</b>
<b>5.</b>	<b>BALLOT FOR SEATING .....</b>	<b>5</b>
<b>6.</b>	<b>DECLARATIONS OF INTEREST .....</b>	<b>6</b>
6.1.	Financial and Proximity Interest .....	6
6.2.	Impartiality Interests.....	6
<b>7.</b>	<b>REPORTS .....</b>	<b>7</b>
7.1.	CORPORATE AND COMMUNITY SERVICES.....	7
7.1.1.	DELEGATES TO EXTERNAL COMMITTEES .....	7
<b>8.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>10</b>
<b>9.</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....</b>	<b>10</b>
<b>10.</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>10</b>
<b>11.</b>	<b>MATTERS BEHIND CLOSED DOORS.....</b>	<b>10</b>
<b>12.</b>	<b>ANY OTHER BUSINESS .....</b>	<b>10</b>
12.1.	Community Citizens Awards Event – Date and Venue .....	10
12.2.	Elected Members Retirement Event – Date and Venue.....	10
12.3.	Council Christmas Party – Clarification of purpose, date and venue .....	10
<b>13.</b>	<b>CLOSURE OF THE MEETING .....</b>	<b>10</b>

## 2. DECLARATION OF OPENING – CHIEF EXECUTIVE OFFICER

### 3. ELECTION OF SHIRE PRESIDENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	12 October 2023
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

#### SUMMARY

To elect the President of the Council for the following two (2) year term commencing immediately upon declaration into office.

#### BACKGROUND

Schedule 2.3 provides the legislative framework for how the positions of President are filled by the Council;

- The council is to elect a councillor to fill the office.
- The election is to be conducted by the CEO in accordance with the procedure prescribed.
- 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.
- 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.
- 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.
- The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- The votes cast 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.
- 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.

#### COMMENT

On receiving nominations and undertaking the Election process the newly Elected Shire President will be required to be declared into office by Done Eaton, Justice of the Peace in accordance with the *Local Government Act 1995* and *Local Government (Constitutional) Regulations 1998* (Form 7).

At the conclusion of electing the Shire President, the President will 'assume the chair'.

**STATUTORY ENVIRONMENT**

Local Government Act 1995, Division 1, Schedule 2.3

Local Government (Constitution) Regulations 1996 Regulation 13

Oaths, Affidavits and Statutory Declarations Act 2005 Schedule 2

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

**Objective: A well-managed and effective Council organisation**

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"><li>Ensuring a well-informed Council makes good decisions for the community</li></ul>
		10.3	<ul style="list-style-type: none"><li>High quality corporate governance, accountability and compliance</li></ul>

#### 4. ELECTION OF DEPUTY SHIRE PRESIDENT

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	12 October 2023
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.07.06
Attachment Reference:	Nil

#### SUMMARY

To elect the Deputy President of the Council for the following two (2) year term of office, commencing immediately upon declaration into office.

#### BACKGROUND

Schedule 2.3 provides the legislative framework for how the positions of Deputy President are filled by the Council;

- The council is to elect a councillor to fill the office.
- The election is to be conducted by the CEO in accordance with the procedure prescribed.
- 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.
- 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.
- 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.
- The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- The votes cast under 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.
- As soon as is practicable after the result of the election is known, the President is to declare and give notice of the result in accordance with regulations, if any.

#### COMMENT

On receiving nominations and undertaking the Election process the newly Elected Deputy Shire President will be required to be declared into office by Don Eaton, Justice of the Peace, in accordance with the *Local Government Act 1995* and *Local Government (Constitutional) Regulations 1998* (Form 7).

At the conclusion of electing the Deputy Shire President, the Deputy President will 'assume their chair'.

**STATUTORY ENVIRONMENT**

Local Government Act 1995, Division 1, Schedule 2.3  
 Local Government (Constitution) Regulations 1996 Regulation 13  
 Oaths, Affidavits and Statutory Declarations Act 2005 Schedule 2

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Objective: A well-managed and effective Council organisation**

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1 10.3	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> <li>High quality corporate governance, accountability and compliance</li> </ul>



## 5. BALLOT FOR SEATING

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	12 October 2023
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.07.06
Attachment Reference:	Nil

### SUMMARY

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in the Chambers.

### BACKGROUND

The Shire of Wyalkatchem's Standing Orders prescribes how the allocation of Council seating arrangements is determined.

#### Clause 8.2 Members to Occupy Own Seats

At the first meeting held after each Local Government Election, the CEO is to allot by random draw, a Council meeting seating arrangement that is to apply until such time as there is a call by a majority of Councillors for a re-allotment of seating positions.

### COMMENT

After the conclusion of the ballot, the Shire President will invite Councillors to take their seats.

### STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Shire of Wyalkatchem Standing Orders 8.2 Members to Occupy Own Seats*

### POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

### FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

### COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Objective: A well-managed and effective Council organisation**

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1 10.3	<ul style="list-style-type: none"><li>• Ensuring a well-informed Council makes good decisions for the community</li><li>• High quality corporate governance, accountability and compliance</li></ul>

**6. DECLARATIONS OF INTEREST**

**6.1. Financial and Proximity Interest**

**6.2. Impartiality Interests**

## 7. REPORTS

### 7.1. CORPORATE AND COMMUNITY SERVICES

#### 7.1.1. DELEGATES TO EXTERNAL COMMITTEES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	18 October 2023
Reporting Officer:	Stephanie Elvidge, Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

#### VOTING REQUIREMENT

Absolute Majority

#### OFFICER'S RECOMMENDATION

*That Council appoint the following delegates:*

- North Eastern Wheatbelt Regional Organisation of Councils (NEWROC)
  - Delegate 1: Shire President
  - Delegate 2 (Proxy): Any one Councillor
  - Delegate 3 (Proxy): Chief Executive Officer
  
- Central East Aged Care Alliance (CEACA)
  - Delegate 1: Shire President
  - Delegate 2 (Proxy): Any one Councillor
  - Delegate 3 (Proxy): Chief Executive Officer
  
- Great Eastern Country Zone of WALGA
  - Delegate 1: Shire President
  - Delegate 2: Deputy Shire President
  - Delegate 3 (Proxy): Any one Councillor
  - Delegate 4 (Proxy): Chief Executive Officer
  
- Wheatbelt Regional Road Group North
  - Delegate 1: Cr \_\_\_\_\_
  - Delegate 2 (Proxy): Cr \_\_\_\_\_

#### SUMMARY

To appoint Council delegates to external committees to which the Shire of Wyalkatchem has voting rights.

#### BACKGROUND

The Shire of Wyalkatchem is a member at a number of external groups and organisations. These external groups and organisations provide a regional collaborative approach to the objectives of the individual groups.

These committees are independent of Council.

The following are details of external committees on which the Shire of Wyalkatchem participates. The Council is required to appoint delegates, with voting rights, to these committees.

Committee Name:	<b>(North Eastern Wheatbelt Regional Organisation of Councils (NEWROC))</b>
Purpose:	To work collaboratively with the Shire's of Koorda, Mt Marshall, Mukinbudin, Nungarin and Trayning with a range of advocacy and project focuses.
Meeting Frequency:	Bi-Monthly
Next Meeting:	To be confirmed
Current Meeting Day:	Tuesday
Meeting Location:	Various locations rotated between member councils
Current Council Representatives:	Shire President (delegate with voting rights) Chief Executive Officer All Councillors - Proxies

Committee Name:	<b>Central East Aged Care Alliance (CEACA)</b>
Purpose:	This organisation was initiated by eleven local governments to progress housing and aged care services in order to transform our districts into age friendly communities.
Meeting Frequency:	Quarterly
Next Meeting:	To be confirmed
Current Meeting Day:	Wednesday
Meeting Location:	Typically Kellerberrin or Merredin
Current Council Representatives:	Shire President Chief Executive Officer

Committee Name:	<b>Great Eastern Country Zone of WALGA</b>
Purpose:	Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.
Meeting Frequency:	Quarterly
Next Meeting:	To be confirmed
Current Meeting Day:	Thursday
Meeting Location:	Typically Merredin and Kellerberrin
Current Council Representatives:	Shire President (Delegate with voting rights) All Councillors (Proxy delegates with voting rights) Chief Executive Officer (Proxy delegation with voting rights in the absence of Council representation.)

Committee Name:	<b>Wheatbelt Regional Road Group North.</b>
Purpose:	To make recommendations to State Advisory Committee (SAC) in relation to the Annual Local Government Roads Program for their region and any other relevant issues.
Meeting Frequency:	Quarterly
Next Meeting:	To be confirmed
Current Meeting Day:	Non allocated
Meeting Location:	Various locations rotated between Members Council. Meetings are also held via telephone conferences
Current Council Representatives:	Cr Holdsworth (Delegate with voting rights) Manager of Works (without voting rights)

**COMMENT**

Council is requested to consider the role of its Councillors as delegate’s external committees. Councillors need to be aware of the time commitment that can occur with attendance at meetings. Only appointed delegates have voting rights to these external committees, other members may attend as an observer only.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Goal: Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.**

Goal No.	Action No.	Actions
<b>10 Transparent, accountable and effective governance</b>	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
<b>12 Form strategic partnerships and advocate for the community</b>	12.1	Developing strategic partnerships with regional, State & Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

**8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**10. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**11. MATTERS BEHIND CLOSED DOORS**

**12. ANY OTHER BUSINESS**

- 12.1. Community Citizens Awards Event – Date and Venue**
- 12.2. Elected Members Retirement Event – Date and Venue**
- 12.3. Council Christmas Party – Clarification of purpose, date and venue**

**13. CLOSURE OF THE MEETING**