



MINUTES
of the
SPECIAL COUNCIL MEETING
HELD
WEDNESDAY 25 OCTOBER 2023

Shire of Wyalkatchem Council Chambers
27 Flint Street, Wyalkatchem

Commencement: 4:00pm
Closure: 5:17pm

Preface

When the Chief Executive Officer approved these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member.

Unconfirmed Minutes

These minutes were approved for distribution on 31 October 2023.

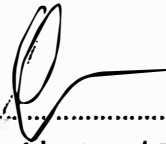


Peter Klein
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at the Ordinary Meeting of Council held 16 November 2023.

Signed:



Cr Garner, Shire President and Presiding Member
Shire of Wyalkatchem

Note: The Presiding Member at the meeting at which the minutes where confirmed is the person who signs above

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.

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1. DECLARATION OF OPENING – CHIEF EXECUTIVE OFFICER

In accordance with the provision of the *Local Government Act 1995*, and in the absence of an elected Shire President following the October 2023 Ordinary Election, the Chief Executive Officer assumed the Chair and opened the meeting at 4:00pm.

2. 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 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 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"> Ensuring a well-informed Council makes good decisions for the community
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance

ELECTION PROCESS

The Local Government Act 1995 states that the nomination for President is to be made in writing before the meeting or at the meeting before close of nominations. The election is to be conducted by the Chief Executive Officer in accordance with the procedure prescribed.

The Chief Executive Officer advised that he has received one nomination for the position of President from Cr Garner.

The Chief Executive then called for any further nominations from Councillors for the position of President. No further nominations were forthcoming.

The Chief Executive Officer declared Cr Garner elected to the position of President.

Cr Garner made his declaration in accordance with Form 7 – Declaration by elected member of Council, and took the chair at 4:03pm.

3. 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 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 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
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance

ELECTION PROCESS

The Local Government Act 1995 states that the nomination for Deputy President is to be made in writing before the meeting or at the meeting before close of nominations. The election is to be conducted by the Chief Executive Officer in accordance with the procedure prescribed.

The Chief Executive Officer advised that he has received two nominations for the position of Deputy President from Cr Petchell and Cr Stratford.

The Chief Executive then called for any further nominations from Councillors for the position of Deputy President. No further nominations were forthcoming.

Councillors were asked to cast their votes by secret ballot nominating first preference. The outcome was Cr Petchell 4 votes to Cr Stratford 3 votes.

The President declared Cr Petchell elected to the position of Deputy President.

Cr Petchell made her declaration in accordance with Form 7 – Declaration by elected member of Council, and was seated at 4:20pm.

4. 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 Standing orders provides the framework on how the allocation of Council seating arrangements;

Clause 8.2 Members to Occupy Own Seats

At the first meeting held after each ordinary Election Day, the CEO is to allot by random draw, a position at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of 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
Goal 10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"> Ensuring a well-informed Council makes good decisions for the community
		10.3	<ul style="list-style-type: none"> High quality corporate governance, accountability and compliance

BALLOT PROCESS

Chief Executive Officer, Mr Peter Klein, conducted the ballot process with the names being drawn as follows:

- Cr Petchell
- Cr Stratford
- Cr Begley
- Cr Dickson
- Cr Lawson Kerr
- Cr Loton

The following seating arrangements were not allocated by ballot, being the Shire President and Staff and are as follows:

- Governance Executive Officer / Minute taker
- Chief Executive Officer
- Shire President
- Manager of Corporate services
- Manager of Works

At the conclusion of the ballot, the Shire President, Cr Garner invited Councillors to take their seats.

5. DECLARATIONS OF INTEREST

5.1. Financial and Proximity Interest

Nil

5.2. Impartiality Interests

Nil

6. REPORTS

6.1. CORPORATE AND COMMUNITY SERVICES

6.1.1. 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

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:	(North Eastern Wheatbelt Regional Organisation of Councils (NEWROC))
Purpose:	To work collaboratively with the Shire's of Koorda, Mt Marshall, Mukinbudin, Nungarin, Dowerin and Trayning with a range of advocacy and project focuses.
Meeting Frequency:	Bi-Monthly
Next Meeting:	Tuesday 31 October 2023, 1:30pm
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:	Central East Accommodation and Care Alliance (CEACA)
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:	Great Eastern Country Zone of WALGA
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:	Wheatbelt Regional Road Group North
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
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
10 Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
12 Form strategic partnerships and advocate for the community	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

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

(127/2023) Moved: Cr Stratford

Seconded: Cr Loton

That Council appoint the following delegates to the following external committees:

- **North Eastern Wheatbelt Regional Organisation of Councils (NEWROC)**
 - Delegate 1: Shire President, Cr Garner
 - Delegate 2 (Proxy): Cr Loton
 - Delegate 3 (Proxy): Cr Dickson

- **Central East Accommodation and Care Alliance (CEACA)**
 - Delegate 1: Cr Stratford
 - Delegate 2 (Proxy): To be confirmed if required

- **Great Eastern Country Zone of WALGA**
 - Delegate 1: Shire President, Cr Garner
 - Delegate 2: Deputy President, Cr Petchell
 - Delegate 3 (Proxy): Cr Lawson Kerr

- **Wheatbelt Regional Road Group North**
 - Delegate 1: Cr Begley
 - Technical support – Manager of Works

CARRIED 7/0

7. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

9. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

10. MATTERS BEHIND CLOSED DOORS

Nil

11. ANY OTHER BUSINESS

11.1. Community Citizens Awards Event – Date and Venue

Event to be held separately from Australia Day

11.2. Elected Members Retirement Event – Date and Venue

Postpone to 2024 discussions.

11.3. Council Christmas Party – Clarification of purpose, date and venue –

Friday 8th or 15th December? To be discussed further.

11.4. Mable Coordinator Appointment

EOI to nominate for the Aged Care Committee overseeing Mable.

Discuss further next workshop and have as an item for the November Council meeting

12. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 5:17pm.