



AGENDA

Ordinary Council Meeting



Meeting to be held in Council Chambers at
15 Maddock Street, Mukinbudin
Commencing at 1.00pm Tuesday 12th March 2024.

****** DISCLAIMER ******

Disclaimer:

The Shire of Mukinbudin assumes no responsibility for any act, omission, statement, or implication arising during Council or Committee meetings. The Shire of Mukinbudin explicitly disclaims any liability for any loss incurred as a result of reliance on such acts, omissions, statements, or implications by any individual or legal entity. Any person or legal entity who chooses to act or refrain from acting based on statements, acts, or omissions made during Council or Committee meetings does so at their own risk.

In particular, it should be noted that in discussions pertaining to planning applications or license applications, any statements or implications of approval made by members or officers of the Shire of Mukinbudin during meetings should not be construed as official notice of approval from the Shire of Mukinbudin. The Shire of Mukinbudin advises that individuals with pending applications must obtain written confirmation of the application's outcome and should only rely on such written confirmation, including any attached conditions determined by the Shire of Mukinbudin.

Ethical Decision Making and Conflicts of Interest:

Council adheres to a code of conduct and ensures that all decisions are based on an honest assessment of the matter, ethical decision-making, and personal integrity. Councillors and staff members comply with statutory requirements to disclose financial, proximity, and impartiality interests. Once declared, they abide by the relevant legislation.



Dirk Sellenger
CHIEF EXECUTIVE OFFICER

Vision Statement

To assist our community towards a prosperous future by providing a positive environment in which to work and live.

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AGENDA

Agenda of the Ordinary Meeting of Council to be held in Council Chambers, Maddock Street, Mukinbudin on Tuesday 12th March 2024.

1. Declaration of Opening

The Shire President to declare the Meeting open at 1._pm

2. Record of attendance, apologies, and approved leave of absence

2.1 Present:

Cr G Shadbolt	Shire President
Cr R Nicoletti	Deputy President

Cr G Bent
Cr A Farina
Cr C McGlashan
Cr S Ventris

2.2 Staff:

Dirk Sellenger	Chief Executive Officer
Renee Jenkin	Manager of Corporate and Community Services
Ed Nind	Finance Manager

2.3 Visitors:

2.4 Apologies:

2.5 On leave of absence:

Cr A Walker

2.6 Applications for leave of absence:

3. Public Question Time (min 15 minutes)

3.1 Response to previous questions taken on notice.

Nil

3.2 Declaration of public question time opened (minimum 15 mins)

The Shire President to declare public question time open at ___pm.

3.3 Declaration of public question time closed

The Shire President to declare public question time closed at ___pm.

4. Declarations of Interest

5. Petitions, deputations, and presentations

5.1 Petitions

5.2 Deputations

5.3 Presentations

5.3.1 Jennifer Thomas
NBN Regional Development & Engagement Manager

6. Announcements by the Presiding person without discussion

7. Confirmation of the Minutes of previous meetings

7.1 Confirmation of Minutes for the Ordinary Meeting of Council held on the 13th February 2024.

Voting Requirement

Simple Majority

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the Minutes of the following meetings be accepted as a true and correct record of proceedings.

- **Ordinary Meeting of Council held on 13th February 2024**

Carried /

8. Committee Meetings

8.1 Receipt of Minutes of Committee Meetings

8.2 Recommendations from Committee Meeting for Council Consideration

9.1 Monthly Information Report

9.1.1 March 2024 Information Report	
Location:	Mukinbudin
File Ref:	ADM 360
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	7 th March 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	March Information Report
Documents Tabled	Nil

Summary

The purpose of this communication is to enable the Council to receive the Monthly Information Report, which includes reports from key personnel, namely the Aquatic Centre Manager, Caravan Park Manager, Acting Manager of Works, Community Resource Centre Coordinator, Manager of Corporate and Community Services, and the Chief Executive Officer.

Background Information

The Monthly Information Report serves as a means to provide Council with updates on various operational matters within the Shire of Mukinbudin. These reports offer valuable insights into the performance and progress of the respective areas under the purview of the aforementioned personnel.

Officer Comment

Refer to March Information Report.

Consultation

Simon Comerford – Aquatic Centre Manager
 Tania Sprigg - Caravan Park Manager
 Bob Edwards – Acting Manager of Works
 Jessica McCartney – Community Resource Centre Coordinator
 Renee Jenkin – Manager of Corporate and Community Services
 Dirk Sellenger – Chief Executive Officer

Statutory Environment Nil

Policy Implications Nil

Financial Implications Nil

OFFICER RECOMMENDATION**Council Decision Number –****Moved: Cr****Seconded: Cr****That Council receive the March 2024 Information Report.****Carried /**

9.2 Finance Reports

9.2.1 List of Payments – February 2024	
Location:	Mukinbudin
File Ref:	ADM 007
Applicant:	Edward Nind – Finance Manager
Date:	6 th March 2024
Disclosure of Interest:	
Responsible Officer:	Edward Nind – Finance Manager
Author:	Lucia Scari – Senior Finance Officer
Voting Requirements	Simple Majority
Documents Attached	List of Payments – Municipal Account (6 pages) List of Payments – Restricted Municipal Account (1 page) Corporate Credit Card Statement – February 2024 (5 pages) Credit Card Summary – February 2024 (1 page) Fuel Cards Statement – February 2024 (3 pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please see the Finance Manager prior to the meeting so that a researched answer may be provided.

Summary

List of payments made in February 2024 for endorsement by Council.

Background Information

A list of payments submitted to Council on 12th March 2024, for confirmation in respect of accounts already paid or for the authority to those unpaid. (Please refer to Payment listing attached).

Officer Comment

Standard process of obtaining Council endorsement of payments.

Strategic & Social Implications

N/A

Consultation

N/A

Statutory Environment

A list of payments is required to be presented to Council as per section 13 of the Local Government (Financial Management) Regulations 1996.

Policy Implications

Council Policy No. 1.6.5 (e) states that a list of payments is required to be presented to Council each month in accordance with Financial Management Regulations 13(1) for recording in the minutes.

Financial Implications

All payments have been made in accordance with the 2023/2024 Budget.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That the list of payments made in February 2024, be endorsed for payment.

Municipal Fund:

Muni EFTs	EFT 8835	to	EFT 8935	\$394,135.44
Muni Cheques	Chq 31971	to	Chq 31972	\$26,845.02
Muni Direct Debits (Superannuation, loans, leases)	DD 11450.1	to	DD 11534.12	\$36,185.93
Pays on (Not included on payment listing)	01/02, 15/02 & 29/02/2024			\$144,904.99
Total Municipal Funds				\$602,071.38

Restricted Muni Fund:

RMF EFTs	EFT -	to	EFT -	\$0.00
RMF Cheques	Chq -	to	Chq -	\$0.00
RMF Direct Debits	DD 11424.1	to	DD 11546.1	\$74,647.70
Total Restricted Muni Funds				\$74,647.70

Carried /

9.2.2 Monthly Statement of Financial Activity Report – 29 February 2024	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	11 th March 2024
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Simple Majority
Documents Attached	Statement of Financial Activity – For the period ended 29 February 2024 (23 Pages) Schedules 2 to 14 For the period 1 July 2023 to 29 February 2024 (97 Pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please discuss these queries with the Finance Manager so that a researched answer may be provided for you.

Summary

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995 and Local Government (Financial Management Regulations 1996)*.

The Monthly Statement of Financial Activity Report attached for consists of;

Statement of Financial Activity comprising:

1. Acquisition of Assets
2. Disposal of Assets
3. Information on Borrowings
4. Reserves
5. Net Current Assets
6. Rating Information
7. Restricted Municipal and Trust Funds
8. Operating Statement
9. Statement of Financial Position
10. Financial Ratios
11. Grants Revenue
12. Bank Balances & Investment Information

Schedules 2 - 14

Background Information

Unspent grants and prepayments received are identified in Note 5. "Net Current Assets " in the Statement of Financial Activity.

The "Actual" brought forward surplus from 2022/2023 is \$ 2,344,429. End of year accounting adjustments are completed and this is the final audited figure.

The 2023-2024 budget was adopted on 24 August 2023 and was based on a carried forward surplus of \$2,360,165. The budgeted surplus was \$ 15,736.00 more than the 2022/2023 the final audited figure.

In June 2023 we received \$1,927,705 as Advance Grants for 2023-2024. \$1,254,521 was General Purpose Funding and \$673,184 was Road funding.

Including the advance payments the audited Surplus Carried Forward from June 2023 is \$2,344,429. Without the advance payments the brought forward amount from 2022-2023 would be \$416,724.

Officer Comment

The audit for 2022-2023 has been completed and this identifies a Net Current Assets brought forward surplus of \$2,344,429 in the Audited Financial Statements.

At 29 February 2024 the end of month position in the monthly report is a surplus of \$1,617,786, this includes 2023-2024 Rates that were raised in August 2023 and the \$1,297,671 advance Financial Assistant Grant payments for the 2022-2023 financial year.

Without these advance payments of \$1,297,671 the end of month position would be reduced.

Strategic & Social Implications

N/A

Consultation

N/A

Statutory Environment

General Financial Management of Council, Council 2022/23 Budget, *Local Government (Financial Management) Regulations 1996, r34, Local Government Act 1995, section 6.4.*

Policy Implications

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council.

Council adopted a policy on 24 August 2023 that the material variation be set at \$11,000 and 10%.

Financial Implications

There is no direct financial implication in relation to this matter.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council:

Adopt the Monthly Financial Report for the period ending 29 February 2024.

Carried /

9.2.3 Mid-Year Review 2023-2024	
Location:	Mukinbudin
File Ref:	ADM 005
Applicant:	Edward Nind – Finance Manager
Date:	11 th March 2024
Disclosure of Interest:	Nil
Responsible Officer	Edward Nind – Finance Manager
Author:	Edward Nind – Finance Manager
Voting Requirements	Absolute Majority
Documents Attached	Mid- Year Review Schedules 2023-2024 (98 Pages)
Documents Tabled	Nil

If a Councillor has any questions regarding the enclosed finance report, please discuss these queries with the Finance Manager so that a researched answer may be provided for you.

Summary

This information is provided to Council on an annual basis in accordance with provisions of the *Local Government Act 1995 and Local Government (Financial Management Regulations 1996*. See also officer comments.

The 2023-2024 Mid Year Review Schedules is attached for Councillor Information and consists of Schedules 1 to 14 showing accounts and jobs and includes comparatives to 31 January 2024.

Background Information

Nil

Officer Comment

A review of expenditure and income for the period from 1st July to the date of the report has been carried out. In addition, relevant financial information has been included from other sources so the annual expenditure and income to 30 June 2024 can be predicted as accurately as possible.

The predicted expenditure and income to 30 June 2024 are shown in the yellow “**Forecast Actual**” column. Where the forecast figure for 30 June 2024 is different from the Adopted Budget, and as previously amended if appropriate, it is shown in **bold** and shaded.

It is recommended that council review the Forecast Actual figures.

The figures presented in this review represent the bottom line Forecast Actual for each job and account.

A detailed consideration of the resources required to achieve that result has not been carried out and all changes are treated as cash.

No non cash amendments for allocations or depreciation have been included because they will have no impact on the end of year result.

Ideally the report should have also been reported by Nature and in a similar format as the Annual (Statutory) budget as currently required by Local Government (Financial Management) Regulations 1996., however time did not permit this.

This requirement is implied by reference to the “.. *annual budget* ..” in the Local Government (Financial Management) Regulations 1996. See the extract below.

Full details of the budget amendments by Nature will be reported to council in the March Monthly financial report.

It has been noted that overall gross wages and salary are below the year to date budget. See “SALARIES & WAGES” page 95. Any potential savings has not been specifically addressed in the review. However any savings are intrinsically included in amendments to other accounts and jobs involving works related budgets.

The audited end of year result for the 30 June 2023 was \$2,344,429 (Including Prepaid grants) down from the adopted figure of \$2,360,165, a decrease of \$15,736.

If all the Forecast Actual figures are adopted by council the as Amended Budgets the estimated end of year result will a surplus of \$1,102.

Strategic & Social Implications

N/A

Consultation

Internal Staff

Statutory Environment

General Financial Management of Council, Council 2021/2022 Budget, *Local Government Act 1995*, section 6.10 and *Local Government (Financial Management) Regulations 1996*, r33A.

The *Local Government Act 1995*, section 6.10 states:

“6.10. Financial management regulations

Regulations may provide for —

(a) the security and banking of money received by a local government;

and

(b) the keeping of financial records by a local government;

and

(c) the management by a local government of its assets, liabilities and revenue;

and

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.”

The *Local Government (Financial Management) Regulations 1996*, Regulation 33A states:

“33A. Review of budget

(1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

(a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

(b) consider the local government’s financial position as at the date of the review; and

(c) review the outcomes for the end of that financial year that are forecast in the budget; and

(d) include the following —

(i) the annual budget adopted by the local government;

(ii) an update of each of the estimates included in the annual budget;

(iii) the actual amounts of expenditure, revenue and income as at the date of the review;

(iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.

(2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

Policy Implications

Nil

Financial Implications

If all the Forecast figures are adopted by council the as Amended Budgets the predicted end of year result at 30 June 2024 will be a surplus of \$1,102.

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council

- **Review and note the “Forecast Actual” figures, and**
- **Adopt the “Forecast Actual” figures as Amended Budgets”, and**
- **Within 14 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.**

Carried /

9.3 Chief Executive Officer's Reports

9.3.1 Request For Dogs Exceeding Maximum At Property	
Location:	Mukinbudin
File Ref:	ADM 300
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	2 nd January 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Renee Jenkin, Manager of Corporate and Community Services
Voting Requirements	Simple Majority
Documents Attached	Fence Inspection Report Ranger Report Images of Dogs
Documents Tabled	Nil

Summary

To allow Council to consider a request from Stephen Thompson to have a total number of 3 dogs on their townsite property, this exceeds the number of dogs allowable.

Background Information

Council received the following correspondence from Stephen Thompson

"Hi, my name is Stephen. I rehomed a dog, but due to abuse she ended up back with us and due to already having 2 dogs we need to see if we can get permission for have the 3rd dog. Thanks"

Ranger Scott Simeons, WA Contract Ranger Services, acting on behalf of the Shire of Mukinbudin was tasked with investigating an application for a third dog registration at 15 Greenslade Street.

Officer Comment

The Ranger has made contact with the neighbours and it is not unanimous that approved is a supported to have three dogs at this property, as one neighbour (10 Lukin Street) was unable to be contacted.

As this property is owned by Department of Communities, they have also been consulted which they advised that they don't have any issues with dog on the premises.

Consultation

Scott Simeons – WA Ranger Services
Adjoining Property Neighbours
Department of Communities - Merredin

Strategic & Social Implications

Allowing for increased numbers of animals which exceed the Act may set a precedent and have negative social impacts on the Shire longer term.

Statutory Environment

Dog Act 1976

Policy Implications

Nil

Financial Implications

Nil

OFFICER RECOMMENDATION

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council agree to the granting of an exemption for keeping three dogs at 15 Greenslade Street Mukinbudin subject to the following conditions:

- **That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption.**
- **That Council reserves the right to withdraw the exemption at any time.**
- **That the exemption applies only to Dobby, Lucy and Sasha as currently registered with the Shire.**
- **Each dog on the property must be registered at all times with the Shire of Mukinbudin.**
- **Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.**

Carried /

9.3.2 Annual Electors Meeting Outcomes	
Location:	Mukinbudin
File Ref:	ADM 019
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	6 th March 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Simple Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary

To allow Council to consider discussion and outcomes from the Annual Electors meeting held on 13th February 2024 in the Council Chambers.

Background Information

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
- (a) at the first ordinary council meeting after that meeting; or*
 - (b) at a special meeting called for that purpose,*
- whichever happens first.*

Officer Comment

The Annual Meeting of Electors held on 13th February 2024 involved a large amount of discussion and a summary of the discussion follows:

Reconstruction of Ferguson Street

Cr Shadbolt began by speaking to the Electors in response to recent feedback regarding the proposed removal of several trees on Ferguson Street. He clarified the criteria used to identify problematic trees for removal, taking into account factors such as their health and whether their root systems interfere with upcoming projects such as the annual footpath program. The Council reassured its dedication to delivering capital projects of excellent quality, ensuring they offer value for money to the Electors. Council then asked for community feedback regarding the removal of the trees.

Question

Ms Kylie Sippe inquired about the existence of a treatment strategy for trees affected by white ants and whether the Council has formulated a replanting schedule for trees in different areas across the Mukinbudin townsite.

Response

Cr Shadbolt explained that tree examinations are conducted on an as required basis. Council were unaware of any treatment plans available to salvage termite infested trees but are willing to explore options and associated costs. While there is currently no formal plan in place, the

Council values the feedback received and is committed to exploring the development of a plan for replanting, aiming for uniformity where feasible and suitable.

Question

Mr Jeff Seaby conveyed appreciation to the Council for providing clarification on the reconstruction of Ferguson Street and commended the Council for their visionary and forward-thinking approach to the Community Hub project. Additionally, he sought information about the process of marking the trees and the meaning behind the ribboning.

Response

Council emphasized the significance of footpath safety, acknowledging that, when feasible, efforts will be made to salvage trees. Nevertheless, the Council maintains its dedication to executing high-quality capital projects aimed at enhancing the townsite and providing value for money to ratepayers. Trees identified with ribbons are slated for additional scrutiny due to their potential to affect future projects or present safety hazards.

Question

Ms Ev Comerford inquired about the significance of the white ribbon around a tree situated at the front of her property. She also raised inquiries regarding senior trips, seeking information on any upcoming plans for travel specifically designed for seniors in the near future.

Response

CEO Dirk Sellenger informed Ms Ev Comerford that Western Power has identified several trees in the townsite needing pruning. An external contractor is scheduled to be in town in the upcoming weeks for the pruning task. The Council reiterated its commitment to organising social outings for the senior community, with budget allocations made for the 2023/2024 financial year. The Council extended an invitation to Ms Comerford and the senior community to share any ideas with the Shire or CRC to contribute to future planning efforts.

Question

Mr Ed Nind queried asbestos materials on Forester Lane.

Response

CEO Dirk Sellenger thanked Mr Ed Nind for reporting the asbestos and assured him that the Shire would rectify the matter as a priority, now that he was aware of the matter.

Question

Ms Robyn Geraghty expressed gratitude to Mr Dirk Sellenger for his support during the prolonged power outage in January and inquired whether the Shire maintains a register for the elderly to conduct welfare checks in case of emergencies.

Response

The Council expressed appreciation to Ms Robyn Geraghty for her positive feedback and acknowledged the challenges faced during the extended power outage in January 2024. CEO Dirk Sellenger clarified that the Shire is currently in the process of establishing an Elderly Persons Welfare Register.

Question

Ms Barb English questioned whether an emergency fuel reserve could be established in the event of an emergency.

Response

The Council expressed gratitude to Cr Ventris and Cr Shadbolt for their generous fuel donations during the prolonged power outage. They elaborated on the limitations and restrictions associated with the resale of fuel. The Council also voiced concerns about the absence of telecommunications, particularly with Telstra, during emergencies. They assured Electors of their continued commitment to ensuring essential communications are available in such emergency situations.

Question

Ms Teresa Morony asked if there were any plans to reinstate seating at the shade structure opposite the railway station. Concerns were raised regarding the ongoing storage of the lawn clippings at the oval, memorial hall upgrades and the lack of community consultation on the Community Hub project. Ms Morony queried if the Shire would implement a designated history section within the Harold Williams Library as she owns many historical books of which may be of interest to the general public. questioned whether it can be displayed for public engagement. storage of lawns clippings near the oval.

Response

The Council expressed appreciation to Ms Teresa Morony for her feedback and proposed the incorporation of her suggestions within the new Community Hub building. Cr Shadbolt and CEO Dirk Sellenger clarified that the available funding had an exceptionally short and demanding timeline, leaving minimal room for public consultation. The Council apologised for this constraint, emphasising that the circumstances were beyond their control and not standard procedure for a project of this nature.

Consultation

Whole of Council

Electors

Strategic & Social Implications**Street Trees**

Recognising that street trees can evoke strong emotions, it is advised that the Shire prioritise the development of a street tree management plan.

Main Street Seating

Seats for the main street, including the structure across from the Railway Building, have been recently ordered and are anticipated to arrive in town shortly.

Elderly / Venerable Person Register

The Shire will soon release advertisements inviting individuals interested in being listed on the new Elderly/Venerable Person register, aiming to enlist their assistance in case of an emergency.

Emergency Fuel Supply

The Shire recently advised for two overhead emergency fuel (one diesel and one petrol) tanks to assist the Shire in the event of an emergency / lengthy power outage.

Community Hub

The results of the funding application under the Growing the Regions program for the construction of the new Community Hub are anticipated to be disclosed in late March. At that point, a decision will be reached regarding the implementation of this project.

Statutory Environment5.33. *Decisions made at electors' meetings*

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
- (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,*
- whichever happens first.*

Policy Implications

Nil

Financial Implications

Nil

OFFICER RECOMMENDATION**Council Decision Number –**

Moved: Cr

Seconded: Cr

That Council make an allowance in the 2024/2025 Annual Budget of \$8,000 (eight thousand Dollars) for the development of a Street Tree Management plan for the Mukinbudin Townsite.

That the other comments, suggestion and opinions from the Annual Electors meeting be noted.

Carried /

9.3.3 Council Vacancy – October 2023 Local Government Election	
Location:	Mukinbudin
File Ref:	ADM 300
Applicant:	Dirk Sellenger, Chief Executive Officer
Date:	6 th March 2024
Disclosure of Interest:	Nil
Responsible Officer	Dirk Sellenger, Chief Executive Officer
Author:	Dirk Sellenger, Chief Executive Officer
Voting Requirements	Absolute Majority
Documents Attached	Nil
Documents Tabled	Nil

Summary

To allow Council to consider the current vacancy on the Council as a result of the October 2023 Local Government Election Cycle.

Background Information

As part of the Local Government reform process Council numbers were capped for various Band Shires. Band 4 Local Government with a population of less than 5000 people were given the opportunity to choose between a minimum of 5 and a maximum of 7 Elected Members, Mukinbudin formally chose 7, reducing from the previous number of 9 and these two elected members were approved by the Department of Local Government to be reduced over the 2023 and 2025 Election cycles to ensure the ratio of close to 50% of the Council was maintained (4 one term and 3 the other)

Prior to October 2023 Cr Jeff Seaby who's term expired in 2025 resigned from Council and this position was included in the ordinary 2023 Local Government Election cycle. At the close of nominations this position remained vacant and it was necessary for the Shire to hold an Extraordinary Election to fill this 8th position, be to dropped in 2025. At the close of Nominations of the Extraordinary Election process on 29th February 2024 no nominations were received which is catered for in the Local Government Act 1995 Section 4.57 as follows:

4.57. Less candidates than vacancies

- (1) If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.
- (2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —
 - (a) the candidate or candidates is or are elected; and
 - (b) an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.
- (3) If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint* to any

unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.

** Absolute majority required.*

- (4) A person appointed under subsection (3) is to be regarded as having been elected.

Officer Comment

As Council currently has the necessary seven (7) Councillors and the correct ratio of 4 and 3 exists, the CEO believes that Council should leave the 8th position of Council vacant as this position will cease to exist in October 2025 as legislated in the Local Government under the Labour party reform process.

Consultation

Daniel Smith – Western Australian Election Commission.

Liam O’Neill – Principal Strategy Officer – Department of Local Government

Strategic & Social Implications

It is not expected that by reducing elected member number from 9 to 7 will have any significant impact to the operations of the Council, Shire or Mukinbudin community.

Statutory Environment

4.57. Less candidates than vacancies

- (1) If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.
- (2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —
 - (a) the candidate or candidates is or are elected; and
 - (b) an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.
- (3) If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.

** Absolute majority required.*

- (4) A person appointed under subsection (3) is to be regarded as having been elected.

Policy Implications

Nil

Financial Implications

Council has made an allowance for 8 Elected members for the current financial year. Reducing to 7 will result in a very small savings and this is not expected to have any impact on the operations of the Shire.

OFFICER RECOMMENDATION**Council Decision Number –****Moved: Cr****Seconded: Cr**

That Council resolve to leave the 8th Councillors position vacant until the October 2025 Local Government Election cycle when the position will cease to exist.

That the CEO advise the Department of Local Government, Sport and Cultural Industries of the decision to leave the 8th position on Council vacant and not utilise section 4.57 (3) of the Local Government Act.

Carried /

10. Elected Members Motions of which previous notice has been given

10.1 Nil

11. Urgent Business Approved by Person Presiding or by Decision

11.1 Nil

12. Closure of Meeting**12.1** The Chairperson thanked Elected Members and Staff for attending and declared the meeting closed at ____pm.