



Mukinbudin - Classic, Dry, Red

Shire of Mukinbudin

Special Council Meeting

AGENDA

FRIDAY 6 November 2015



Floral Emblem
Eucalyptus erythronema (Red Flowering Mallee)

Notice of Meeting

Councillors

The next meeting of Council will be an Ordinary Meeting to be held on Friday 6th November 2015 commencing at 5.00pm.

Thank you

Stuart Billingham
Chief Executive Officer

4th November 2015

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Mukinbudin for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Mukinbudin 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. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that 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 intimation of approval made by a member or officer of the Shire of Mukinbudin during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Mukinbudin. The Shire of Mukinbudin warns that anyone who has any application lodged with the Shire of Mukinbudin must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Mukinbudin in respect of the application.

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

(a) if called for by either —

(i) the mayor or president; or

(ii) at least $\frac{1}{3}$ of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council.

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

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11.1 Nil

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12.1 Nil

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14. Closure of Meeting

14.1 Closure of Meeting

1. Declaration of Opening

- 1.1 The Deputy Shire President declared the Meeting open at 5. pm

2. Public Question Time (min 15 minutes)

- 2.1 Response to previous questions taken on notice.
Nil

- 2.2 Declaration of public question time opened (min 15 mins)

The Deputy Shire President will declare public question time open.

- 2.3 Declaration of public question time closed

The Deputy Shire President will declare public question time closed.

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

- 3.1 Present:

- 3.1.1 Cr Shadbolt (Shire President)
Cr Ventris (Deputy Shire President)
Cr Comerford
Cr O'Neil
Cr Paterson
Cr Seaby
Cr Palm
Vacant
Vacant

- 3.2 Apologies:

- 3.2.1 Ruth Poultney

- 3.3 On leave of absence:

- 3.3.1 Nil

- 3.4 Staff:

- 3.4.1 Stuart Billingham CEO

- 3.5 Visitors: Murray Junk

- 3.6 Gallery:

- 3.7 Applications for leave of absence:

4. Petitions, deputations and presentations

4.1 Petitions

Nil

4.2 Deputations

Nil

4.3 Presentations

Nil

5. Announcements by the Presiding person without discussion

5.1 Nil

6. Confirmation of the Minutes of previous meetings

6.1 Nil

7. Matters for which the meeting may be closed

7.1 Nil

The Local Government Act 1995 Section 5.23 states the following:

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

8. Reports of Committees and Officers

8.1 Chief Executive Officer

8.1.1 Appointment of Councillors to Shire of Mukinbudin	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Stuart Billingham - CEO
Date:	2 November 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham - CEO
Author:	Stuart Billingham - CEO

Summary

To present Council with the names of candidates nominating to be appointed to the Shire of Mukinbudin Council.

Background

The Shire of Mukinbudin CEO has received in writing the following names seeking consideration for appointment to Council.

- Mr Murray Junk-486 Arnold Road North Wialki WA 6473
- Mrs Ruth Poultney-5 Cruickshank Street Mukinbudin WA 6479

A verbal approach to the CEO and Shire President has been made by Mr Jason Eyre 25 Maddock St Mukinbudin WA 6479. No application in writing has been received to date.

Both candidates are on the Electoral Roll and eligible to be appointed to Council. The Shire of Mukinbudin has conducted an Ordinary Election on the 17 October 2015, with Cr Shadbolt and Cr O'Neil both elected unopposed. The Shire then was to conduct an extraordinary Election to be held on Saturday the 14th November 2015, however on Cr Paterson was elected unopposed and no election on the day was required, still leaving two vacancies to be filled. This then triggers section 4.57(3) of the *Local Government Act 1995*. (See extract below)

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.

The last close of nominations for the Extraordinary Election was 8 October 2015

4.9. Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advise the CEO of the day fixed.

Comment:

Under section 4.57(3) of the *Local Government Act 1995*, Council now has the option to appoint persons willing and eligible to the Council. This is not compulsory and if Council was not willing to appoint someone then this would trigger another Extraordinary Election, which would incur additional advertising costs in the West Australian Newspaper.

Strategic Implications

Elected Members of Council

Policy Implications

Nil

Consultation:

Shire President

Department of Local Government and Communities – Senior Advisory Officer (Local Government Regulation and Support) - Matt Hayes.

Statutory Environment

Local Government Act 1995 Section 4.57(3)

Financial Implications

Nil

Voting Requirements

Absolute majority Vote Required

Officer recommendation:

That Council in accordance with Section 4.57(3) of the *Local Government Act 1995* appoints

- Mr Murray Junk-486 Arnold Road North Wialki WA 6473
- Mrs Ruth Poultney-5 Cruickshank Street Mukinbudin WA 6479

as Councillors of the Shire of Mukinbudin.

Council Decision Number –

Moved: Cr

Seconded: Cr

That Council in accordance with Section 4.57(3) of the *Local Government Act 1995* appoints

Mr Murray Junk-486 Arnold Road North Wialki WA 6473

Mrs Ruth Poultney-5 Cruickshank Street Mukinbudin WA 6479

as Councillors of the Shire of Mukinbudin.

Carried /

8.1.2 Swearing in of New Councillors	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Stuart Billingham - CEO
Date:	2 November 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham - CEO
Author:	Stuart Billingham - CEO

The CEO as Returning officer will draw names for firstly 4year term then secondly for the remaining 2 year term.

<u>Councillor</u>	<u>Ward</u>	<u>Term</u>
Cr _____	Mukinbudin	4 years
Cr _____	Mukinbudin	2 Years

Councillors elect Junk and Poultney to make Declarations of Office under section 2.29 of the Local Government Act (1995), for the following terms: -
Local Government (Constitution) Regulations 1998

“2.29. Declaration

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.

Penalty: \$5 000 or imprisonment for one year.”

1.2.1 Mukinbudin Shire – Murray Junk

1.2.2 Mukinbudin Shire – Ruth Poultney

8.1.3 Nomination of Councillors to Standing Committees/Portfolios and External Organisations	
Location:	Mukinbudin
File Ref:	ADM
Applicant:	Stuart Billingham – CEO
Date:	2 November 2015
Disclosure of Interest:	Nil
Responsible Officer	Stuart Billingham - CEO
Author:	Stuart Billingham - CEO

Background:

Council operates a portfolio system of governance whereby like operational areas are grouped together and a number of Councillors form a reference group. Council also needs to nominate Councillors to a number of external bodies.

Recommendation:

That Council adopts the following portfolio structure.

The Councillors attached to each portfolio in 2015 are mentioned here as a reference.
List adopted at 21 October 2015 Council meeting.

Portfolio	Membership
Shire Employees <ul style="list-style-type: none"> • Employment and Recreation • Staff Welfare • Occupational Health and Safety • Training 	<i>Shire President</i> <i>Deputy Shire President</i> <i>CEO</i> <i>MF</i> <i>WS</i>
Law, Order and Public Safety <ul style="list-style-type: none"> • Bush Fire Control • Police • Ambulance • Ranger Services • Regional Emergency Management Plan • LEMC (formerly LEMAC) 	<i>Cr Seaby</i> <i>Cr Comerford</i> <i>Cr Palm</i> <i>MF</i> <i>Cr Shadbolt (Shadbolt)</i> <i>LEMC – Needs a Councillor as a permanent Chair for this group.</i>
Education <ul style="list-style-type: none"> • Schools • Pre-School • School Bus Committee 	<i>Cr O'Neil</i> <i>Cr Shadbolt</i> <i>Cr Seaby</i> <i>CEO</i> <i>WS</i>
Health and Welfare <ul style="list-style-type: none"> • Kununoppin Local Health Advisory Group • Health Facilities • Home and Community Care • Disability Plan • Rural Counselling • Aged persons • Youth • Indigenous 	<i>Cr Ventris</i> <i>Cr Shadbolt</i> <i>Cr Comerford</i> <i>Cr _____</i> <i>CEO</i>
Housing <ul style="list-style-type: none"> • Staff Housing • Aged Housing • GEHA Housing • Community Housing 	<i>Cr Ventris</i> <i>Cr Paterson</i> <i>Cr O'Neil</i> <i>CEO</i> <i>MF</i>

Environmental Management <ul style="list-style-type: none"> • Sanitation – Refuse • Recycling • Landcare – NRM • Pest Control • Noxious Weeds and Vermin • Crown Land Reserves 	<i>Cr Palm</i> <i>Cr Comerford</i> <i>Cr Paterson</i> <i>Cr Shadbolt</i> <i>CEO</i> <i>EHO</i>
Recreation and Culture <ul style="list-style-type: none"> • Recreation Facilities • Public Halls • Parks, Gardens and Trails • Drive-In • Library • Heritage • Television and Radio 	<i>Cr Shadbolt</i> <i>Cr Paterson</i> <i>Cr Seaby</i> <i>Cr _____</i> <i>Cr Ventris</i> <i>CEO</i> <i>MF</i>
Physical Infrastructure <ul style="list-style-type: none"> • Roads • Plant and Machinery • Street Lighting • Depot • Aerodrome • Cemetery 	<i>Cr Shadbolt</i> <i>Cr Palm</i> <i>Cr Comerford</i> <i>Cr _____</i> <i>Cr O'Neil</i> <i>CEO</i> <i>MF</i> <i>WS</i>
Shire Development <ul style="list-style-type: none"> • Planning Scheme • Development Services (planning, building, health) • Business Services and Organisations (rural and town) • Utility Services • Tourism • Caravan Park 	<i>Whole of Council</i> <i>CEO</i> <i>MF</i> <i>CDO</i>

External Bodies	Delegates
North East Wheatbelt Sub Regional Road Group Frequency: 3 in person meetings per year – always at Mukinbudin Shire Offices.	<i>Cr Palm</i> <i>Cr Ventris</i> <i>CEO and WS</i>
Great Eastern Zone – WALGA Frequency: 5 in person meetings per year (March meeting in Mukinbudin)	<i>Shire President</i> <i>Deputy Shire President</i> <i>(sub) CEO</i> <i>Note: All councillors are encouraged to attend.</i>
NEW Travel Frequency: 3 in person meetings per year.	<i>Cr Ventris</i> <i>(sub) Cr _____</i> <i>CEO</i>
Kununoppin Local Health Advisory Committee Frequency: Bi-monthly at Kununoppin	<i>Cr Ventris</i> <i>CEO</i>
NEWROC Frequency: Bi-monthly moves around NEWROC shires	<i>Cr Shadbolt</i> <i>(sub) Cr Ventris</i> <i>Note: NEWROC Presidency moves to Shire of Nungarin October 2015.</i>
Wheatbelt Agcare Frequency:	<i>Cr Comerford</i>
Mukinbudin 50s Community Farm Shed Frequency: Monthly at Shed	<i>Cr Palm</i> <i>Cr Seaby</i>

	<i>Cr Shadbolt CDO</i>
Mukinbudin Community Resource Centre Frequency: Monthly at Resource Centre	<i>Cr Shadbolt CEO</i>
Mukinbudin Joint Venture Housing Committee Frequency: As required	<i>Cr _____ Cr _____ Cr _____ MF</i>
Muka Matters Frequency: Annual	<i>Cr Ventris</i>
Muka Boodie Rats Frequency: As required	<i>CEO</i>
Eastern Wheatbelt Declared Species Group Frequency: At least twice per year	<i>Cr Palm</i>
Central Wheatbelt Visitor Centre Frequency: Unsure – future of CWVC currently under review.	<i>Cr _____ Note: This is a NEWROC Appointment. CEO also attends as Director of Economic Development and Tourism for NEWROC.</i>
Kununoppin Medical Practice Committee Frequency: As required	<i>New since 2009 – Shire President and CEO</i>
Central East Aged Care Alliance Committee Frequency: As required	<i>Cr Shadbolt - Chairman Proxy: Cr Comerford Representative to be recommended by Council can be Community member or Councillor.</i>

Voting Requirements – Simple Majority

<u>Council Decision Number -</u>	
Moved: Cr	Seconded: Cr
That Council adopts the Portfolios and Representation as nominated above for the next two (2) years	
Carried	/

9. Information Report

9.1 Nil

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

Nil

11. Urgent Business without notice (with the approval of the president or meeting)

Nil

12. Confidential Items – Meeting to be closed to the Public in accordance with the provisions of the Local Government Act 1995.

12.1 Nil

Item 12.1 is Confidential in accordance with the Local Government Act 1995, Section 5.23

- (2) *If a meeting is being held by a Council.....the Council may close to members of the public the meeting, or part of the meeting if the meeting or the part of the meeting deals with any of the following –*
- (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal -*
.....
(ii) information about the business, professional, commercial or financial affairs of a person;.....
- (3) *A decision to close the meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

Recommendation

That Council close the meeting to members of the public in accordance with the *Local Government Act 1995*, Section 5.23 as Item 12.1 deals with matters contained under Section 5.23

Council Decision Number –

Voting Requirements – Simple Majority

Moved: Cr

Seconded: Cr

That Council close the meeting to members of the public in accordance with the *Local Government Act 1995*, Section 5.23 as Item 12.1 deals with matters contained under Section 5.23

Carried /

Meeting went behind closed doors at am/pm

Council is now required to re-open the meeting to the public.

Council Decision Number –

Voting Requirements – Simple Majority

Moved:

Seconded:

That Council reopen the meeting to members of the public in accordance with the *Local Government Act 1995*.

Carried /

The meeting was reopened at pm

13. Dates to Remember

13.1 Dates to Remember

ANNUALLY	
Date	Details
January	No Council Meeting this in January
February	Chief Executive Officer and Works Supervisor to inspect all plant evaluate and/or amend its plant replacement programme for recommendation to Council. Audit Committee to review Statutory Compliance Return, meet with Auditor and report to next full Council meeting Local Government Compliance Return 1 January to 31 December each year. Plan for the Future – commence review process (Every two years)
March	Buildings inspection Shire buildings with Property Manager and report to Council's March or April meeting Roads Inspection – Annual Road inspections to prioritise items of roadwork's for forthcoming year. Councillors to present road proposals to CEO for consideration prior to this inspection. Complete review of Annual Budget (FM Regulations (33A) Completion of Statutory Compliance Return (LG Act 7.13, Audit Regulations 13-15) to be sent to Department of Local Government prior to 31 March. Arrange Bush Fire Advisory Committee meeting with Chief Bush Fire Control Officer for April
April	Present any items Councillors or Community requests for Budget inclusion – Community & Recreation Grant Forms. (Advertise) Undertake Review of Delegation of Authority Register to Committee and CEO.(written confirmation to staff concerned)
May	Undertake Staff Annual Performance Reviews. National Volunteer Week Send out recoups of roads and other projects so grant funding can be received by 30 June Review Councils Fees and Charges for all Council services and facilities including rubbish service and charges DCEO to review and renew Council's insurance policies with LGIS
June	Sitting fees – Reminder to Councillors re: forthcoming years fees FOI Return (Note: not necessary if Nil return) FOI Statement – Review this month Works Supervisor to provide comments on RRG Submissions, which are due to go to Council in the August meeting. DCEO to conduct a Finance & Audit Committee meeting and meet with Auditor as per Committee Roles Council's Audit Committee to meet to discuss Interim Audit Every 4 years Financial Management Review due before 30 June Local Government Convention deadline for nominations 30 June each year – Public Interest Disclosure Return to be submitted for previous period 1/7 to 30/6. Chief Executive Officer's performance and remuneration review – commence this month
July	Draft Budget submitted by Chief Executive Officer Issue Employee Group Certificates Councillors and Senior Staff issued with Annual Interest Returns for completion Issue eating house licence renewals CEO performance review
August	Councillors and Senior Staff – reminder of Annual Financial Interest Return to be completed to CEO prior to 31 August Completion/Adoption of budgets (absolute majority). Send copy to Department of Local Government within 30 days (LG Act 6.2, FM Regulations 33) Resolution regarding timing of Annual Electors Meeting
September	CEO to commence a full review of Policies & Procedures manual Completion of Annual Financial Report & submitted to Auditor. AFR sent Dept. of Local Government within 30 days (LG Act 6.5, FM Regulations 5.1)
October	Policy / Procedures Manual Review – Commence review process by including as last item on Council Agenda (if necessary) Review of Council's Code of Conduct – Section 5.103 (if unable to complete full review at this meeting discuss with Council the need to convene a Special Meeting to finalise review at this meeting or simply complete review at December Ordinary Meeting) Local Govt is to review its Code of Conduct within 12 months after each ordinary election day & make such changes to the code as appropriate. Advise Council in the October Information Bulletin of the time, date and venue for the annual staff end of year function. Special Meeting (Election Years Only) advertise special meeting to swear in Councillors, Elect President, Deputy President, Committee etc. for Monday immediately after the Saturday elections.
November	Pensioner rates rebate claim to be lodged Call for nominations for Shire of Mukinbudin Citizens of the Year (Australia Day)
December	Annual Financial Report – Acceptance by Council within two months of receipt of the Auditors report Newsletter & Local Newspaper – advertise date, time and venue of all Council and Committee meetings for next calendar year (with delegated authority, if any) (S.5.251 (g) & Reg 12). Council's Audit Committee to meet to discuss Final Audit Report and Management Letter. Close of nominations for Shire of Mukinbudin Citizens of the Year (Australia Day)

14 Closure of Meeting

14.1 The Shire President declared the meeting closed at **pm**
Next Ordinary Council Meeting – Wednesday 18th November 2015 at 1.30pm.