



Minutes
Special Council Meeting
20 October 2021

Shire of Victoria Plains
Council Chambers, Calingiri

Commencing – 11.07am

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

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Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager

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Minutes

Special Meeting of the Victoria Plains Shire Council

Held in the Calingiri Shire Chambers,
on 20 October 2021 commencing at 11.07 am

1. DECLARATION OF OPENING

1.1 Opening

The CEO declared the meeting open at 11.07am, welcoming Residents, Elected Members and Staff to the Meeting, and commenced the meeting by calling for Nominations for the Position of Shire President.

1.2 Announcements by CEO

Nil

2. RECORD OF ATTENDANCE

Members present	Cr G O'Brien Cr N Clarke Cr D Lovelock Cr P Bantock Cr J Kelly Cr S Woods
Staff attending	CEO - Glenda Teede Governance Officer - Sean Fletcher Minute Taker - Julie Klobas
Apologies	Stephanie Penn
Approved leave of absence	Nil
Members of the public	Malcolm Palmer Gary McGill Helene O'Brien Steve Woods Janine Varley Graham Nixon

2.1 Election of the Shire President - As per 8.1

The Shire President was elected in accordance with the provision of schedule 2.3 of the Local Government Act 2021 under the following procedure.

The CEO received one written nomination for Cr P Bantock and one verbal nomination for Cr G O'Brien for the role of Shire President.

A Ballot draw for positioning on the Ballot paper was conducted by the CEO and the Governance Officer with Cr G O'Brien declared first position and Cr P Bantock declared second position on Ballot paper.

The Ballot Papers were distributed and recollected.

The CEO and Governance Officer counted the votes, with the CEO declaring the vote as 4 votes for Cr P Bantock, with 2 votes for Cr G O'Brien.

The CEO stood down from the Chair at 11.17am, with Cr Bantock assuming the role of Presiding Member at 11.18 am.

2.2 Swearing in of the Shire President – As per 8.1

The Shire President made the Shire President declaration before the Chief Executive Officer as prescribed in Form 7 of the Local Government (constitution) Regulations 1998, at 11.19am.

2.3 Election of Deputy Shire President – As per 8.1

The Deputy Shire President was elected in accordance with the provision of schedule 2.3 of the Local Government Act 2021 under the following procedure.

The CEO received one written nomination for Cr N Clarke, and one verbal nomination for each of Cr D Lovelock and Cr G O'Brien; for the role of Deputy Shire President.

Cr D Lovelock declined his nomination for the position, with the Shire President declaring the two candidates for the role of Deputy Shire President as Cr N Clarke and Cr G O'Brien.

A Ballot draw for positioning on the Ballot paper was conducted by the CEO and the Governance Officer with Cr N Clarke declared first position and Cr G O'Brien declared second position on Ballot paper.

The Ballot Papers were distributed and recollected.

The CEO and Governance Officer counted the votes, with the CEO declaring the vote as 4 votes for Cr N Clarke, and 2 votes to Cr G O'Brien.

2.4 Swearing in of Deputy Shire President- As per 8.1

The Deputy Shire President made the Deputy Shire President Declaration as prescribed in form 7 of the Local Government (constitution) Regulations 1998 at 11.27am.

3. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

	Type	Item	Person / Details
3.1	Financial		Nil
3.2	Proximity		Nil
3.3	Impartiality		Nil

4. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

Public Question Time was opened to the floor at 11.31 am.

4.2 Public Questions With Notice

Nil

4.2 Public Questions Without Notice

Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).

Nil

Public question time closed at 11.31 pm

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. MINUTES OF MEETINGS**7.1 Confirmation of Council Meeting minutes**

N/A

8. REPORTS REQUIRING DECISION

Please note, until the Shire President is elected, the CEO opens the Special Council Meeting and conducts the order of business (LG Act - Schedule 2.3 – Division 1 Clause 3).

8.1 Office of Declaration – Shire President and Deputy Shire President

File reference			
Report date	18 October 2021		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	30 October 2019		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	CEO		
Attachments			
Attachment 1	Page	2	Policy – Swearing in of Councillors
Attachment 2	Page	4	Form 7 - Office of Declaration

PURPOSE

For Council to elect the Shire President and the Deputy Shire President.

BACKGROUND

Under the Council Policy – Swearing in of Councillors, the following is applicable:

Ordinary Elections

In the case of an ordinary election the swearing in ceremony shall be conducted in Council chambers on the first Wednesday following that election commencing at 5.30pm.

The ceremony is to be immediately followed by a special meeting of Council to enable the election of the Shire President, Deputy Shire President and to provide opportunity for Councillors to be nominated to a Committee of Council (in accordance with s5.10(2) of the Local Government Act 1995) as well as to be nominated and elected as delegates to advisory groups and various organisations. No other business is to be included on the agenda of this special meeting of Council.

COMMENT

The process for conducting the Swearing in the Shire President and Deputy Shire President is as follows:

Shire President

1. CEO to seek nominations from Councillors present.
2. Once nominations received, the CEO as the returning officer is then to conduct a secret ballot, using an appropriate ballot paper.
3. CEO is to then count the votes and have these verified by a witness.
4. Once verified, the CEO is to announce who the Shire President is and that the term is for the next two years.
5. The Shire President then takes the Office of Declaration for Shire President, using Form 7.
6. The CEO then steps down from the position of presiding member.
7. The Shire President then assumes the chair as the presiding member and continues the meeting.

Note:

1. If there is only one nomination received, then the candidate, providing they have accepted their nomination, is elected Shire President, unopposed.
2. If there is a tie, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days. The vote is then retaken at the reconvened meeting.
3. If there is a further tie, then the returning officer is to draw lots to determine who is the successful candidate (using the opaque election balls).

Deputy Shire President

1. Shire President to seek nominations from Councillors present.
2. Once nominations received, the CEO as the returning officer is then to conduct a secret ballot, using an appropriate ballot paper.
3. CEO is to then count the votes and have these verified by a witness.
4. Once verified, the CEO is to announce who the Deputy Shire President is and that the term is for the next two years.
5. The Deputy Shire President then takes the Office of Declaration, using Form 7 and returns to their seat.

Note:

1. If there is only one nomination received, then the candidate, providing they have accepted their nomination, is elected Shire President, unopposed.
2. If there is a tie, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days. The vote is then retaken at a **special council meeting**.
3. If there is a further tie, then the returning officer is to draw lots to determine who is the successful candidate (using the opaque election balls).

CONSULTATION

N/A

STATUTORY CONTEXT

Local Government Act 1995

S2.11 – The Mayor or President is elected by the council from amongst the councillors.

s 2.15 - The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.

s 2.29 – person elected as Shire President, Deputy Shire President and Councillor has to make a declaration using the prescribed form

Schedule 2.3, Division 1 and Division 2 – election of president and deputy shire president

Schedule 4.1 – how to count votes and ascertain the result of an election.

CORPORATE CONTEXT

Policy – Swearing in of Councillors

Council shall conduct an official function (swearing in ceremony) following local government elections to enable newly elected members to make a declaration in accordance with the provision of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: N/A

CONFIRMED

8.2 Setting Aside of Requirements for Appointment to Committees

File reference	
Report date	18 October 2021
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	30 October 2019
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Refer to Attachment 1 – Office of Declaration – Shire President and Deputy Shire President

PURPOSE

For the purpose of setting aside the appointment of councillors to committees and advisory until the 27 October 2021 OCM. Also, to consider rescheduling the informal dinner.

BACKGROUND

Under the Council Policy – Swearing in of Councillors, the following is applicable:

Ordinary Elections

In the case of an ordinary election the swearing in ceremony shall be conducted in Council chambers on the first Wednesday following that election commencing at 5.30pm.

The ceremony is to be immediately followed by a special meeting of Council to enable the election of the Shire President, Deputy Shire President and to provide opportunity for Councillors to be nominated to a Committee of Council (in accordance with s5.10(2) of the Local Government Act 1995) as well as to be nominated and elected as delegates to advisory groups and various organisations. No other business is to be included on the agenda of this special meeting of Council.

The remainder of this section within the policy states:

If the first Wednesday following the ordinary election is scheduled as an ordinary council meeting date, this ordinary council meeting is to be scheduled one week later.

At the conclusion of the swearing in ceremony and the special council meeting, an informal dinner will be held with invitations being extended to all Councillors and Senior Management along with their respective partners.

COMMENT

The Swearing in of Councillor policy was adopted after the October 2019 elections. However, the policy in its current form has made it difficult to enact regarding:

- The suitability of timing for the Office of Declaration process and election of the Shire President and the Deputy Shire President;

- Arrangements for the appointment of councillors to committees;
- Arrangements for the setting of an appropriate special council meeting; and
- Arrangements for an informal dinner after the “swearing in” ceremonies.

Appointment to Committees

Councillors are required to be appointed to Committees of Council and also external stakeholder committees (advisory groups such as the Regional Road Group and various organisations).

The current policy does not allow for a lead up time for new councillors (and for some returning councillors) to become familiar with the key systems and processes of local government including key governance matters at the Shire of Victoria Plains. This includes participating in an initial induction process regarding the function of the Shire, Council, the councillors, the CEO and new requirements as well as key governance principles.

The above was a key topic of discussion at the WALGA course for CEO’s executives and governance managers regarding the Elected member Induction Process on 14 October 2021.

Time is also required to ensure that the committees and their requirements are correct before presentation to the new Council.

Accordingly, it is recommended that Council sets aside the Swearing in of Councillor policy regarding the appointment to committees until the 27 October 2021 Ordinary Council Meeting (OCM).

Informal Dinner

The informal dinner is also problematic. The policy would seem to imply that, as an informal dinner, it is not a lavish affair as such, but something more pragmatic and cost effective, within current budgets for meeting refreshments. Time is also required to make the required arrangements for the dinner.

It is suggested that perhaps, it may be possible to reschedule the dinner accordingly, even as an afternoon tea.

CONSULTATION

- CEO – 15 October 2021
- Cr Bantock – previous shire president – 15 October 2021 regarding the swearing in ceremonies, deferment of the October briefing session
- Gary Hunt, course presenter re WALGA’s Induction Program for Elected Members 14 October 2021.

STATUTORY CONTEXT

Local Government Act 1995

s5.10 – appointment of committee members (committees of council e.g. the Audit Committee).

s5.11 – s5.18 other matters regarding the function of committees.

s2.7(2)(b) determine the local government's policies.

CORPORATE CONTEXT

Policies

Policy – Swearing in of Councillors

Strategic Community Plan

Civic Leadership	<i>to better allocate scarce resources and effectively interact with the community</i>	
5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> Implementation of initiatives to better connect Council with the community and associated matters.
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Corporate Business Plan

Strategy 5.2: Improve elected member performance

5.2.1: Support and facilitate ongoing relevant training and development.

Strategy 5.4: Measures to improve organisational efficiency

5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation

Risk Management

Council is required to have policies in place that meet both statutory requirements and enhance organisational efficiency and effectiveness.

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Compliance	Major (4)	Possible (3)	High (12)	Senior Management Team/CEO	By the CEO following the process recommended in the risk acceptance in this agenda item, the risk becomes low/insignificant
Failure to have in place relevant policies	Non-compliance results in termination of	The event should occur at sometime (at		Risk acceptable with excellent controls,	

	services or imposed penalties to Shire/Officers	least once in 3 years)		managed by senior management / executive and subject to monthly monitoring Going forward, the CEO and senior staff to ensure appropriate policy advice is in place regarding post election processes (e.e.g review of swearing in policy)	
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FINANCIAL IMPLICATIONS

Nil – the cost for refreshments and meals is within the budget for such items.

VOTING REQUIREMENTS

Absolute majority required: No

2110 - 01 Officer's Recommendation/Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr N Clarke

That Council in accordance with section 2.7 (2)(b) of the *Local government Act 1995* regarding the Swearing in of Councillors policy:

1. **SETS** aside the requirements for the nominations to Committees of Council and appointment as delegates to advisory groups and various organisations to be held on the first Wednesday after the local government ordinary elections. The nominations to Committees of Council and appointments to advisory groups and various organisations is to be conducted at the Ordinary Council Meeting on 27 October 2021.
2. **SETS** aside the requirements to hold an informal dinner after the special council meeting to elect the Shire President and Deputy Shire President and in its place hold an afternoon tea at the Ordinary Council Meeting on 27 October 2021 to welcome new councillors, returning councillors and retiring councillors.

THE MOTION WAS CARRIED UNANIMOUSLY

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

11. MEETING CLOSED TO PUBLIC

There being no further business, the presiding member declared the meeting closed at 11.33am

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____ 2021.

Signed _____ Date _____
(Presiding member at the meeting which confirmed the minutes)

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

11. MEETING CLOSED TO PUBLIC

There being no further business, the presiding member declared the meeting closed at 11.33am

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 27th Oct 2021 2021.

Signed  Date 27th Oct 2021
(Presiding member at the meeting which confirmed the minutes)

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.