



## **AGENDA**

For the Special Council Meeting to be held on

Thursday 3 January, 2019

Commencing at 9 a.m.

In the Council Chambers, Ravensthorpe.



## SHIRE OF RAVENSTHORPE

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A handwritten signature in black ink, appearing to read 'K. Dunlop', is written over a light blue horizontal rectangular background.

**Keith Dunlop**  
**Shire President**

2/1/2019

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**WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL****NOTE: USE ONE FORM PER DECLARATION**

I, (1) \_\_\_\_\_ wish to declare an interest in the following item to be considered by council at its meeting to be held on (2)

\_\_\_\_\_

Agenda item (3) \_\_\_\_\_

The type of interest I wish to declare is (4)

- ☐ Financial pursuant to Sections 5.60A of the Local Government Act 1995
- ☐ Proximity pursuant to Section 5.60B of the Local Government Act 1995
- ☐ Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- ☐ Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The extent of my interest is (6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

RECEIVED BY:

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

\_\_\_\_\_

***Financial pursuant to Sections 5.60A of the Local Government Act 1995*****5.60A – Financial Interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

***Proximity pursuant to Section 5.60B of the Local government Act 1995*****5.60B – Proximity Interest**

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
  - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b). a proposed change to zoning or use of land that adjoins that person's land; or
  - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
  - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No 64 of 1998 s. 30.]*

***Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995*****5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

***Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007*****11 – Disclosure of interest**

- (1). In this regulation –  
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
  - (a). in a written notice given to the CEO before the meeting;

- or
  - (b). at the meeting immediately before the matter is discussed.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
  - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
  - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
  - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
  - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

***Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)***

**5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings**

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
  - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest –
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

**Ratepayers and residents are welcome to attend the council meetings and participate in the Public Question time session which are held at the beginning of each Council Meeting.**

**SPECIAL MEETING OF COUNCIL**

**TO BE HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE  
ON 3 JANUARY 2019, COMMENCING AT 9AM**

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE**

MEMBERS: Cr Keith Dunlop (Shire President)  
Cr Julianne Belli (Deputy Shire President)  
Cr Ian Goldfinch  
Cr Thomas Major  
Cr Graham Richardson  
Cr Peter Smith  
Cr Kerry Dickinson

STAFF: Helen Coleman (Personal Assistant)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

**3. PUBLIC QUESTION TIME**

**4. DISCLOSURE OF INTEREST**

## 5. SPECIAL BUSINESS

In accordance with section 5.23 (2) of the Local Government Act 1995, the meeting closed to members of the public for this item as the following subsection applied

- a) a matter affecting an employee/employees
- b) the personal affairs of any [person
- c) a matter that if declared, would reveal – (1) a trade secret (2) information that has a commercial value to a person (3) information about the business, professional, commercial, financial affairs of a person.

### OFFICER RECOMMENDATION

In accordance with section 5.23 (2) of the Local Government Act 1995, the meeting closed to members of the public for this item as the following subsection applied

- (a) a matter affecting an employee/employees

<b>5.1. APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (CEO)</b>
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<b>File Ref:</b>	na
<b>Applicant:</b>	na
<b>Location:</b>	NA
<b>Date:</b>	2 January 2019
<b>Author:</b>	Pascoe Durtanovich
<b>Authorising Officer:</b>	Keith Dunlop – Shire President
<b>Attachments:</b>	5.1.1 Employment contract

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### Summary:

The purpose of this meeting is for council to appoint an acting CEO.

### Background:

With the departure of the CEO the council is required to appoint an acting CEO until; such time as the position of CEO is filled.



**Officers Comment:**

Mr Bob Jarvis is available to fill the role of acting CEO until such time as a permanent CEO commences. Mr Jarvis' CV has been forwarded to councillors under separate cover.

**Statutory Obligations:**

Local Government Act 1995

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Financial arrangements are included in the draft contract of employment. This expenditure is unbudgeted therefore an absolute majority vote is required, furthermore council will have to consider a budget amendment within the half yearly budget review to fund the acting CEO expenditure and CEO termination payments.

**Strategic Implications:**

Nil

**Risk:**

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not having appropriately qualified staff	Rare (1)	Moderate (3)	Low (1-4)	Failure to have appropriately qualified staff to provide advice to Council and management	Accept Officer Recommendation

**Voting Requirements:**

Simple majority for officer recommendation 1.

Absolute majority for officer recommendation 2.

**OFFICER RECOMMENDATION 1****ITEM 5.1**

That council is of the belief that Mr Bob Jarvis is suitably qualified for the position of acting CEO for the Shire of Ravensthorpe

**OFFICER RECOMMENDATION 2**

That council:

- a) appoint Mr Bob Jarvis to the position of acting CEO with the Shire of Ravensthorpe, commencing 3 January 2019 and concluding when a permanent CEO commences
- b) is satisfied with the provisions of the proposed employment contract to be entered into with Mr Jarvis
- c) authorises the Shire President to finalise conditions of contract of employment

**6. CLOSURE OF MEETING**